TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, December 9, 2021, 6:30 p.m.

AGENDA

A. CALL TO ORDER

Frances Westbrook: This is the regular monthly meeting of Irvington Town Council held at Irvington Baptist Church, Thursday, December 9, 2021. The meeting is starting at 6:37. If I might have a roll call, please starting with you.

B. ROLL CALL

Dudley Patteson, present.

Anthony Marchetti, present.

Frances Westbrook, present.

Bonnie Schaschek, present.

Jackie Brown, present.

Wayne Nunnally, present.

Frances Westbrook: Chris Braly is absent tonight.

STAFF PRESENT

Justin Nelson, Zoning Administrator.

Laurel Taylor, Town Clerk, FOIA Officer.

Vivian Giles, Town Attorney (Sands Anderson).

C. PUBLIC HEARING

Frances Westbrook: The next item on the Agenda is Public Hearing, if there are any citizens who wish to speak if you could please raise your hand, state your name and physical address for us.

Cay Bradley: Can I ask a question?

Frances Westbrook: Yes ma'am.

Cay Bradley: What is the Public Hearing about?

Frances Westbrook: Pardon?

Cay Bradley: What is the Public Hearing about?

Bonnie Schaschek: It is public comments.

Frances Westbrook: Oh, it's supposed to be Public Comment, not Public Hearing. Did I say Public Hearing or Public Comment?

Male: You read what it says here.

Frances Westbrook: Okay, well.

Anthony Marchetti: Public Hearing to hear Public Comment.

Wayne Nunnally: Madam Mayor, I have a public comment I'd like to make. I think Irvington is displaying its Christmas spirit beautifully. Our Christmas tree looks wonderful, and we have a beautiful home next to the Post Office. If you haven't seen it, decorated it is probably the best decorated home in the Northern Neck, here in Irvington.

Frances Westbrook: You can drive through.

Wayne Nunnally: My son was here from the Philippines and I drove him through it and we got the Christmas spirit.

D. APPROVE AGENDA

Frances Westbrook: Very good, thank you Wayne. Next item on the Agenda is to approve the Agenda. May I have a motion.

Wayne Nunnally: So moved.

Frances Westbrook: Any comments?

Dudley Patteson.

Frances Westbrook: Second. Sorry, I didn't wait for that, did I. Alright, if we may have a vote, please, all in favor?

Group: Aye.

Frances Westbrook: All opposed? Agenda is approved.

Vote

Dudley Patteson, aye.

Anthony Marchetti, aye.

Bonnie Schaschek, aye.

Jackie Brown, aye.

Wayne Nunnally, aye.

Motion I (*Wayne Nunnally)* to Approve Agenda – Motion carries 5-0.

E. APPROVE MINUTES

- **November 4, 2021, Special Called Meeting.**
- **November 18, 2021, Special Called Meeting.**

Frances Westbrook: We have two sets of minutes to approve tonight, do you want to take them one at a time, or collectively?

Bonnie Schaschek: I would say take them collectively.

Frances Westbrook: Alright, motion please.

Bonnie Schaschek: So, moved.

Wayne Nunnally: Second.

Frances Westbrook: Any discussion?

Jackie Brown: On the November 18th minutes I'm not listed under roll call and I definitely was at that meeting.

Frances Westbrook: Okay, so we need to add you. Laurel, did you pick up on that, did you hear that?

Laurel Taylor: No.

Frances Westbrook: On the November 18th minutes Jackie said her name was not included as those present. I know, so the transcriptionist just overlooked that so, we can get that corrected. Anything else on these minutes? Alright, we have a motion and a second.

Bonnie Schaschek: I'll review the motion to approve it with the amendment of Jackie added to the November 18th.

Wayne Nunnally: Modify my second.

Frances Westbrook: Any other comments? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Okay.

Vote

Dudley Patteson, aye.

Anthony Marchetti, aye.

Bonnie Schaschek, aye.

Jackie Brown, aye.

Wayne Nunnally, aye.

Motion (Amended – *Bonnie Schaschek)* to Approve minutes with addition of Jackie Brown to the November 18 meeting as present – 5-0. Motion carries.

F. FINANCIAL REPORT

- **Treasurer's Report**

Frances Westbrook: Okay, Financial Report and we have the Treasurer's Report. Any Comments, questions? Alright, so we'll file those as presented.

- **Appropriations Report**

Frances Westbrook: We have a request here to appropriate our annual donation to Steamboat Era Museum in the amount of $2,500.

Wayne Nunnally: So, moved.

Dudley Patteson: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed? Alright, moving right along.

Vote

Dudley Patteson, aye.

Anthony Marchetti, aye.

Bonnie Schaschek, aye.

Jackie Brown, aye.

Wayne Nunnally, aye.

Motion (*Wayne Nunnally)* to appropriate annual donation to Steamboat Era Museum – Vote 5-0 – Motion carries.

Frances Westbrook: Oh, we've got public comment on here twice. Alright, so we will skip it the second time.

G. REPORT FROM THE MAYOR, *Frances Westbrook*

Frances Westbrook: Just a note the flag is being flown at half-staff al this week honoring the Statesman of Robert Doyle. I don't know if all of you have heard about that in the news and certainly December 7th was Pearl Harbor Day, so that is why it is remaining at half-staff in case any of you are wondering. Short term rental occupancy tax collection. We are just having some difficulties right now, the State has a new code as of September

1st of this year in which your short-term rental platforms like VRBO, HomeAway, Air BNB, are now required to collect and submit on behalf of the rental property owner and we are having some issues, one resident in particular has been in constant contact with VRBO trying to get things straightened out, so I'm telling you this because I think January you all are going to have to grab that tiger by the tail and figure out how to get that done. Legal is going to probably have to be involved, some way, somehow. There are some initial steps we can take although this particular property owner has been trying to for months without much satisfaction and he has been remitting the occupancy taxes to us even though they are being collected by VRBO and not remitting to the Town. So, we've got some issues and work to be done there by you guys. I just want to put you on notice that that is something you are going to need to hit the ground running in January.

Bonnie Schaschek: So, what, the State changed its requirements?

Frances Westbrook: Yes. They sure did and I have the State Code and things from Andrew, and I'll gladly forward that to all of you all, well actually I think I did forward, Julie did I send, I sent you that information didn't I? The new mayor can handle that with you guys, so. The other thing I want to let you know about is, previous council, Ms. Keane did send the letter to Fisher's Pit regarding the Notice of Violations, Zoning Violations, so that has been put in the mail. For January, you guys are going to have to appoint a new liaison to Planning Commission. So that is something else for you all to be thinking about in the next few weeks. And, we are also going to have to do a new Banking Resolution, to have the new mayor and probably the Town Clerk. Now the Town Clerk is due to have her review in January, but we have a little bit of an issue that you guys need to think about. We probably want to entertain the thoughts of doing this banking resolution the first part of January, otherwise, once I'm off as mayor, there is going to be 13 days in January in which we don't have two people to sign checks as we are required to do. There will only be one which will be the Vice Mayor, Anthony, so, one way…

Wayne Nunnally: Can we do it tonight?

Frances Westbrook: No, we cannot do it tonight, we don't have our….

Julie Harris: I'm being sworn in on the 14th, so, I can…

Frances Westbrook: I think we still need to wait to January, legal counsel has said that needs to wait until then, so, you all may want to call a special meeting somewhere in the

first few days in January to address that issue. Additionally, I mentioned that Town Clerk is up for her performance review in January, but that may need to be done more towards the end of December, first part of January so that if you all decide to add her as a third signatory on the account, which we traditionally have had three, then that needs to be included in this banking resolution that you'll do at the special called meeting in January. Now, we will read the Banking Resolution tonight, and that will constitute the first reading, but then when you do yours in January that will give you.

Wayne Nunnally: Both.

Frances Westbrook: Actually, let me backtrack on that, please. I just forward about what Ms. Giles was telling me, we were meeting before this meeting. We will have this Banking Resolution read tonight, when we adjourn this meeting, then it can be done for the second reading at your special called meeting. That won't be the first reading at the special called meeting. I don't know if I made that clear to y'all, I was kind of, okay, so.

Anthony Marchetti: Second, at the special called meeting in January it will become effective.

Frances Westbrook: Yes. Alright any questions on what I just relayed to you guys.

Dudley Patteson: Don't you think we need to collectively agree on whether we are going to have the special meeting?

Frances Westbrook: Yes.

Dudley Patteson: Might as well do it now.

Frances Westbrook: You can do it now, Julie is here with her calendar, and I'm sure, so she'll play into this as well so, if you all want to set a date here tonight, while you are all here together.

Bonnie Schaschek: Tom, are you going to have a meeting on December 4th, for the Planning Commission, uh, January 4th?

Female: That is the first Tuesday, we did talk about having it.

Bonnie Schaschek: You are going to have it? Why don't we have it right before the Planning Commission Meeting?

Dudley Patteson: Fine with me.

Anthony Marchetti: Easy to piggyback.

Bonnie Schaschek: Yeah.

Female: Just a little add-on thing, the Planning Commission will be meeting now on the first Tuesday at the Town Office.

Bonnie Schaschek: Okay.

Female: So, if you wanted to do it there.

Bonnie Schaschek: That's fine. I mean it shouldn't take more than five minutes.

Anthony Marchetti: Walk in…

Frances Westbrook: Now there are some other things because that would be considered your first meeting of the year, there are a couple, other things that have to take place on that first meeting and…

Female: It still will take five minutes.

Frances Westbrook: Still will take five minutes, something like, setting the dates for the upcoming year kind of stuff. So that, Julie will have that all ready for you I'm sure.

H. REPORT FROM LEGAL, *Vivian Giles, Sands Anderson*

Alright, so we'll move on to report from legal. I'd like to introduce everybody to Ms. Vivian Giles over here, she's the other half of our legal team from Sands Anderson. Delighted to have her on board. She has been a big help the past couple of weeks in helping me get some of these things squared away with all of the legal ease that I don't understand, so I think you will enjoy very much working with her. She is a great asset for the Town. Thank you for being with us.

Vivian Giles: Thank you very much. I appreciate you all allowing us to help make the [inaudible], face the same issues, so we appreciate the opportunity.

Frances Westbrook: Thank you. Report from Zoning Administrator

I. REPORT FROM THE ZONING ADMINISTRATOR, *Justin Nelson*

Justin Nelson: Thank you. Let's see we have a couple of zoning, a new home on Chesapeake Drive, a new dock going in on York Road. The Tides Inn is going to start replacing some deteriorating staircases. This evening we have the second reading of the Mayhew CUP Application and we received additional receipts for removal of debris. Bay Design has some questions about moving forward, questions on what we want them to do and then some additional fees on moving forward.

Frances Westbrook: I think in your packet we had a letter from Bay Design outlining what those additional fees are going to be. I suppose we should probably entertain accepting these or not so Bay Design knows what to do next. Wayne you look puzzled.

Wayne Nunnally: I didn't see anything on Bay Design.

Frances Westbrook: Alright, hand Wayne mine if you will. This is for the next phase of the North Commons in trying to decide whether it is going to be a good location if we decide to use it for a new Town Office.

Bonnie Schaschek: So based upon reading this we are, I think there is only one or two fees that are changing anyway.

Frances Westbrook: Right.

Bonnie Schaschek: We are just going to approve, we have to have a discussion with Bay Design before they move forward because…

Anthony Marchetti: There is I guess an email from Ben Burton I guess a few, they need a little bit more direction which…

Bonnie Schaschek: That's what I was going to say, we can't really decide anything other than to move forward and pay the additional fee.

Frances Westbrook: So that's what that letter represents then, if we want to move forward they are asking for the Town to sign off on that…

Anthony Marchetti: On their new fees.

Frances Westbrook: ….on their new fees, and I think we are looking at upwards of $5,200 on the high end.

Bonnie Schaschek: Uh huh. Yeah.

Frances Westbrook: It could be less.

Wayne Nunnally: So, what are they going to do for it.

Frances Westbrook: This will, Justin may be in a better position to answer this if you would please.

Justin Nelson: So, the off-site drainage, I reached out and met with the next door property owner next door, so we have to get Bay Design back out and meeting with them and lay out exactly what that is going to look like so they have some fees for that on designing that understandably if we are going to start dumping a bunch of water on the neighbor's property they want to know what it is going to look like before they give their go ahead.

They are amenable to meet and see what this is starting to look like, but we have to start that, meet with them, is it rocks, is it, you know, what are we doing on their property.

Anthony Marchetti: In order for Bay Design to finish their site plan which was started they need some feedback from us on, I think we talked about moving the building up closer to the road, obviously the drainage is something that has to be figured out, they just need some feedback from us, some direction from us so they can finalize and bring their, bring that finalized site plan to us.

Frances Westbrook: So is it a two-part process then, one would be this, tonight, authorizing them for that dollar amount to move forward to finish up....

Anthony Marchetti: Right, if we don't agree to the new fees then, they are done moving forward which doesn't make sense to me so.

Frances Westbrook: The second part though perhaps would be them coming back to another meeting.

Bonnie Schaschek: Yeah, it has to be a separate meeting.

Anthony Marchetti: Correct. That was just a list of they are saying feedback from us in order to continue their work.

Frances Westbrook: Okay.

Bonnie Schaschek: And a lot of it is the stuff we hadn't talked about before but knew that we did, it's the sewage and the disposal and the drainage, we have those abandoned wells that we need to deal with, so, we hadn't had them move forward on any of that but now....

Anthony Marchetti: Maybe for Council during the New Year to try to get this moving just so that...

Dudley Patteson: In the conversations with Bay Design is there indications back from them that they believe that they will find a solution or a good plan for both the Town and the neighbor next door.

Jackie Brown: Yes.

Frances Westbrook: That's the goal.

Dudley Patteson: That's the goal, but they can...

Anthony Marchetti: I think the neighbor's would entertain a design, Bay Design needs to meet with them and here is what we think would work here and get approval before they start to draw.

Bonnie Schaschek: Exactly. The less disturbance of the land would be to use the neighbor, but if we don't, then we use the other one and that's an additional charges way above what we really want to pay because.

Anthony Marchetti: ...want to know what it means to or what it would look like.

Dudley Patteson: Okay.

Anthony Marchetti: ...so we need to get Bay Design and the neighbor together and commission them to design something.

Bonnie Schaschek: Now is that a special called meeting that you want to have with infrastructure and Justin or is that a meeting that...

Frances Westbrook: A workshop....

Bonnie Schaschek: ....like a workshop.

Anthony Marchetti: It's up to you guys. Bay Design, they need some answers and direction from us, we just need to collectively decide what we want to tell them what direction we want them to proceed in, but they are not going to do any work until we...

Bonnie Schaschek: Oh yeah, I understand.

Anthony Marchetti: I mean if we want the least impact on everybody so if we want to do it as a workshop before a meeting or if we are already meeting for another reason, to add it onto that agenda.

Wayne Nunnally: I don't think it will be a workshop, until we understand what we are getting into.

Anthony Marchetti: Maybe we will invite Ben Burton to...

Bonnie Schaschek: That's what I'm thinking.

Frances Westbrook: He has to be here.

Bonnie Schaschek: He has to be here otherwise...

Anthony Marchetti: And make sure he leaves the meeting with answers.

Dudley Patteson: That sounds good.

Frances Westbrook: Well if we are not willing to move forward on these additional fees then we need.

Bonnie Schaschek: I think we have to move forward in order to have the workshop.

Anthony Marchetti: So tonight we would say....

Frances Westbrook: We need a motion to move forward on these fees and to authorize the mayor to sign that document and I'll hand that over to Justin to give back....

Anthony Marchetti: And then we need to schedule a meeting....

Bonnie Schaschek: Workshop.

Anthony Marchetti: Workshop with Ben Burton to help set up...

Frances Westbrook: Okay, does that sound...

Wayne Nunnally: Just to make sure I understand. This is for the drainage? We have to have drainage no matter what we do.

Bonnie Schaschek: That's correct.

Anthony Marchetti: And the remainder of the site plan.

Frances Westbrook: We are to the point of this runoff drainage.

Wayne Nunnally: I'll vote if it is for the drainage.

Frances Westbrook: Alright, may I have a motion.

Bonnie Schaschek: So, moved. I move we accept it.

Frances Westbrook: Second?

Anthony Marchetti: Second.

Frances Westbrook: Any other discussion? Let's have a roll call vote on that please, starting with Dudley Patteson.

Vote

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Motion (*Bonnie Schaschek)* to accept the fees for Bay Design to move forward – Vote 5-0 – Motion carries.

Frances Westbrook: Alright, we need another motion for the Mayor to sign the document.

Wayne Nunnally: So, moved.

Dudley Patteson: Second.

Frances Westbrook: Any other discussion? Roll call.

Vote

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Motion (*Wayne Nunnally)* to allow the Mayor to sign the document – Vote 5-0 – Motion carries.

Frances Westbrook: This motion passed. Thank you all. Alright. Justin, I'll come by the office tomorrow morning and we'll get that executed and I don't know if they want the original which means they will put it in the mail.

Justin Nelson: I can scan it and send it.

Frances Westbrook: Scan it and send it to them or whatever. Okay. Alright. Is that it, then from you?

Justin Nelson: Yes ma'am.

Frances Westbrook: Alright we will go into committee reports.

J. COMMITTEE REPORTS

- **Budget & Finance Report, Anthony Marchetti, Chair.**

Frances Westbrook: Budget & Finance, Anthony do you have anything for us.

Anthony Marchetti: You'll see on the Agenda we are having what I consider the second first reading of the Amended Budget. We should have the second reading and presumably pass in January, and I will try to at the January meeting propose a schedule for the next fiscal year budget, one giant budget. The only other problem is by January's meeting I should have some sort of updated report to bring back from Davenport, Davenport is doing the Town Financials.

Frances Westbrook: Okay.

Wayne Nunnally: A lot of hard work on that.

Frances Westbrook: I mean he hasn't gotten any breaks this year, he's gone from the Budget to the Amended Budget right into the next Budget, I mean it has been one after the other.

Anthony Marchetti: It's actually Budget, Amended Budget, New Amended Budget and then Budget.

Wayne Nunnally: Like I said thank you.

Frances Westbrook: He is probably having nightmares at this point. Okay next HR Committee, Dudley.

- **H. R. Committee, Dudley Patteson, Chair**

Dudley Patteson: Nothing much to report other than we are going to have a 6-month review with Laurel....

Bonnie Schaschek: Justin.

Dudley Patteson: ... deal with that at our next special called meeting.

Frances Westbrook: Very good thank you.

Bonnie Schaschek: Justin as well.

Wayne Nunnally: H.R. Committee has given us two new really good assets to the Town's Council, Laurel....

Bonnie Schaschek: And Justin.

Wayne Nunnally: And Justin.

Bonnie Schaschek: And we have Justin's 6 month review as well.

Frances Westbrook: His is a month later or you going to do them both at the same time.

Dudley Patteson: Uh, let's do his a month later.

Frances Westbrook: Okay. Facilities, Streets and Sidewalks Committee, Mr. Nunnally.

- **Facilities, Streets, and Sidewalks Committee, Wayne Nunnally, Chair.**

Wayne Nunnally: Yes, the Infrastructure Committee had a meeting, it was open to the public and we had several guests sit in on our meeting and offer valuable advice. I would like to point out that my co-committee member, Ms. Brown has done an immense amount of work on this and a lot of study and reading which I don't doubt she has formed a committee on, the Infrastructure Committee has identified research of five possible approaches to manage any possible water/sewer issues of Irvington in order to bring our Town in full compliance of the Chesapeake Bay Preservation Act and to fulfill the stewardship of Carter's Creek. Our research is centered around the following five approaches: Connect with Kilmarnock sewage treatment, possible connection with White Stone's new system, build our central water system ourself, utilize decentralized systems and identify strategies. We have realized how much work that is and we have gone as far as we can go and so consequently I have asked that a citizen advisory panel be formed to

advise us on those questions including exploring relationships with the Tide's Inn, Dudley Patteson and their interest in a central sewer system and what they are willing to do in that regard. We want to ask them to be in a position to develop questions for the upcoming survey we are going to have and that committee is, I talked to Tom Chapman and interestingly enough in our little city we have some real experts in this field. Tom is an engineer he has both environmental and chemical engineering in his career. He is very qualified in that regard. Jeremy Taylor who is an engineer, but what is unique about Jeremy is he is the inspector for both White Stone and Goose Neck for the sewer project, so talking about some real knowledge you'll have that. We have a distinguished businessman and young entrepreneur Gabe Del Rio has agreed to serve. I was informed this morning that the most distinguished Albert Pollard has agreed to serve on this advisory panel, so thank you and they will start their work immediately and get back to us by February or March with some answers. I appreciate them doing that, thank you.

Frances Westbrook: Thank you. Any questions of Mr. Nunnally. So this is a subcommittee.

Wayne Nunnally: No ma'am, this is not a subcommittee. This is an advisory panel. It is a big difference.

Frances Westbrook: Oh, okay. Does Town Council okay that?

Vivian Giles: They do not. If you do then it becomes subject to appointing someone qualified, so my recommendation would be to let those citizens serve as an advisory committee on their own volition.

Wayne Nunnally: I checked that with counsel first Madam Mayor.

Frances Westbrook: I should have known you would do that. Very good.

Anthony Marchetti: Is it possible to put some sort of just timeline and you know.

Wayne Nunnally: Let me talk to Tom about that.

Anthony Marchetti: Sure.

Wayne Nunnally: They will all get together and assess.

Anthony Marchetti: Once they know how long it will take to collect that information they are after to try to…

Wayne Nunnally: I'm sure they'll give estimates.

Frances Westbrook: Alright so you'll come back to Town Council with a timeframe.

Wayne Nunnally: Yes ma'am.

Frances Westbrook: And maybe whatever deliverables you expect to have and the scope, so that we'll know what to look for.

Wayne Nunnally: Yes ma'am.

Frances Westbrook: Perfect. Community & Special Events Committee, Mr. Marchetti, do you have anything to say there.

- **Community & Special Events Committee, Anthony Marchetti**

Anthony Marchetti: No report tonight.

Frances Westbrook: I would like to make just one comment if I may under that.

Anthony Marchetti: Of course.

Frances Westbrook: Committee, we have relatively new flags that are being flown on the street poles but they are very faded, not faded, but run, they were put away a little damp a few months back and the colors have bled and that shouldn't have happened to an outdoor quality flag but they did. We do have built into the budget for purchase of flags and we still need to get the appropriate size poles that mount on the telephone poles so I would ask that you call consider getting that done sooner rather than later and let's replace those flags that have bled all over themselves, it looks bad. It is just not a good look when you are driving down King Carter or the museum and see the flags in that condition and basically a 4 x 6 outdoor quality flag that shouldn't bleed, doesn't fade, UV, doesn't harm the stitching or the fabric should run you about $50.00 a piece, from a US company, made in the US, so if you all will please consider that. Our next time to fly these things will be in May so by the time they are ordered and transit time heaven only knows how long that will be, I'd recommend that that get done sooner rather than later. That's my soapbox, I' m off of it. Select Committee from Chris Braly. He's not present with us tonight.

- **Select Committee To Implement Investigation Recommendations, Chris Braly, Chair.**

Frances Westbrook: I don't think he really had a report anyway.

- **Planning Commission Update, Julie Harris, Chair**

Frances Westbrook: Planning Commission Update, Julie Harris, please ma'am as chair.

Julie Harris: Julie Harris, Planning Commission Chair. At the meeting on December 7th, the Planning Commissioned welcomed New Commission, Jeremy Taylor. Also, the

Commission selected a company that will be working with the community to develop a new town survey and revision by the comprehensive plan. The Commission chose EPR-PC. EPR is a Virginia-based firm with national planning and engineering expertise. The project manager is Will Cockrell who has deep roots in the Northern Neck. Mr. Cockrell teaches planning methods at University of Virginia and runs a certified self-administrators course for the Virginia Association of Zoning Officials. He also has a BA and MA in Urban and Environmental Planning. Any questions? The Planning Commission would also like to announce which we mentioned a little earlier that we would now like to go back to what is in our By-Laws and have the first meeting, meetings on the First Tuesday of every month and they will be at 6:30 at the Town Office. We will request to use the church when the survey is going on with the community events and meeting for stakeholders and so forth.

Wayne Nunnally: Does Mr. Cockrell have a fee?

Julie Harris: The approximate fee for the survey and the revision of the comprehensive plan is about $90,000.

Wayne Nunnally: $9,000.

Julie Harris: $90,000.

Justin Nelson: Julie excuse me. We are only asking right now for the authorization to do the survey and the assessment of the comprehensive plan.

Julie Harris: Right.

Justin Nelson: That is all we are contracting for at this point correct.

Julie Harris: Yes.

Justin Nelson: What's that number.

Julie Harris: That number I don't have with me, it is much less.

Anthony Marchetti: We miss budgeted for that one.

Julie Harris: The problem is it may not be as extensive work to revise the comprehensive plan as what they projected.

Frances Westbrook: So we had $60,000 as a budget?

Justin Nelson: Budget market was $33,000 but that wasn't for everything.

Frances Westbrook: Right. That was half and half is what I think that $33 represented.

Anthony Marchetti: Survey and comprehensive plan.

Frances Westbrook: Right.

Anthony Marchetti: $25,000 and $8,000 or something.

Frances Westbrook: Anything else to ask of Ms. Harris? Thank you very much.

K. OLD BUSINESS

- **Board of Zoning Appeals, Appointment and Resolution**

Frances Westbrook: Under old business we are going to appointment of the Board of Zoning Appeals you have in your packet the Resolution to appoint a member to the Zoning Appeals and with this unlike appointing someone to the Planning Commission this has to go before the Circuit Court Judge to have him do the pronouncement and what have you and the letter is sent after we name who we want it to be on our behalf by legal and then he gets officially blessed by the judge and that comes back to us in the form of a letter, so, you have the Resolution to reappoint the member, we decided it would be George Kuper, he has agreed to do so, we can or cannot read the whole Resolution tonight, we are not required to, whatever your pleasure is. I'll gladly read the whole thing if you all have read it and are comfortable with it.

Wayne Nunnally: I've read it.

Bonnie Schaschek: I've read it.

Anthony Marchetti: Abbreviated version.

Bonnie Schaschek: Just read the first one, just for the public, yeah.

Frances Westbrook: Well, this is Resolution to Reappoint Member of the Town of Irvington Board of Zoning Appeals. I'll read this last paragraph. Now therefore be it resolved by the Town Council of the Town of Irvington, Virginia that the Clerk and Town Attorney are directed to notify the Circuit Court of Lancaster County, Virginia of the expiration of term of George Henry Kuper on the Board of Zoning Appeals of the Town of Irvington, Virginia in that the Town Attorney is directed to draft and file with the Circuit Court of Lancaster County, Virginia a petition and other documentation as necessary to request the reappointment of George Henry Kuper to the Board of Zoning Appeals to the Town of Irvington, Virginia for a term expiring September 12, 2026. Okay, so, may I have a motion for this resolution.

Wayne Nunnally: So, moved.

Dudley Patteson: Second.

Frances Westbrook: Any questions? Roll call vote please.

Vote

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Motion (*Wayne Nunnally)* To Reappoint George Kuper to the Board of Zoning Appeals – Vote 5-0 – Motion carries.

Frances Westbrook: I don't think Mr. Kuper is here but congratulations to him nevertheless.

- CARES Act Update

Frances Westbrook: Then we have CARES Act Update, basically what that consists of the grant applications, Anthony do you have anything that you want to say about that.

Anthony Marchetti: Just that the last meeting the CARES Act accounts that Chris went into some detail on about making changes for use of each fiscal year, that request has been sent to Jay Sanudo, the Treasurer, late this afternoon I got an email back from him, he, looks like he has made them. I honestly didn't have time to get into the details in his email, but, I can get the reports in time for the next meeting but the CARES Account reconciliation that we talked about is being taken care of, so.

Wayne Nunnally: Did we have three people apply for it.

Bonnie Schaschek: Do we have any grants?

Anthony Marchetti: So then and obviously Dudley and I recused ourselves last time from the conversation, but yes there were 9 qualified applicants that applied.

Dudley Patteson: I might add though we recused ourselves but Anthony's and my business qualified so, it.

Frances Westbrook: But you didn't submit applications?

Dudley Patteson: No, no, we shouldn't do it.

Frances Westbrook: So we will…

Bonnie Schaschek: You are qualified.

Dudley Patteson: We are qualified to…

Anthony Marchetti: Our businesses qualified.

Dudley Patteson: For the grant, but we did not apply because of our position here with Council.

Frances Westbrook: For the conflict of interest.

Dudley Patteson: Conflict of interest possibility.

Frances Westbrook: Gotcha. So we have $26,000 that we will divide between these 9 applicants which gives each of them, $2,889, I rounded it up to an even dollar which gives a total payout of $26,001. This will be made payable to Lancaster County Treasurer, they are the ones who act on behalf of the Lancaster County Economic Development Authority who are the people that will actually, the funds will move through them, they will stroke the checks, send them back to us, and they will be delivered to the recipients. This should happen hopefully quickly. We have to make it happen by the end of the year.

Anthony Marchetti: Do we need any action to…

Frances Westbrook: So…

Anthony Marchetti: … to make sure that happens by the end of the year?

Frances Westbrook: Well it has to happen by the end of the year.

Anthony Marchetti: I'm just saying do we need to….

Frances Westbrook: If you all want to, that's good, let's should we make a motion?

Bonnie Schaschek: Can I ask a question because we also in the packet got an estimate for electronics which would also be coming out of the CARES Act.

Anthony Marchetti: I think we set aside $8,000….

Frances Westbrook: We set aside $8,000…

Bonnie Schaschek: That's for like $12,000 and change.

Anthony Marchetti: That was an option.

Frances Westbrook: Yeah.

Anthony Marchetti: So, I didn't yeah, I mean if we go with that option I think there are some other alternatives.

Bonnie Schaschek: So we are not going to….

Anthony Marchetti: I mean, it's up to Council…

Bonnie Schaschek: I was just curious on….

Anthony Marchetti: If we….

Bonnie Schaschek: ….if you are planning on doing that and then it's not $26,000 it….

Frances Westbrook: If you want to add that $8,000 we have earmarked into this $26,000, then yeah, then everybody will get almost another $1,000.

Bonnie Schaschek: I'm saying if you are going to go with this option for your electronics that's $12,000.

Anthony Marchetti: I don't think you can short the business, I think the $4,000 will just have to come out of our pocket. I don't think you can change the terms of the grants.

Frances Westbrook: That's already been a part of it, so....

Anthony Marchetti: If we accept the one, the microphones, you are correct the proposal is $4,000 more than we had set aside for it.

Bonnie Schaschek: Okay.

Anthony Marchetti: Justin, did you every have any luck, I know you said you had, Googled some alternatives.

Justin Nelson: Yeah, and everything I have seen is nowhere near $8,000.

Frances Westbrook: And I spent a little bit of time Googling stuff too and I found for $3,000 and $4,000 for a very uncomplicated system.

Justin Nelson: Exactly.

Frances Westbrook: I mean I'm sure it is nowhere as nice as this, but we are just looking to project sound.

Anthony Marchetti: Anything is an improvement over what we currently have.

Frances Westbrook: Yeah. Well, the deal is if you are going to spend that $8,000 on these microphones you know December 31st.

Anthony Marchetti: I guess without a proposal in front of us I don't know how we...

Bonnie Schaschek: I don't even know how we could even say yes to this. This to me also looks like they need to do some work here at the cabling.

Frances Westbrook: I know the church is not going to be amenable to that.

Anthony Marchetti: I'll say something like off Amazon but wireless.

Justin Nelson: It's all wireless.

Anthony Marchetti: Bluetooth or you know, obviously something to be plugged in but you know a set of microphones and a set of amplifiers that $3,000 were some of them. But I mean I don't have something specific in front of me to present to.

Frances Westbrook: It seems like an alternative might be if a couple of you all want to get together and make this happen, we only have a couple of weeks.

Justin Nelson: There is a business in the Kilmarnock Business Park that this is what they do. They did all the new sound system for [inaudible]. I mean I can find them.

Frances Westbrook: I think you are up against a brick wall. Pardon.

Albert Pollard, Jr.: [inaudible].

Bonnie Schaschek: I think he gave an estimate one time and it was very sophisticated.

Dudley Patteson: It was.

Bonnie Schaschek: It was ruled out a long time ago. Like $40,000....

Frances Westbrook: That's right that's the gentleman four or five months ago that's right.

Dudley Patteson: I think we need to appoint a council person to get....

Frances Westbrook: So are you all going to authorize someone to go ahead and do it?

Anthony Marchetti: I choose Bonnie it seems like she knows most about it.

Bonnie Schaschek: What.

Anthony Marchetti: At least do some Googling and see if there is anything under $8,000 that...

Dudley Patteson: That works.

Frances Westbrook: Well, you all would ultimately have to vote on it.

Anthony Marchetti: Right. I guess if someone, coming after you Bonnie but if somebody finds something worth voting on.

Jackie Brown: You know one of those parking lot have that. Just arrive....

Anthony Marchetti: A drive-through of those.

Wayne Nunnally: We have up to $8,000 to spend.

Anthony Marchetti: Correct.

Frances Westbrook: It's saying, hold on here a minute.

Wayne Nunnally: I move that we appoint Anthony an electrical guru to buy us a system up to $8,000 and can't go over it.

Frances Westbrook: In consultation with Bonnie.

Wayne Nunnally: Yeah, that will work.

Frances Westbrook: Alright, is that a motion?

Wayne Nunnally: Yes ma'am.

Frances Westbrook: Is there a second?

Jackie Brown: Second.

Frances Westbrook: Any other discussion.

Anthony Marchetti: I can get on Amazon as well as anybody I guess.

Wayne Nunnally: If we don't spend it we have to send it back.

Frances Westbrook: Alright so....

Bonnie Schaschek: I'm going to be honest with you, I don't think you are going to find anything between now and the end of the year that we are going to do for $8,000 and approve on. I think move it to the businesses and we still have the infrastructure.

Frances Westbrook: Build it into the next budget.

Bonnie Schaschek: Yeah, build it in there.

Anthony Marchetti: Question for legal, can we increase the amount of the business grant even though it wasn't advertised as such.

Bonnie Schaschek: You can't decrease it, you can increase it.

Vivian. Giles: I don't know what source these funds.

Frances Westbrook: This is what's left of our CARES Act funds and of course December 31st is our deadline.

Vivian Giles: Yes.

Frances Westbrook: We had decided with the money that was left, we earmarked $8,000 to hold that for some sort of microphones to help project sound....

Vivian Giles: Yes.

Frances Westbrook: Which left us with $26,000 which we decided to divvy out as business grants, so we have those applications now, there are 9 of them, we are ready to move on that but it sounds like we can't get the $8,000 spent fast enough for the microphones to fit in and you have something Lee.

Baer: I just wanted to roll out an idea.

Frances Westbrook: Okay.

Lee Hood Capps: Bill Cronheim. He is local, he is honest, you could write a contract with him for the end of the year which gets it out the door for the contract to be implemented by March 1st.

Frances Westbrook: You know I think you are right, I think we had seen somewhere if the contract is signed.

Vivian Giles: I'd have to look because some of them you have delivered and there are a couple kinds of pots of money so I'll have to look, because we need to make sure I'm thinking about the right pot of money that came through and I don't want to advise you incorrectly but we can certainly look at that. You are going to have to meet again anyway next week.

Frances Westbrook: That's right.

Vivian Giles: You could potentially make that…

Frances Westbrook: This happen….

Vivian Giles: Make sure we know which type of CARES Act spending and…

Bonnie Schaschek: Don't we have to have it to the County by a certain date to make sure that the checks are cut.

Frances Westbrook: Yes. So we are going to have to meet again next week for this Special Elections Resolution, we'll get to that in a minute, so what Ms. Giles is saying is that you can piggyback on that quick meeting as far as these microphones. It is possible we could get a quote from Mr. Cronheim?

Wayne Nunnally: That sounds to me…

Vivian Giles: You defer all this expenditure until you know how much is to go to County or to the other expenditure.

Frances Westbrook: Yeah.

Laurel Taylor: Bill Cronheim was consulted and his pricing was about $5,000 to $7,000 more.

Frances Westbrook: I think his quote to us about 5 or 6 months ago was about $30,000 or $40,000.

Wayne Nunnally: That was just not for wireless, that was very sophisticated system.

Bonnie Schaschek: He gave us actually two or three different options.

Frances Westbrook: They were all pretty pricey.

Bonnie Schaschek: Pretty pricey. They ranged from $20,000 up to $50,000. He did give three different options on it.

Frances Westbrook: So, maybe perhaps talking with him about wireless that would, I don't know, I don't understand that stuff but. Bottom line is you guys are going to have to act pretty quickly so. Get your information together in the next week if you have the opportunity to address it.

Dudley Patteson: Anthony just went online, 15 person conference room microphone system in stock $5,000 is, looks like all we need. This is not rocket science.

Wayne Nunnally: The motion is on the floor.

Anthony Marchetti: I can email Bonnie some options and we find something that looks like it fits our needs then we can discuss it and if we need to.

Frances Westbrook: The motion is on the floor to…

Wayne Nunnally: Authorize Anthony to spend up to $8,000 for a microphone system.

Anthony Marchetti: And Bonnie.

Frances Westbrook: We will come back before you to make that…

Anthony Marchetti: A giant karaoke machine.

Frances Westbrook: So they will report back to you guys or to us next week.

Bonnie Schaschek: Speaker, microphone, or one that attaches, individual and the speaker sits over there.

Anthony Marchetti: That's all we need.

Bonnie Schaschek: But I use that for conferences and stuff all the time.

Anthony Marchetti: That is what I'm picturing that we need. We can hear each other, people in the audience so I feel like that there has got to be a reasonable.

Anthony Marchetti: Anthony report at the next meeting.

Frances Westbrook: Alright the motion is that we authorize Anthony and Bonnie to spend up to $8,000….

Wayne Nunnally: …the microphones.

Frances Westbrook: …microphone system. Alright because of the dollar amount I want a roll call vote on this please. Is there a second?

Wayne Nunnally: Jackie.

Frances Westbrook: Jackie seconded it. Pardon Any other discussion. Roll call vote please.

Vote

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Motion (*Wayne Nunnally)* To Authorize Anthony Marchetti and Bonnie Schaschek to spend up to $8,000 on a microphone system – Vote 5-0 – Motion passes.

Frances Westbrook: Motion passes. That has got to be one of the most unusual discussions. Alright now we are moving on, the next Agenda item is the Mayhew CUP.

- Mayhew CUP

Justin Nelson: Madam Mayor, do I read the entire resolution.

Frances Westbrook: This is the second reading correct?

Justin Nelson: Correct.

Frances Westbrook: If you just read the title and the therefore be it resolved part.

Justin Nelson: Yes ma'am. This is the second reading of Resolution 2021-13 EC CUP to build a pool outside the RPA R1 tax map 34, parcel 10F now therefor be it resolved by the Irvington Town Council approves the application subject to the following conditions as stated or indicate there are no conditions. I know I talked to many members of Town Council and you would have gotten hopefully my staff report on this zoning administrator recommends approval. To date there have been no objections from neighboring property owners. There have been no objections at the first reading and Planning Commission approved it on Tuesday. Are there any questions from me that I can address?

Female: Did not the Planning Commission put in a request.

Justin Nelson: The water quality assessment prior to the zoning and I know Mr. Braly has sent to all of you requesting that the Town Council had that.

Frances Westbrook: Put that in as additional.

Justin Nelson: Yes ma'am.

Frances Westbrook: And Mr. Braly did ask that I read this statement at tonight's meeting considering the Mayhew CUP. Fellow members of Town Council I apologize I am not at the meeting tonight unfortunately I am home under a COVID quarantine. I wanted to participate in the discussion of the Mayhew CUP application that is up for approval. In my

opinion there are two issues with this application that render it incomplete and should have prevented it from being presented for consideration. The first issue that I see is there was no site plan with a water quality impact assessment presented at the time of submission. While I agree with Justin that DEQ allows for this information to be presented at any time prior to laying disturbance I believe that it should be presented at the time the application is submitted for consideration. While our town code does not specifically stipulate this is required for the issuance of a conditional use permit, out town code does state that such a permit shall only be granted if it is shown that the use in question will not adversely affect the public health, safety, morals and general welfare and is in compliance of the Chesapeake Bay Act. Without a site plan that includes a water quality impact assessment there is no way to know if the project is in compliance with the Chesapeake Bay Act. As a result this application should not have been accepted for consideration. Granting the permit today without knowing this information is in violation of our town code. My second issue with the application as submitted is the fact there was no proof provided with the application that there was an impervious gravel walkway on the property. The land survey submitted with the application was dated August 17, 2021, and the revision notes the gravel walkway from a previous survey was added on September 3, 2021. Why wasn't the previous survey that showed this gravel walkway submitted with the application? According to our Town Attorney, it is the landowner's burden to prove the facts necessary for that swap. This includes the existence of the pre-existing impervious surface. It is the Town's role to decide whether that pre-existing surface in fact existed or not. If the applicant wishes to trade an impervious area that was removed sometime in the past for a new impervious area to be developed in the RPA they need to provide proof it existed at the time the application is submitted. Because this proof was not provided, the application should not have been accepted for consideration. I believe that it is the Town's responsibility to allow landowners upon review to proceed with development that is in accordance with our zoning ordinances and Virginia State Law. If a proposed project is in violation of either it should be rejected and not presented to the Planning Commission or Town Council for consideration. That being said, we are here today with a recommendation from the Planning Commission to approve the CUP application as submitted. As I listened to the audio recording of the Planning Commission meeting

yesterday, I'm not sure, there must be a typo here, and as built survey 1989 showing the walkway was referenced. I was surprised to learn a copy of this survey was at the meeting and provided to at least one commissioner a few days prior to the meeting. I have been asking for this type of document since I objected to the consideration of this application prior to the November meeting. It was only yesterday on December 8th, that Commission Phil Robinson provided a copy of the old land survey. I indicated in my statement to the Planning Commission that I felt that in order for this CUP application to succeed further that one, proof of the existence of the removed gravel walkway should be produced and submitted with the application or two, the application should be modified to use an existing impervious area within the RPA as a tradeoff. Because an old survey showing the gravel walkway was provided and it appears that the walkway in question was not used as a tradeoff for any prior RPA redevelopment, I feel that the CUP application should be approved with the following conditions: A site plan with a water quality impact assessment should be submitted to the Planning Commission and Town Council prior to the Zoning Administrator issuing a building permit. I feel that this condition is appropriate for this CUP because approving the application without it would be in violation of town code. Moving forward with an application that is in violation of the town code does not sit right with me. I agree with what Commission Pollard said during the Planning Commission meeting "this one makes me a little queasy". However, we should not punish a landowner for the town's shortcomings. It is obvious that our process needs to be improved in the information to be provided at the time of application submission needs to be clearly stated. Requirements of what is provided with the CUP application should not be left up to the interpretation of anyone. I am encouraged the Planning Commission recognizes this problem and has begun to work on policy and procedural improvements. I am excited to see what they recommend to Town Council. In summary, I support moving forward with this CUP application with the added condition that a site plan with a water quality impact assessment should be submitted to the Planning Commission and Town Council prior to the Zoning Administrator issuing the building permit. Thank you for your time. Chris Braly, Town Council Member.

Male: Madam Mayor, if I may, I'd like to be on record that the Zoning Administrator disagrees that there is any violation of town code.

Frances Westbrook: So noted.

Bonnie Schaschek: Not require for the permit.

Frances Westbrook: Alright any discussion.

Anthony Marchetti: I'm looking at the town code is says under Conditional Use Permit, such a permit shall only be granted if it is in compliance with the Chesapeake Bay Act.

Male: They are in compliance with the Chesapeake Bay Act.

Anthony Marchetti: Do you know what the applicant plans to do?

Male: We don't have detailed drawings of that which was at the Planning Commission was kind of a question that the town ordinances need to be as Mr. Braly said in his letter, be clarified but what we do know right now is that, the CUP as it is submitted does not require that they have detailed engineered drawings and so…

Anthony Marchetti: But it requires that they be in compliance with the Bay Act and nobody in this room is qualified to make that determination except an engineer so without a plan that shows the water, the WQIA I don't think we know that. I think that can be done.

Male: If something is to be built it has to be built in compliance with the Chesapeake Bay Act. A CUP doesn't allow anyone to do anything. You cannot turn over one piece of dirt, not at all with a CUP. In order for you to be in compliance the DEQ says we are absolutely, right now state code says we are fine, town ordinance says we are fine with what we are doing at this point. I think that is clear, at this point, because no one is proposing to move one shovel of dirt. Now what the applicant needs to do is they will be granted if this passes, they will be granted the ability to potentially have a swimming pool. Once engineering goes in and does a site plan and water quality assessment impact and looks at the drainage and all of that it could be that engineering says you are not in compliance with Chesapeake Bay Act and this is the reason why. It is not, that comes from the engineer. So, what we discussed in Planning Commission is all it does is ultimately what does our town wish to require of its citizens. In this particular case do we as a town want to require a citizen to go through two, three, four, $5,000 worth of engineering expense having no idea if this town is going to allow them to do that? So, I don't think we are off base saying we will grant you the concept of the ability to have a swimming pool. We are not granting you to build one until we see all of that engineering. So that our citizens will be spending that

significant money not prior to the town allowing them to have a swimming pool but post the town saying yes, you may have a swimming pool subject to your engineering.

Wayne Nunnally: It should…

Bonnie Schaschek: You still need a…

Anthony Marchetti: I want to be clear. I will support this, I think what they want to do, they have a right to do, I will support it with the condition obviously there can be a difference of opinion, I feel like I am voting on an incomplete application because it says the CUP under CUP Conditional Use Permit, shall only be granted if it is in compliance. How do I know it's in compliance if I don't know what the plan is, that's my point and that's not my opinion that's what the town code says. Also we have if you remember the Webb and Stevens redevelopment in the RPA their applications had an engineer's site plan with the EQIA with it, right so I was comfortable saying that is a by-right use to redevelop and it has an engineer's stamp on it and I know it is in compliance with the Bay Act because of that stamp right. So do you think Mr. [inaudible] that the Steven's or the Webb's would be upset if we are not requiring the same of this applicant. I want to be very clear this has nothing to do with the applicant and I'm sorry they are caught in the middle of it, I think the town should use it as a learning tool or learning opportunity to make sure on the next one we are quite clear from the beginning what it is that has to be presented in order to, I mean we have to approve this permit this CUP and again it says it right here in the town code. It has to be in compliance with the Chesapeake Bay Act. Without a site plan how does anybody know and that's my point.

Dudley Patteson: How does Town Counsel weigh in on this.

Vivian Giles: As a general matter we have not seen the entire package of the application, but as general matter whether the application is complete or not is the determination of the Zoning Administrator and once the, if the Zoning Administrator determines that the application is complete and it comes to the Planning Commission I will tell you to the Zoning Administrator's point that to CUPS's the best way that I think about describing CUP's and I think that this is the explanation that was being provided, CUP's are basically like a rezoning within your zoning district, sort of like a sub zoning so if you think about it that way there are a lot of things that you have to do along the way like notices and those types of things make more sense, rezoning and to your Zoning Administrator's point to

rezone if you will as a CUP and this is the only time to add conditions but to get in that category that just enables that use or any use if, but it does not enable the construction, it does not put a rubber stamp of approval, put a stamp on approval on the entire project it only says you are in this subcategory now of you can, these are the things that you can do and any conditions that we are going to impose along the way. Compliance with the Chesapeake Bay Act is a given, so if you want to add that as a condition that's fine, but that is already built in.

Dudley Patteson: The code says you know compliance with the Chesapeake Bay Act so how do we get around that, I mean I'm not trying to, I like the project that is not the issue.

Frances Westbrook: Maybe the problem is with our application.

Bonnie Schaschek: That's what I am saying....

Anthony Marchetti: That is what I want to come out of this is, clarity about what, cause right now out of the last three applicants, two out of the three submitted engineered site plans with WQIA's. I just want to make sure what we are asking our residents is...

Bonnie Schaschek: ...moving forward right away with construction. I didn't see the construction....

Anthony Marchetti: All I'm looking for here is the town to be more clear when somebody comes and the expectations of what does constitute a complete application should be this.

Bonnie Schaschek: And I think the planning commission is on the right path by going and reviewing the entire process. We could sit and argue about this but, this really doesn't affect the homeowner. This is the town's issue.

Anthony Marchetti: Correct, and I've said that from the beginning and this is....

Bonnie Schaschek: We need to move on.

Anthony Marchetti: Well I think it, I take the Bay Act seriously so again...

Bonnie Schaschek: We all take it seriously but I think the Planning Commission is on the right track here. That's not something we're going to do, that's something the Planning Commission is going to do.

Anthony Marchetti: My problem is it's my name on the vote and I feel like I am being asked to vote on something that I don't have all the information on.

Frances Westbrook: I think it is quite possible, I just asked Ms. Giles, it is quite possible is the problem is within the CUP application itself that perhaps that question should not

even be on there at that point because if it is, if we do think about this as just sort of a rezoning to do what they want to do in the RPA then that's all it is and now gives them the ability to go to engineering and get the water quality impact assessment and what have you so.

Vivian Giles: And, if I may…

Frances Westbrook: Oh no, no, please.

Vivian Giles: Paragraph E, the assessment paragraph, that is subject to…

Anthony Marchetti: Yeah, under conditional use….

Vivian Giles: …shall be granted if it is shown that the use in question will not adversely affect the public health, safety, morals and general welfare and is in compliance with the Chesapeake Bay Act, so that goes to the use in this case a pool, a swimming pool correct, so that goes to the use, not every specific aspect of that particular development. In other words if you were talking about a poultry farming operation, my guess is that it is not a use that is permitted in the RPA whereas a swimming pool is a use, I think that is what that paragraph is referring to but it does not confirm that every single aspect of that, does not require that particular paragraph definitive at this time. It is going to be…

Wayne Nunnally: Move we accept the application.

Frances Westbrook: Are you going to put an additional condition on it?

Wayne Nunnally: Going with the Zoning Administrator.

Frances Westbrook: The Planning Commissioner recommended the additional condition is that correct?

Male: Yes.

Frances Westbrook: And will you state for us one more time what that condition was.

Male: It was…

Anthony Marchetti: It was Chris', he recommends….

Frances Westbrook: Here we go….

Male: The fact that one will have to be done anyway.

Frances Westbrook: Here is Chris', Chris' suggestion is with the added condition that a site plan with a water quality impact assessment should be submitted to the Planning Commission and Town Council prior to the Zoning Administrator issuing a building permit.

Wayne Nunnally: In the future he is talking about.

Frances Westbrook: But that happens anyway correct.

Dudley Patteson: That happens anyway.

Male: …issue building permits…

Frances Westbrook: Zoning permits. That's true, thank you.

Male: So the Planning Commission requires a water quality impact assessment prior to the Zoning Administrator issuing a zoning permit. It did not require to come back to the Planning Commission or Town Council.

Frances Westbrook: But the question is that is redundant because you require that anyway.

Male: Correct.

Frances Westbrook: Okay, Council what's your pleasure.

Wayne Nunnally: I made the motion.

Frances Westbrook: The motion is that….

Wayne Nunnally: We accept the CUP as presented by the Zoning Administrator.

Bonnie Schaschek: Second.

Frances Westbrook: Any other questions.

Dudley Patteson: Why are we not adding the….

Bonnie Schaschek: It is added.

Dudley Patteson: It is added, okay.

Bonnie Schaschek: Zoning Administrator added it.

Dudley Patteson: Got it, thank you. With the condition, go.

Frances Westbrook: Okay ready for a vote, roll call please.

Vote

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Motion (*Wayne Nunnally)* To Approve Mayhew CUP with condition – Vote 5-0 – Motion passes.

Frances Westbrook: Mayhew's looks like you can move forward on this thing. Good deal thanks for hanging in there with us. Alright. Merry Christmas to the Mayhew's.

L. NEW BUSINESS

- Planning Commission Appointments

Frances Westbrook: Alright, new business, Planning Commission Appointments. We have one applicant that we are looking at for the June 1, 2022 appointment.

Bonnie Schaschek: January.

Frances Westbrook: What did I say?

Anthony Marchetti: June.

Frances Westbrook: Huh, I'm getting tired aren't I. This is just water so we can't blame it on that. Yes effective January 1st, Council? Ruth Fuller is who we are looking at, sorry.

Anthony Marchetti: I make a motion to appoint Ruth Fuller to the Planning Commission beginning January 1st, 2022.

Wayne Nunnally: Second.

Frances Westbrook: Any discussion? All in favor.

Group: Aye.

Vote

Dudley Patteson, aye.

Anthony Marchetti, aye.

Bonnie Schaschek, aye.

Jackie Brown, aye.

Wayne Nunnally, aye.

Frances Westbrook: Motion passes.

Motion (*Anthony Marchetti)* to Appoint Ruth Fuller to the Planning Commission beginning January 1, 2022 – Vote 5-0 – Motion passes.

- **1st Reading of Resolution for 2021-22 Amended Budget.**

Frances Westbrook: Alright, first reading of the Resolution for 2021-2022 Amended Budget. We have had multiple workshops and we have had meetings and we have had to go back and reread so we won't read the whole resolution, we are just going to read the title and the "be it resolved" part. So this is Ordinance 2021-2022 01UC, ordinance adopting an amended 2021-2022 budget. Be it enacted and ordained by the Town of

Irvington, Virginia as follows, one, Council will hereby adopt the amended 2021-2022 budget attached hereto and incorporated herein by this reference and two, this ordinance is effective upon passage. Be it further ordained by the Town of Irvington, Virginia that the Town of Irvington shall place it uncodified ordinance in the attached amended 2021-2022 budget in the meetings and the minutes of its January 13, 2022 meeting. That was the first reading and be continued in January.

- Planning Commission Recommendation CUP Process

Frances Westbrook: Next under new business is the Planning Commission's recommendation for the CUP process itself. Ms. Harris.

Julie Harris: You have in your packet the motion of Irvington Planning Commission CUP, I don't know if you have any questions about what is written there or my thought was to go to the flow chart and just give you an example of how it would work and if you have any questions we can discuss it at that time, but in the flow chart it shows that the Zoning Administrator works with the applicant to ensure that everything that is needed for the CUP application is provided. The staff works with the Mayor to set up the Public Hearing date and issue the notices. Then starting with the third flow chart, I just plugged in some upcoming dates so that you can get a timeframe. The February Town Council meeting is February 10th, so for example on that date there would be a joint public hearing followed by the Town Council regular meeting and then the next the fourth part of the flow chart, the Planning Commission would meet them on March 1st and make a recommendation to Council as to the CUP and then on the last part of the flow chart the Town Council would then meet at their next meeting which would be March 10th for their vote. So that greatly cuts down on the number of readings and there is still ample time in between to research or find out what questions there still may be. Any questions for the Planning Commission.

Frances Westbrook: Now we are also looking at not doing CUP's by resolution, we are doing CUP's by motion and we are allowed to do that correct.

Vivian Giles: A motion is a resolution.

Frances Westbrook: What it won't be the formal like we have been doing.

Vivian Giles: A resolution doesn't have to be written, however some people do.

Frances Westbrook: Uh huh.

Vivian Giles: However a motion if you have a document that is drafted and it is a resolution or if ya'll try to make a resolution to buy a sound system they are equal, it can be written or it can be verbally.

Frances Westbrook: And we are required to have just one reading of a CUP application is that correct?

Vivian Giles: That is correct.

Frances Westbrook: We are not required to have two?

Vivian Giles: No.

Frances Westbrook: Alright that is streamlined.

Wayne Nunnally: I move we accept the recommendation of the CUP.

Frances Westbrook: You don't have an ordinance on it.

Bonnie Schaschek: It is just a process.

Anthony Marchetti: Just a process. I think it is nice and what I like about this is that maybe the Zoning Administrator can come up with a what day of when our monthly meetings fall if you CUP is to be my the first of the month you can expect this schedule under normal circumstances and if you get it to me, however much time you think you need to do that first part which is make sure that it is complete and get the public hearing schedule so maybe you can make that determination but I think that would be nice for residents knowing if I submit my application by the 31st or the 1st of the month I can expect to you know have my CUP or not or have my decision on this date.

Justin Nelson: As long as it is complete.

Anthony Marchetti: You submit a complete application....

Frances Westbrook: But you know you just missed the Town Council by one day then you have automatically added almost a whole another month.

Anthony Marchetti: It's not a guarantee but it is if you have it submitted by the 1st, I don't know the dates.

Male: There has to be a lag time between the Zoning Administrator, I have to notice people, property owners, so you can't notice them on Tuesday and tell them by the way that decision is tonight at 5:30.

Anthony Marchetti: Right.

Frances Westbrook: They get X number of days.

Justin Nelson: You have 2 weeks and if the Planning Commission doesn't meet until the next month you fit within that just fine.

Anthony Marchetti: Yeah, I was just trying to for a resident sake set some sort of expectations of what they can expect from a CUP schedule because today it has been....

Justin Nelson: 8 to 12 weeks.

Anthony Marchetti: Maybe and nobody knows what it is going to be so again just trying to be constructive and provide a general timeline for what they can expect. However much time you think it is and it doesn't have to be a calendar date it can be you know 15 calendar days or business days prior to the first Planning Commission meeting if you submit your CUP you can expect this schedule.

Dudley Patteson: Need time to review to make sure it is complete.

Frances Westbrook: Then the clock starts ticking.

Anthony Marchetti: It doesn't mean you have to do it, it was just an idea, suggestion. People coming forth with an application.

Dudley Patteson: I like it.

Frances Westbrook: Are there any comments that Council might like to say to us on this whole thing are we okay. Are there any comments that you might like to say on the CUP process. We are just trying to cut down the length of time it takes.

Female: [inaudible].

Frances Westbrook: It's just the process itself.

Bonnie Schaschek: Did you make a motion?

Wayne Nunnally: Yes.

Bonnie Schaschek: And Jackie seconded it?

Wayne Nunnally: Yes.

Bonnie Schaschek: Well call the question.

Wayne Nunnally: Madam Mayor I called the question.

Vivian Giles: Zoning Administrator knows that notices are required and as long as you are compliant with those things and with your current town code there are other things that we talk about in town code that you can streamline your process a little bit, to streamline and to give yourselves a little more latitude while still...

Dudley Patteson: Question has been called.

Frances Westbrook: Okay, nothing jumps out at legal, as long as we are still compliant with state code we are good to go with this process.

Dudley Patteson: We have a motion on the floor and a second.

Frances Westbrook: I don't think we.

Male: I don't think you need a motion.

Frances Westbrook: I don't think we need a motion for this.

Bonnie Schaschek: It is a change.

Frances Westbrook: Alright someone make the motion please.

Dudley Patteson: Already was made.

Bonnie Schaschek: Already was made.

Frances Westbrook: Jiminy cricket! I did not hear you.

Wayne Nunnally: It was about half an hour ago.

Frances Westbrook: Alright, we have a motion I suppose, we have a second, what.

Vivian Giles: There were a couple, I did get back to the screen I was looking for, there were a couple of suggestions to amend code positions in your local code.

Frances Westbrook: Uh huh.

Vivian Giles: Assuming that that was…

Frances Westbrook: That would be a separate, yeah.

Vivian Giles: Because one of the codes, I'll look at those separately.

Frances Westbrook: Okay.

Vivian Giles: I just wanted to clarify because those did…

Frances Westbrook: Okay, alright so we will address those at another time, we are safe to wait to address those I guess is the question.

Frances Westbrook: Alright we have a motion, we have a second, any other discussion. I assume not, roll call vote please.

Vote

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Motion (*Wayne Nunnally)* to Approve Recommendations to CUP Process – Vote 5-0 – Motion Passes.

- **Ordinance to Establish Elections at the Time of the November General Election.**

Frances Westbrook: Looks like the last thing on the Agenda is the Ordinance to Establish Elections at the Time of the November General Elections. I am going to attempt to explain this.

Wayne Nunnally: We can accept it as read.

Anthony Marchetti: Good enough for me.

Frances Westbrook: We have to have this done by the end of the year. State says so, we are going to be in big trouble if we don't. We have been.

Wayne Nunnally: Do we have to read it.

Vivian Giles: You do not have to read this aloud, no you do not.

Frances Westbrook: No.

Wayne Nunnally: I just moved we accept it as written.

Vivian Giles: You have to, according to your local ordinance you have to because this is an ordinance you have to read this twice, so then the second reading must be at least one week from today, so that was the reason I suggested you may need to reconvene on a week's time be it very briefly.

Wayne Nunnally: I understand.

Frances Westbrook: It can be just short of a parking lot meeting. So here's the deal in order for this to get done by the end of the month, the suggestion is that this is the first reading tonight, and then 7 days, can't be any sooner than 7 days have a second reading, take your vote, this isn't one of those ordinances that has the effective law, this is what it is, that is why we have to have two readings is that correct?

Vivian Giles: It is an ordinance your local code says an ordinance or a resolution that has the effective…

Frances Westbrook: Okay, alright, so that is one of those things we want to talk about in the future.

Vivian Giles: Yes.

Frances Westbrook: Because it doesn't have to be like that.

Vivian Giles: It does not.

Frances Westbrook: But our code says, so that is another thing that you guys will get to talk about in the upcoming year. Alright, so this is an ordinance to establish an election at the time of the November General Election and that's it, that's the reading, we have no action, it is not an actionable item tonight.

Bonnie Schaschek: So when are we meeting next week?

Frances Westbrook: That is for you guys to decide.

Wayne Nunnally: Has to be 7 days, so it cannot be before next Thursday.

Frances Westbrook: That's correct.

Vivian Giles: You can call a special meeting or you can continue this meeting.

Frances Westbrook: That's right, when we adjourn this we adjourn it…

Vivian Giles: You adjourn it to next Thursday…

Frances Westbrook: …and it doesn't constitute a separate meeting.

Vivian Giles: It does not however I always do recommend post notice even an adjourned meeting.

Frances Westbrook: Okay.

Anthony Marchetti: Does it count as a second reading even though it was the same meeting.

Vivian Giles: It does because in here….

Anthony Marchetti: Just because of the time between them.

Vivian Giles: It says.

Anthony Marchetti: I was just curious. Twice in the same meeting.

Frances Westbrook: Second reading in both.

Anthony Marchetti: I was just curious.

Bonnie Schaschek: I would just close this meeting out and have one on the 16th and be done with it.

Vivian Giles: Not less than one week apart. One shall be a regular meeting and the other of which may be an adjourned or a called meeting that is….

Frances Westbrook: So we can do it either way.

Vivian Giles: You can do it either way.

Frances Westbrook: Alright so are you all amenable to the 16th next Thursday we can certainly set a different time frame if you want to get in here earlier and get out earlier we are talking what, it will take longer to gavel in and gavel out.

Anthony Marchetti: I will likely not be available Thursday or Friday, so, just make sure there is enough people to.

Frances Westbrook: We need a majority, not a super majority right.

Vivian Giles: Correct.

Frances Westbrook: On something like this.

Anthony Marchetti: There is no vote, it has to be read.

Frances Westbrook: It is being read tonight. So a week from now.

Wayne Nunnally: Madam Mayor, I move that we adjourn this meeting until next Thursday at 5:15 p.m. at the church, we can have that meeting at the office couldn't we.

Male: Yeah, I suggest that.

Wayne Nunnally: At the office.

Frances Westbrook: Alright so your motion is December 16th at 5:15.

Wayne Nunnally: Sure, does that suit everybody.

Frances Westbrook: 5:15 p.m. at Town Office.

Wayne Nunnally: Anthony if a later time suits you.

Anthony Marchetti: I'm not available.

Wayne Nunnally: At all.

Anthony Marchetti: Thursday or Friday. I say that now I want to make sure you guys have at least four people to....

Frances Westbrook: Yeah.

Dudley Patteson: Question, can one of us call in and be present for the second reading.

Vivian Giles: If you have a written policy to participate.

Frances Westbrook: We do. So in order words Chris Braly he is home with quarantine so he could call in and vote.

Vivian Giles: Correct.

Dudley Patteson: And my whereabouts are "loosey-goosey" and I probably will be here but if not, I am reachable by phone.

Bonnie Schaschek: So you can.

Frances Westbrook: Don't we still have to have a majority present.

Bonnie Schaschek: That's four

Vivian Giles: Physically assembled.

Bonnie Schaschek: We won't have four....

Frances Westbrook: We have to have four present.

Bonnie Schaschek: We won't have four present unless you are here. Anthony won't be here and Chris.

Female: FYI, Chris gets tested tomorrow so he may be onboard.

Wayne Nunnally: He can still be present by phone.

Frances Westbrook: In order for them to vote by phone we have to have a majority which means four bodies physically present. Yep.

Dudley Patteson: Well, we will wait and see.

Frances Westbrook: Yeah, so what I hear right now is the motion to adjourn this meeting to December 6th at 5:15 p.m. at the Town Office. Is there a second?

Dudley Patteson: Second.

Frances Westbrook: All in favor.

Group: Aye.

Frances Westbrook: All opposed? Alright. Motion passes. Excuse me.

Vote

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Motion (Wayne Nunnally) to reconvene meeting December 16th, 2021, 5:15 at the Town Office – Vote 5-0 – Motion passes.

M. ANNOUNCEMENTS

Frances Westbrook: We have announcements. Next Town Council meeting January 13, at the church here. You can't go until you...

Wayne Nunnally: I thought I would come up and say we love you Madam Mayor and we are so sorry to see you go and we wish you many successes in the future.

N. ADJOURN

Frances Westbrook: Well, I thank you for saying that. Do we have a motion to adjourn?

Male: We don't need to.

Wayne Nunnally: I did tht.

Frances Westbrook: Oh we did that. Is that it. Meeting is over at 8:00.

The minutes of December 09, 2021 were approved at the January 13, 2022 Town Council Regular Called Meeting, these minutes were approved by Town Council.

	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Jackie Brown	X		
Wayne Nunnally	X		
Anthony Marchetti	X		
Dudley Patteson	X		
Judith Penniman			X

The vote was 5-0-1 with one member abstaining and the minutes were approved.

Respectfully submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer

Julie W. Harris
Julie Harris, Mayor

RESOLUTION TO REAPPOINT
MEMBER
THE TOWN OF IRVINGTON BOARD OF ZONING APPEALS

WHEREAS, by Order of the Circuit Court of Lancaster County, Virginia, George Henry Kuper was appointed to the Board of Zoning Appeals for the Town of Irvington, Virginia for a term that expired on September 12, 2021; and

WHEREAS, Va. Code § 15.2-2308(A) provides in pertinent part that "[a] member of a Board of Zoning Appeals whose term expires shall continue to serve until his successor is appointed and qualifies" and further provides that "[m]embers may be reappointed to succeed themselves'; and

WHEREAS, George Henry Kuper is willing to, and has agreed to, continue to serve on the Board of Zoning Appeals of the Town of Irvington, Virginia; and

WHEREAS, the Town Council of the Town of Irvington wishes for George Henry Kuper to continue to serve on the Town of Irvington Board of Zoning Appeals for the term expiring on September 12, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Irvington, Virginia that the Clerk and the Town Attorney are directed to notify the Circuit Court of Lancaster County, Virginia of the expiration of the term of George Henry Kuper on the Board of Zoning Appeals of the Town of Irvington, Virginia; and that the Town Attorney is directed to draft and file with the Circuit Court of Lancaster County, Virginia a Petition and other documentation, as necessary, to request the reappointment of George Henry Kuper to the Board of Zoning Appeals of the Town of Irvington, Virginia for a term expiring September 12, 2026.

Adopted the 9th day of December, 2021.

	In Favor	Opposed	Abstained
D. Patteson	X		
A. Marchetti	X		
B. Schaschek	X		
J. Brown	X		
W. Nunnally	X		
C. Braly (absent)			

Resolution passed to reappoint George Kuper to the Board of Zoning Appeals. Vote: 5-0

Attested to:

Laurel S. Taylor
Laurel Taylor, Town Clerk

Frances E. Westbrook
Frances Westbrook, Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR CALLED MEETING
THURSDAY, DECEMBER 9, 2021, 6:30 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Mary Cary Brady	991 King Carter
2.	Julie Harris	1099 K.C. Drive
3.	Jim McBeath	220 Sanders Ln
4.	Sharon McBeath	220 Sanders Ln
5.	Patricia Mayhew	336 old Mill Covered.
6.	Albert Pollard	48 Steamboat Rd
7.	Michael Edmond + Ruth Kelly	341 The Cove
8.	Joe Abel Byers	222 The Cove
9.		
10.		
11.		
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR CALLED MEETING
IRVINGTON TOWN OFFICE
THURSDAY, DECEMBER 16, 2021; 5:15 P.M.

AGENDA

A. CALL TO ORDER

Frances Westbrook: This meeting is called to order. This is the Irvington Town Council meeting, continuation of meeting which is being held tonight at the Town Office. This is Thursday, December 16, 2021 at 5:30. Let's have a roll call vote please, starting with Wayne.

B. ROLL CALL

Wayne Nunnally, present.

Frances Westbrook, present.

Bonnie Schaschek, present.

Dudley Patteson, present

Jackie Brown, present.

C. APPROVE AGENDA (amended at the table).

Frances Westbrook: I do want to add one more quick thing which is we have not made provisions for Christmas bonuses like we have done in the past so I would like for us to talk about that under, at towards the end of this if you all will. May I have a motion to amend it for the Christmas bonuses.

Dudley Patteson: So moved.

Wayne Nunnally: Second.

Frances Westbrook: All in favor.

Group: Aye.

Frances Westbrook: All opposed. Motion passes. The Agenda is amended.

Motion *(Dudley Patteson)* to amend the Agenda to include discussion about Christmas bonuses – Vote 4-0.- Motion passes.

D. OLD BUSINESS

- **Banking Resolutions**

Frances Westbrook: The copy you received that is part of the packet, there is two, one for each bank, one for Chesapeake and one for Blue Ridge Bank. They simply reference Mayor, Vice Mayor, and it did say Treasurer, but we have on here for, and after this was sent to you, talking with Vivian, Town Attorney yesterday, she thinks we need to have the names on here. We used to have the names but then previous Town Attorney said if we just list the office held that then we wouldn't have to change it every time and Vivian felt a little uncomfortable with that.

Bonnie Schaschek: I think the bank would feel a little uncomfortable with that too, which is why they wanted the minutes with the people's names in it.

Frances Westbrook: Yes. So, I have printed up two new ones, one for each bank, listing Julie Harris as Mayor, Anthony Marchetti, Vice-Mayor and Laurel Taylor, Clerk of the Town as being authorized to conduct banking business for the Town of Irvington and as signatories on all of the depository financial institutions of the Town.

Wayne Nunnally: Move we pass those banking resolutions.

Frances Westbrook: Alright, do you want to do them one at a time or do you want to do them together.

Wayne Nunnally: Together.

Frances Westbrook: Together, second.

Bonnie Schaschek: Second.

Frances Westbrook: Any more discussion? Roll call vote please.

<u>Vote</u>

Wayne Nunnally, yes.

Bonnie Schaschek, yes.

Dudley Patteson, yes.

Jackie Brown, yes.

Motion (*Wayne Nunnally)* to approve both banking resolutions – Vote 4-0 – Motion passes.

- **Election Resolution**

Frances Westbrook: Next is the Election Resolution. This is the second reading to establish elections at the time of the November General Election. That's all we have to read on that.

Wayne Nunnally: I move we pass that.

Bonnie Schaschek: Second.

Frances Westbrook: Any discussion? Roll call.

Vote

Wayne Nunnally, yes.

Bonnie Schaschek, yes.

Dudley Patteson, yes.

Jackie Brown, yes.

Motion *(Wayne Nunnally)* to pass Election Resolution – Vote 4-0 – Motion passes.

- **Microphones**

Frances Westbrook: We have also in your packet an invoice from Entertainment Systems pertaining to microphones to help audience and us hear each other better during our meetings, we are looking at $4,187. This comes in significantly lower than the other. Bonnie do you have anything you want to say about this, since you got this information together for us.

Bonnie Schaschek: Well it is a totally portable system, they will bring it, and it comes in in a suitcase, takes about 10 to 15 minutes to set up after you do it the first time. The one unit plugs into the wall, you've got your microphones which are semi-wireless portable that each of the Council people will have, there will be one that is attached that the residents can come up to a podium and speak to. That's about it. If we move, just goes wherever we go, it is really portable.

Wayne Nunnally: Let the record show that we appreciate all Bonnie's work.

Bonnie Schaschek: Anthony actually found it.

Wayne Nunnally: And we accepted it.

Dudley Patteson: Second.

Frances Westbrook: Any other discussion or questions for Bonnie. Thank you Bonnie and Anthony. Roll call vote please.

Vote

Wayne Nunnally, yes.

Bonnie Schaschek, yes.

Dudley Patteson, yes.

Jackie Brown, yes.

Motion *(Wayne Nunnally)* to pass the purchase of the portable microphone system – Vote 4-0 – Motion passes.

- EPR-PC recommendation

Frances Westbrook: The other thing on here is the recommendation from the Planning Commission for EPR-PC which is the company that they wish to award a contract to for the Comprehensive Plan. Right now they are asking Town Council to approve the Comprehensive Plan Survey in the amount of $19,800 so that is what is on the table.

Wayne Nunnally: So moved.

Bonnie Schaschek: Second.

Frances Westbrook: Any questions. Roll call.

Vote

Wayne Nunnally, yes.

Bonnie Schaschek, yes.

Dudley Patteson, yes.

Jackie Brown, yes.

Motion *(Wayne Nunnally)* to approve the $19,800 to EPR-PC for the CPS – Vote 4-0 - Motion passes.

- **Christmas Bonuses (Agenda amended at the table).**

Frances Westbrook: Alright the last item on here before a couple of announcements is the Christmas bonuses. I am open for suggestions. H.R. what do you all think.

Dudley Patteson: I think we need to be in the spirit of Christmas. I quite frankly have not researched what was done last year.

Bonnie Schaschek: We usually gave between $300 and $500 for Christmas.

Dudley Patteson: Okay, they have been here approximately half a year and so I suggest that we award $300 to each staff member for Christmas.

Wayne Nunnally: Second.

Frances Westbrook: Any other discussion. Roll call.

Vote

Wayne Nunnally, yes.

Bonnie Schaschek, yes.

Dudley Patteson, yes.

Jackie Brown, yes.

Motion (*Dudley Patteson)* to Approve $300 Christmas Bonus to staff – Vote 4-0 – Motion passes.

E. ANNOUNCEMENTS

Frances Westbrook: The next meeting is January 13, 2022, 6:30 p.m., Irvington Baptist Church and I won't be there so.

Bonnie Schaschek: Do we have to have, what is the meeting that we were going to have.

Frances Westbrook: I am going to tell you about that.

Bonnie Schaschek: Okay.

Frances Westbrook: The next thing is that our business grants check we received today and Laurel has them in her hands she is writing a brief cover letter in which one we say congratulations, glad we can do it, and secondly to have them sign acknowledging receipt of the check and. We sent them last…

Wayne Nunnally: Since Dudley didn't do it, we shouldn't do it.

Laurel Taylor: The Office Bistro, Objects & More, Sweet Tea Boutique, Fore & Aft/Irvington Home Goods, Dredge, Randall Kip Architecture, Custom Yacht Service, Dandelion and Cathi's Garden.

Frances Westbrook: That's 9 of them, correct?

Laurel Taylor: Nine, yes.

Bonnie Schaschek: We didn't put anything in.

Laurel Taylor: Pardon?

Bonnie Schaschek: Sew Lovely didn't put anything in.

Wayne Nunnally: Who didn't?

Bonnie Schaschek: Sew Lovely.

Frances Westbrook: The lady with the quilting store. Okie Doke. Our tourism grant is getting wrapped up, I think there is only a couple pieces of information that Cay still needs but she is getting that all corralled this weekend and hopefully we'll get those reports filled

out and turned into the town for the proper signatures. The other quick thing is that the banking resolution, these will be effective December 29th, I think I had told you the 23rd when we chatted the other day, and that is because I have been operating under the fact erroneously so that December 31st is my last day and January 1 is Julie's beginning. But, according Vivian and our conversation yesterday, since Julie is filling Tripp's unexpired term she takes office immediately upon swearing in.

Bonnie Schaschek: Oh, okay.

Frances Westbrook: So the original date, yesterday it was going to be December 23rd but when she called back to the Circuit Court Clerk's Office the 23rd was no longer available, so she grabbed the 29th. So she is going to go up there and get sworn in on the 29th and then she will officially be Mayor then and by doing this banking resolution tonight, that gives us no gap in signatory privileges at either bank so that gets everybody covered. So, officially I am out of here on the 29th. The other thing that will probably have to be done and Laurel you will probably have to arrange this, maybe the week between Christmas and New Year's I know you won't be here but we can arrange for somebody else to pop in we will need to get the locks changed on the doors, that is usually protocol when someone leaves, whether you feel it is necessary, I do because....

Bonnie Schaschek: I don't think it is necessary.

Frances Westbrook: ...Well, it protects me and so I would very much appreciate if we could arrange to get that done so I think that's.

Bonnie Schaschek: Why don't you just give her your keys and then after January 1st you can change the locks rather than having somebody come in while it is closed.

Frances Westbrook: We can do that.

Laurel Taylor: If we want to do what Justin talked about with an electronic...

Frances Westbrook: We could, that could be something that can wait until the January meeting and see how Town Council wants to handle it. Yeah, that was brought up, the idea of just punching in a code and not having keys and you just give codes to everybody and everybody can have their own code and that way it is recorded and you know exactly who came in, what time it was and who left. You know, so, that might be a good idea for you all to consider. Alright, is there anything else we need to talk about?

Wayne Nunnally: Move we adjourn.

Dudley Patteson: Public Comment.

Frances Westbrook: We don't have public comment on this one.

F. ADJOURN

Frances Westbrook: Anything else. Do we have a motion to adjourn?

Wayne Nunnally: Move to adjourn.

Frances Westbrook: Do we have a second.

Dudley Patteson: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed. Motion passes.

Motion (*Wayne Nunnally*) to adjourn – Vote 4-0 – Motion passes.

Frances Westbrook: Thank you very much, all of you.

The minutes of December 16, 2021 were approved at the January 13, 2022 Town Council Regular Called Meeting, these minutes were approved by Town Council.

	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Jackie Brown	X		
Wayne Nunnally	X		
Anthony Marchetti			X
Dudley Patteson	X		
Judith Penniman			X

The vote was 4 – 0 - 2 with two members abstaining and the minutes were approved.

Respectfully submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer

Julie W. Harris
Julie Harris, Mayor

BANKING RESOLUTION

To adopt new signatories at Blue Ridge Bank

WHEREAS, the Irvington Town Council desires to authorize certain individuals to conduct banking business for the Town of Irvington ("Town"); and

WHEREAS, financial institutions may require evidence of such authorization.

NOW THEREFORE, the Town Council RESOLVES that:

(1) Julie Harris, The Mayor; Anthony Marchetti, Vice Mayor; and Laurel Taylor, Town Clerk; are hereby authorized to conduct banking business for the Town of Irvington as signatories at all depository financial institutions of the Town from time to time ("Signatories").

(2) This authorization includes checking, savings, certificates of deposit and money market accounts.

(3) All transactions require two Signatories to conduct business.

(4) Nothing herein authorizes a Signatory to (i) obtain a loan, or to sign, execute, deliver notes or evidence of indebtedness in the name of the Town, (ii) mortgage, transfer, assign, endorse, or pledge assets of the Town, or (iii) lease, rent, maintain, access, or terminate a Safety Deposit Box for the Town.

(5) This Resolution shall take effect December 29, 2021.

I, Frances E. Westbrook, Mayor of the Town of Irvington, do hereby certify that the above is a true copy adopted at a regular meeting of the Town Council of Irvington, Virginia, held on December 16, 2021 at which a quorum was present and voting. The vote was as follows:

Voting in favor

Wayne Nunnally
Bonnie Schaschek
Jackie Brown
Dudley Patteson

Opposed

TOWN OF IRVINGTON

Frances E. Westbrook

Frances E. Westbrook, Mayor

ATTEST:

Laurel S. Taylor

Laurel Taylor, Town Clerk

BANKING RESOLUTION

To adopt new signatories at Chesapeake Bank

WHEREAS, the Irvington Town Council desires to authorize certain individuals to conduct banking business for the Town of Irvington ("Town"); and

WHEREAS, financial institutions may require evidence of such authorization.

NOW THEREFORE, the Town Council RESOLVES that:

(1) Julie Harris, The Mayor; Anthony Marchetti, Vice Mayor; and Laurel Taylor, Town Clerk; are hereby authorized to conduct banking business for the Town of Irvington as signatories at all depository financial institutions of the Town from time to time ("Signatories").

(2) This authorization includes checking, savings, certificates of deposit and money market accounts.

(3) All transactions require two Signatories to conduct business.

(4) Nothing herein authorizes a Signatory to (i) obtain a loan, or to sign, execute, deliver notes or evidence of indebtedness in the name of the Town, (ii) mortgage, transfer, assign, endorse, or pledge assets of the Town, or (iii) lease, rent, maintain, access, or terminate a Safety Deposit Box for the Town.

(5) This Resolution shall take effect December 29, 2021.

I, Frances E. Westbrook, Mayor of the Town of Irvington, do hereby certify that the above is a true copy adopted at a regular meeting of the Town Council of Irvington, Virginia, held on December 16, 2021 at which a quorum was present and voting. The vote was as follows:

Voting in favor

Wayne Nunnally
Bonnie Schaschek
Jackie Brown
Dudley Patteson

Opposed

TOWN OF IRVINGTON

Frances E. Westbrook

Frances E. Westbrook, Mayor

ATTEST:

Laurel S. Taylor

Laurel Taylor, Town Clerk

AN ORDINANCE TO ESTABLISH ELECTIONS AT THE TIME OF THE NOVEMBER GENERAL ELECTION

WHEREAS, Virginia Code § 15.2-1400 recently was amended to require that all Town elections be held on at the time of the November general election with terms to begin on January 1 of the succeeding year, notwithstanding any other Code provisions or Charter provisions to the contrary; and

WHEREAS, the elections for the Town of Irvington Town Council members and for Mayor heretofore have been held in May of each year for terms to begin on the succeeding July 1; and

WHEREAS, in accordance with the recent amendment to Va. Code § 15.2-1400, the Town of Irvington Town Council wishes to adopt this Ordinance to establish that all elections on or after January 1, 2022 be held at the time of the November general election for terms to begin on the succeeding January 1.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Irvington, Virginia as follows:

1. That notwithstanding any provision of the Town Charter to the contrary, Town of Irvington Code §§ 33.01 and 33.03 are hereby amended to provide that for any election held after January 1, 2022, elections of the Mayor and members of the Town Council shall be held at the time of the November general election for terms to commence on the succeeding January 1. The inaugural meeting of a newly elected council shall take place on the date of the first regularly scheduled meeting of the Town Council in the month of January following the November election.

2. That no term of any mayor or a member of Town Council shall be shortened in implementing this change to the November election date. The Mayor and members of the Town Council who were elected at a May general election and whose terms are set to expire as of June 30 shall continue in office until their successors' terms commence on the January 1 following their election at the November general election.

3. That as amended and restated, Town of Irvington Code §§ 33.01 and 33.03 shall read as follows:

§ 33.01 DATE OF REGULAR ELECTION; SPECIAL ELECTIONS.

All regular elections and all special elections for the town shall be held on the date set for the November general election in Virginia.

§ 33.03 ELECTED OFFICIALS; ASSUMPTION OF OFFICE; TERM.

Persons elected at the regular town election shall enter upon their regular respective office on January 1 next succeeding their election and shall continue in office until their successors are duly elected and qualified.

4. That this ordinance shall be effective on and after January 1, 2022.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF IRVINGTON, VIRGINIA ON DECEMBER 9, 2021.

ATTEST:

Frances E. Wattley, Mayor

Laurel S. Taylor, Clerk

Vote:

	Aye	Opposed
Wayne Nunnally	X	
Dudley Patteson	X	
Jackie Brown	X	
Bonnie Schaschek	X	

Vote passes 4-0

TOWN OF IRVINGTON, VIRGINIA

Continuation of TOWN COUNCIL REGULAR CALLED MEETING from
THURSDAY, DECEMBER 9, 2021, 6:30 P.M. to
THURSDAY, DECEMBER 16, 2021, 5:15 PM
IRVINGTON TOWN OFFICE

Sign In Sheet

	Name	Address
1.	ROBERT S. WESTBROOK	395 KINGS CARTER DR.
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
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13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, NOVEMBER 18, 2021, 6:30 p.m.

AGENDA

A. CALL TO ORDER

Frances Westbrook: Good evening, everyone, thanks for joining us. This is 6:31 on Thursday, November 18, 2021. This is the Irvington Town Council Special Called Meeting in lieu of our regular monthly meeting that was postponed last week until this Thursday. If I might have a roll call.

B. ROLL CALL

Chris Braly, present.

Dudley Patteson, present.

Anthony Marchetti, present.

Frances Westbrook, present.

Bonnie Schaschek, present.

Wayne Nunnally, present.

Jackie Brown, present.

C. APPROVE AGENDA

Frances Westbrook: The Agenda is before you, may I have a motion to approve the Agenda?

Wayne Nunnally: So, moved.

Bonnie Schaschek: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed? Motion passes.

VOTE

Chris Braly, aye.

Dudley Patteson, aye.

Anthony Marchetti, aye.

Bonnie Schaschek, aye.

Wayne Nunnally, aye.

Jackie Brown, aye.

Frances Westbrook: Motion passes

Motion *(Wayne Nunnally)* to Approve Agenda – Motion passes 6-0.

D. Approval of Minutes

Frances Westbrook: Approval of minutes. You have two sets, which you all received probably a couple of weeks ago or so, October 14th, Special Called Meeting which is a workshop for Budget & Finance and October 14th, our Regular Town Council Monthly Meeting. Do you want to take them separately or together?

Bonnie Schaschek: Take them together.

Frances Westbrook: Together, okay, any comments, corrections. Alright, hearing none, motion to accept these two minutes.

Wayne Nunnally: So, moved.

Chris Braly: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed?

Chris Braly: I'm going to abstain. I missed the meeting. I'm going to abstain.

Frances Westbrook: Okay we have one abstain, which is Chris Braly, other members present voted yes.

Motion (*Wayne Nunnally)* To Approve Minutes – Motion passes 5-1-0.

E. FINANCIAL REPORT

Frances Westbrook: Any comments? Yes sir.

Dudley Patteson: I would like to suggest that future financial reports have the prior year results next to them. You can do that in Quick Books. In other words it gives us a perspective of how we are doing in a particular quarter, or particular month.

Frances Westbrook: Uh, yes we can.

Dudley Patteson: It's easily done. It's like a couple of buttons and that tells us whether our revenues are higher or lower.

Frances Westbrook: No, we used to....

Bonnie Schaschek: We used to do that. These aren't our standard reports.

Dudley Patteson: These aren't Quick Book Reports?

Frances Westbrook: They are Quick Book Reports.

Bonnie Schaschek: But they are not what we used to get.

Frances Westbrook: They are configured differently since Jay has been doing them, but we can talk to him about that.

Dudley Patteson: Can you talk to him about that because any financial manager is going to sit there and say, well, how are we doing this year versus...

Bonnie Schaschek: That is when you keep your own spread sheet so you know what....

Frances Westbrook: That's what she does.

Bonnie Schaschek: That's what I do.

Frances Westbrook: Well at one time we used to have a year-to-date next to the monthly figures.

Dudley Patteson: That's also helpful, but, it is easily expandable.

Bonnie Schaschek: I think we just need to talk to him and tell him what we are looking for.

Dudley Patteson: That would be great.

Frances Westbrook: So, you are looking at the previous year versus year-to-date.

Bonnie Schaschek: Budget versus actual.

Wayne Nunnally: You can talk to him about it.

Bonnie Schaschek: Me?

Frances Westbrook: Alright.

Dudley Patteson: Who's going to do it? Are you going to do it?

Chris Braly: Well Budget & Finance can take it on, just let us know exactly what you want to see.

Anthony Marchetti: Jay is not going to care as long as we tell him what we want to see.

Frances Westbrook: Alright, so Budget & Finance is going to take care of that? Budget & Finance, okay. A motion to accept these as presented.

Dudley Patteson: So, moved.

Chris Braly: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed? Alright financial reports are accepted as presented.

Motion (*Dudley Patteson)* To Approve Financial Reports – Motion passes 6-0.

Frances Westbrook: We will move to the part of the agenda now ladies and gentlemen where Public Comment can be made. If you will give me a show of hands, I'll be glad to call on you.

F. PUBLIC COMMENT

Frances Westbrook: Mary Cay you know the routine.

Mary Cay Bradley: Mary Cay Bradley, President of the Board of Directors for the Steamboat Era Museum, 156 King Carter. The Board of Directors met last night, or Tuesday night and in response to that, we had quite a bit of crowd. We have a letter in support of you all using your ARPA Funds to conduct a study regarding the sewer and we just wanted to share with you all that we as a Board of Directors of the Museum support that endeavor and our vision statement says you know, the water is our greatest asset and we should be good stewards of it and we think that conducting the study is an appropriate use of ARA Funds and we hope that you Mayor Westbrook on your way out of the door and Julie Harris on the way in the door will support this effort. Thank you.

Frances Westbrook: Thank you Cay. Any other comments? Alright, we will move onto the next item, report from the Mayor.

G. REPORT FROM THE MAYOR, *Frances Westbrook*

Frances Westbrook: I want to say that the flag was flown at half-staff today, I don't know if you all noticed, but it was ordered by the Governor in honor of the policeman who was killed in Big Stone Gap a couple of days ago. So, hopefully on my way home I'll remember to raise it back to full staff which is what we were told to do so. There's, and I thank Dudley for running over there first thing this morning and lowering it. I hadn't gotten out of my pajamas yet when I texted you so, I'm very appreciative. The Christmas Tree is going to be decorated I believe this Friday, day after Thanksgiving Day, Arrowhead has just about if not completed, just about through cleaning the streets, so we are looking good

for the big event taking place down at The Tide's Inn this weekend as well as Turkey Trot Thanksgiving, so good thanks to Arrowhead. I was in the office a couple of days ago when Laurel had a phone call from Dominion and I got engaged on that phone call and they were in town here recently replacing a couple of street light bulbs, now they are moving to LED's, and the question was Town Council would we want 50 watt or 70 watt LED and the first thing out of my mouth was how much is it going to cost, and if we replace them as they burn out, it is considered maintenance, routine maintenance for Dominion so it is no charge. Now the 50 watt, we have 100 watt bulbs in there now. The 50 watts may be just a little bit dimmer looking light, 70 watt, these are daylight spectrum bulbs, so I told them initially that we would rather have the 70 watt particularly in the summertime when we have a lot of walkers at night, bikers, golf carts, so unless you guys want to do otherwise, we'll do that and our other option was considering having them replaced all at one time which then it is not a maintenance issue and the labor to do that can be pretty pricey. I'm happy with them replacing them as they burn out, what's your pleasure?

Bonnie Schaschek: I would say as they burn out. They burn out regularly.

Anthony Marchetti: Replace them once they burn out…lag time…..

Frances Westbrook: I did not ask that question. Lag time…

Anthony Marchetti: ….I just mean if we call them and say one's out is it a 2 to 4 week or….

Frances Westbrook: They keep these on their truck, now….

Anthony Marchetti: I just say if we have four or five lights out, will it be a long time to get them….

Frances Westbrook: No, if we went to, well they have a, if one of the 100 watt high pressure sodium's go out, we have a couple of high pressure sodium's, we have a couple of the mercury, both of those are 100 watts but they are being closed as opposed to the open that most of ours are. These are being phased out if possible, if they have to order some we might have some lag time, a couple of weeks maybe getting it in, but since we are going to go to the LED that should be an onsite order.

Dudley Patteson: As long as you don't mind them matching. The color won't match, but…

Frances Westbrook: They won't until they finally get them all replaced, but they don't match right now anyway.

Bonnie Schaschek: They don't match now either.

Frances Westbrook: Yeah, so, I don't know how many of us notice that but at any rate, we do have his name, Laurel has his name and cell phone number should we need to call him for anything else. We've also, Laurel was able to speak with a gentleman that deals with the church here with microphones and speakers and to have microphones for us and an amplifier he says it would be somewhere between $7,000 and $8,000. Now I'm bringing this up because we had talked about using some of the CARES Act funds perhaps to pay for this. The microphones we would take with us. If we built a Town Hall or we had other places we meet, the microphones go with us. Depending on how, if the church will allow us to mount an amplifier, I think he suggested possibly ceiling mounted, not knowing what's up there, he couldn't say much more than that. That might would have to be a permanent deal. So, I'd like to talk to him or have him give us a written quote maybe what he thinks an exact cost would be if that's what you guys would want to have done.

Wayne Nunnally: Can we use that A what do you call it money?

Bonnie Schaschek: We going to use the COVID funds.

Wayne Nunnally: The COVID funds.

Frances Westbrook: COVID yeah, CARES Act COVID funds.

Wayne Nunnally: I think we ought to at least see what it costs then.

Frances Westbrook: Well hopefully if we get this done and can get a cost back in December....

Dudley Patteson: Does the amplifier need to be permanent?

Frances Westbrook: I don't know that it needs to be, but I don't know that he knows what's up there as far as wiring, if it had to be something.

Anthony Marchetti: Bluetooth or WIFI with speakers that would be more of a portable.

Frances Westbrook: And not have the amplifier.

Chris Braly: It just depends what the system requires, if the plan was to tap into these speakers, through the ceiling....

Frances Westbrook: I don't think the plan, the plan was to have, my understanding the plan was not to tap into these speakers.

Anthony Marchetti: I don't know why it would have to be fixed.

Chris Braly: Yeah, we wouldn't need a fixed amplifier.

Frances Westbrook: Okay.

Dudley Patteson: No, amplifiers are typically portable and..

Frances Westbrook: Are you hearing all this too?

Laurel Taylor: I can catch some of it.

Frances Westbrook: Okay, we'll talk and we'll see what we can get in writing and see if there are some options here, but, we don't have much longer, we have until February on the CARES.

Dudley Patteson: No.

Anthony Marchetti: December 31.

Frances Westbrook: What's happening in February with funds?

Anthony Marchetti: You are thinking of the VTC Grants.

Frances Westbrook: Yes. Thank you.

Anthony Marchetti: Have to be submitted by the end of February.

Frances Westbrook: That's right, thank you. Okay, so we will get on that Laurel first thing Monday morning. Okay. That is the extent of my report.

H. REPORT FROM LEGAL, *Sands Anderson*

Frances Westbrook: The next report is legal, they are not with us tonight. We changed our meeting and Mr. McGregor is out of town and Ms. Seay has a standing third Thursday of the month engagement.

Chris Braly: Are they under contract? Did the contract get signed?

Frances Westbrook: Yes. You have a copy of the contract in your packet so that you'll know.

Chris Braly: Are they not going to be responsive to us changing our schedules?

Frances Westbrook: Ordinarily it would not have been an issue, but it is my understanding that McGregor had a speaking engagement tonight.

Chris Braly: McRoberts?

Frances Westbrook: McRoberts, I beg your pardon.

Chris Braly: I mean it's....

Frances Westbrook: They'll be here starting in, meeting wise, they'll be here starting in December.

Chris Braly: Okay.

Frances Westbrook: Okay.

Chris Braly: Because that wasn't what the Town Council voted on. The Town Council voted on having a Town Attorney present.

Frances Westbrook: I understand that and we, we voted on that....

Bonnie Schaschek: In a special meeting a week ago....

Frances Westbrook: ....in a special meeting, that's correct and you know they've had a couple of weeks' notice to get that in....

Chris Braly: No, to develop the job description....

Frances Westbrook: Yeah....

Chris Braly: That we decided that we would have a Town Attorney present and when we met to vote, to hire this firm or not, it was indicated that if the two people who would be our primary representation were not available that someone would be here and someone is not here.

Frances Westbrook: And someone is not here.

Chris Braly: And that is, is not acceptable in my opinion.

Frances Westbrook: Okay, I'll be glad to relay that to them.

I. REPORT FROM ZONING ADMINISTRATOR, *Justin Nelson*

Justin Nelson: Yes, we've had one permit from Mr. Pollard who is getting on his construction project per his Conditional Use Permit. The second reading is postponed now until December. I spoke with the buyers per a request from citizens about the purchase of the Old Dog & Oyster and what their plans might be and specifically maintenance going on out there, so I am expecting to meet with them in person at the property within the month. Mr. Fisher and I have met and he has dropped off receipts as a few they are, things now coming out of the pit and the lunar eclipse is 4:00 a.m. this morning.

Chris Braly: You mentioned the CUP is pulled to December, do you have any, the second reading of the CUP, do you have any additional information to share with Council.

Justin Nelson: I accumulated the last piece that I think I needed this morning.

Chris Braly: Okay.

Justin Nelson: So that should be coming out in an email to all parties very, very soon.

Chris Braly: And then, have you, were you able to schedule that meeting between Bayt Design and the landowner.

Justin Nelson: Not yet, I'm waiting for him to get back and we need an invoice from him to get that authorized or I'm sorry dispersed. So, he is on vacation until Monday, so I will get with him on Monday. The homeowners are ready to begin anytime.

Chris Braly: So, I don't know if everyone remembers but, there were when Bay Design came in July, there were four items that Lara had highlighted that we needed to resolve for Bay Design to finish the North Commons Development, or the site plan for the North Commons, and, at that meeting we resolved three of the four, but one of the items was we needed to reach out to the landowner and see if they were agreeable to the Town having access to run the drainage through their property so Justin has been working to coordinate that meeting.

Justin Nelson: I've already met with them.

Chris Braly: He's already met with the landowner, but he is working to coordinate the meeting between Bay Design and the landowners so Bay Design can specifically kind of tell them what they need. A result of that meeting will require probably the Town to enter into some formal agreement with the landowner through the County giving us access....

Frances Westbrook: Or easement....

Chris Braly: ...or easement or something. We are also going to need to appropriate additional funds for the Bay Design contract. In that meeting there were additional funds that could be required that we, we voted to move forward with the plan, but we never appropriated the money. One of the costs was like the abandoned well permits that we needed to get to do something with. One was a permit or something through DEQ, and then one was the work required assuming the landowner would allow us the easement. So, there was no reason to appropriate that because if the landowner didn't want to do it, then we would, then Bay Design would have had to come up with something else.

Bonnie Schaschek: But, why are we getting permits to do anything with the wells right now if we haven't even decided if we are putting this structure there.

Frances Westbrook: We're not, we....

Chris Braly: Well, it was my understanding that the, what Bay Design needed was us to either approve what their proposal was, but then with that proposal that Lara had there were additional funds required, and so, what I was hoping to do is once Justin coordinated the meeting between Bay Design and the landowner have everything worked out, have Bay Design come back and give us an exact idea of what the additional costs are going to be....

Bonnie Schaschek: What the costs are going to be....

Chris Braly: ...there is no point for them to do it now if the landowner didn't want us to do that so, Bay Design, hopefully we can get it done before the December meeting and have Bay Design come back in December to tell us what the cost would be....

Frances Westbrook: Well they typically bill us for work they've done, so are you suggesting that we have to pay in advance.

Chris Braly: Well, this was listed as an additional service that was required based on...

Frances Westbrook: They haven't performed the service yet either for reasons you just stated and but once the work is done and they invoice us, that is when we typically appropriate or pay the bill.

Chris Braly: Okay, okay, I thought we by entering into the contract, I assumed that the contract was appropriated so....

Wayne Nunnally: Do we have a committee that....

Frances Westbrook: It is just extra fees....

Wayne Nunnally: ....doing this project....

Chris Braly: No, I'm just following, I'm just following up from, the problem was that at the time that Bay Design came it was....

Wayne Nunnally: ...another point I was making, I don't mind you doing it, but it really is a Facilities and Streets....

Frances Westbrook: Actually it is zoning....

Wayne Nunnally: So....

Frances Westbrook: ....actually it is a zoning issue.

Chris Braly: And there was the transition between Lara and Justin....

Frances Westbrook: Right.

Chris Braly: ...and I think that fell through the crack and I was just worried....

Frances Westbrook: If there were extra fees beyond what we already signed with on the contract then, we need to discuss that, they need to give us the detail on that....

Chris Braly: Right.

Frances Westbrook: ...so we can decide, yes, we want to go through with it, but here again, we wouldn't appropriate anything until they have performed....

Chris Braly: Gotcha, okay.

Frances Westbrook: ...then we would appropriate for the...

Chris Braly: ...gotcha, per the invoice.

Frances Westbrook: Right.

Chris Braly: Okay.

Frances Westbrook: Okay. Justin anything else from you?

Justin Nelson: No ma'am.

Frances Westbrook: Any other questions?

Dudley Patteson: A couple of things, one thing, referring back to the transition between Lara and Justin....

Frances Westbrook: Uh huh.

Dudley Patteson: ....what do we know about the pink house, that was something that needed to be....

Frances Westbrook: The what house?

Dudley Patteson: The pink house, the CUP that was approved, about plumbing and electric and....

Frances Westbrook: No, I think there was plumbing and electric....

Justin Nelson: There is no effort whatsoever to finish the upstairs floors....

Dudley Patteson: Did they comply with the CUP as approved?

Justin Nelson: Yes.

Dudley Patteson: Okay.

Frances Westbrook: That's my understanding.

Dudley Patteson: Okay.

Frances Westbrook: Okay. Anything else? Alright, thank you Justin. Committee reports up first, Budget & Finance, Anthony.

J. COMMITTEE REPORTS

- Budget & Finance Report, Anthony Marchetti, Chair

Anthony Marchetti: I guess we are doing the first reading of the amended budget. I just wanted to note that there were a few changes from what was put forth at the Public Hearing and most of that had to do with just after that meeting, after the closed session, a vote was passed to hire Sands Anderson, so, most notable adjustment if you will, will be under Professional Services, and that was to account for the hiring of Sands Anderson. I did go back and look at money that we had spent year-to-date on Legal Professional Services and then projected how much we would need moving forward and that's where that new number I came up with. Then, let's see, under Capital Budget I was advised by Jay Sanudo our Treasurer, that unless it was a very rare special circumstance he didn't see where sidewalk repair would be an allowable ARPA Funds use, so I just, it is still in the Capital budget, I just pulled it out from under the ARPA....

Frances Westbrook: Umbrella....

Anthony Marchetti: ...umbrella, yeah, so it is still there it is just you know, say if we were building a new hospital then maybe we could claim the sidewalk in front of it was part of it, but....

Frances Westbrook: Okay.

Anthony Marchetti: Just following his guidance there on that one. I just wanted to note the few changes from what the folks saw at the Public Hearing to the first reading.

Frances Westbrook: Alright, and since this is first reading, would you just go over the items that are changing in this amended budget just highlight them.

Anthony Marchetti: It's just Professional Services was the only dollar amount change.

Frances Westbrook: Okay.

Anthony Marchetti: Public Safety and Code Enforcement is all living under Public Safety and Code Enforcement for White Stone, the number didn't change we just moved, remember it was under Charitable Donations?

Frances Westbrook: Right.

Anthony Marchetti: And that's it. Capital Budget and that number didn't change, just the sidewalk repair was pulled out from ARPA.

Wayne Nunnally: Thank you for all your hard work.

Frances Westbrook: This is also, on our website correct?

Laurel Taylor: Yes.

Anthony Marchetti: Yes.

Frances Westbrook: As well as the proposed amended budget. Alright, next month in December we will have a second reading and possibly vote on this. Anything else from you?

Anthony Marchetti: That's it, we got a line item, Agenda item for CARES Act later, so I'll save the CARES Act for that.

Frances Westbrook: And....

Anthony Marchetti: Agenda item....

Frances Westbrook: ...we do need to get on, where are we on getting the corrections to the financials that came out of the investigation?

Anthony Marchetti: Um, you want to touch on that.

Chris Braly: I was going to report at the CARES Act, but I can report now.

Frances Westbrook: Okay.

Chris Braly: Whatever you want.

Frances Westbrook: Either way.

Chris Braly: I'll just wait until the CARES.

Frances Westbrook: Okay, that's good, alright.

Anthony Marchetti: We should have what we need, Council approval, but we should be able to close our 2021.

Frances Westbrook: Jan....

Anthony Marchetti: 2021.

Frances Westbrook: Yes, and so you all will give us a spreadsheet for lack of a better word showing us all those, good, okay thank you. Okay, next HR Committee Dudley do you have a report for us tonight?

- H.R. Committee, *Dudley Patteson, Chair*

Dudley Patteson: Finally, no report other than we will be discussing some things in closed session.

Frances Westbrook: Yes. Alright, thank you. Mr. Nunnally, Facilities, Streets and Sidewalks.

- Facilities, Streets, and Sidewalks Committee, Wayne Nunnally, Chair.

Wayne Nunnally: Over a couple of meetings back Dudley gave us a lecture on anything having to do with his committee should it come through his committee so, I would appreciate it if anything with facilities and streets and what have you that you are not overly concerned about you let the chair of that committee know. To bring you up to date on the sidewalk issue, I have finally managed to get a colored thing of what we own and what they own, I believe.

Frances Westbrook: What we own and what VDOT?

Wayne Nunnally: Yeah, I'm still waiting on one confirmation letter that they will eventually get to me.

Frances Westbrook: I did run by this afternoon; I suspect that what you are looking for is on the computer and I did not go on the computer without Laurel there. You are looking for the....

Wayne Nunnally: ...use that money for that, that was really all that we could.

Frances Westbrook: Yeah.

Wayne Nunnally: I have contacted one sidewalk contractor and he is to be getting up with me in the near future because I again was not absolutely certain of exactly what was ours, I think I am, but I want to be certain before we start contracting with that. Is there anything else I want to bring up at this time? I think that will do it at this particular moment in history for facilities.

Frances Westbrook: Alright, thank you sir.

Dudley Patteson: I would like....

Wayne Nunnally: There is one other thing, I'm sorry Dudley....

Dudley Patteson: After you.

Wayne Nunnally: Jason tells me, you know we have been waiting on this survey that the VDOT was supposed to give us, we have talked about that and talked about it and what it is going to be, it has been done and Jason tells me it is in the office along with several recommendations and he'll be getting that to me this week and we will be able to discuss those alternatives.

Frances Westbrook: Is this the survey they did for the traffic study?

Wayne Nunnally: Yeah.

Frances Westbrook: Is that the results of that, okay.

Dudley Patteson: My only comment is, I would ask the committee that they look at the bigger picture of what grants are out there for streets safe programs, obviously White Stone and Kilmarnock have benefitted from refreshes and it seems to me that sidewalks would be a standard use of funds to improve the Town and the streetscapes of it.

Wayne Nunnally: Yeah, I proposed a couple to VDOT, Dudley. One of the things that I found fascinating was in some of the more advanced countries, they are using 3D crosswalks and if anybody wants to go online and plug in 3D crosswalks, you'll be amazed that it controls traffic. They painted a Trump lawyer....

Dudley Patteson: Oh, yeah, yeah....

Wayne Nunnally: ...on the street and it looks like a barricade or it looks like a manhole cover or something and you slow down when you see it. But, I haven't been able to get that past them, but I will check for other grants.

Dudley Patteson: Virginia Tourism would have several that....

Wayne Nunnally: If you have a site, please share.

Dudley Patteson: I'll be happy to.

Frances Westbrook: Okay, anything else, Mr. Nunnally?

Wayne Nunnally: That's it, thank you Madam Chair.

Frances Westbrook: I thank you. Community & Special Events Committee, I know Anthony is there anything there to report on.

- Community & Special Events Committee, *Anthony Marchetti*

Anthony Marchetti: No report, I was just going to mention about the tree lighting, but you already took care of that so.

Frances Westbrook: Yeah, we'll have to set a date for that and bring it forward probably at the December meeting.

Bonnie Schaschek: They are going to decorate it on Friday after Thanksgiving. Now last year he requested because there was like 10 or 12 of us there to give him a hand but he doesn't need all that help this year....

Frances Westbrook: He doesn't want any help.

Bonnie Schaschek: ...somebody from the Council, is there going to be somebody there?

Frances Westbrook: I'm going to go by about 9:00, yep.

Bonnie Schaschek: Okay.

Frances Westbrook: I'm going to by about 9:00 in the morning. Mr. Braly, Select Committee to Implement Investigation Recommendations.

- Select Committee to Implement Investigation Recommendations, *Chris Braly, Chair.*

Chris Braly: Nothing to report.

Frances Westbrook: Okay, thank you. Planning Commission update Mr. Braly.

- Planning Commission Update, *Chris Braly, Liaison.*

Chris Braly: The Planning Commission will hold their regular monthly meeting on December 7th at the town office. At that meeting they will vote on the firm they would like to recommend to Town Council to conduct the survey and comprehensive plan update and, their plan is to then present their recommendation at the December 9th Town Council Meeting.

Frances Westbrook: Very good.

Chris Braly: Also the proposed changes to the CUP process that Mr. Chapman was working on have been, the recommendation has been voted on and I believe that those were sent to Sands Anderson for legal review.

Frances Westbrook: I handed those to Mr. McRoberts Tuesday.

Chris Braly: And they hope to make a recommendation at the December 9th meeting as well.

Frances Westbrook: Very good, very good.

Chris Braly: Is there anything else I forgot?

Female: No, the only other thing would be the Planning Commission wants to start a process in January.

Wayne Nunnally: Start what process?

Frances Westbrook: Survey….

Chris Braly: January.

Bonnie Schaschek: What time is the December 7th meeting?

Chris Braly: 6:30.

Bonnie Schaschek: Thank you.

Chris Braly: Again, December 7th, 6:30 at the town office. I believe the notice is already up on the website.

Laurel Taylor: Yes.

Frances Westbrook: That's the regular meeting?

Chris Braly: Regular meeting.

Frances Westbrook: Your regular meeting time, date, okay. Alright moving onto old business.

K. OLD BUSINESS

- First Reading of proposed amended budget – FY 2021-22.

Frances Westbrook: First reading of the proposed amended budget that we just basically went through. If there aren't any other questions, you pointed out the changes Anthony.

- Sands Anderson Contract, Frances Westbrook.

Frances Westbrook: The Sands Anderson contract, I just wanted Town Council to be aware of the fact that it was in your meeting packet. That has been signed, I have not given that to them until tonight.

Chris Braly: I was surprised to see that there wasn't an hourly cap per month in the contract.

Frances Westbrook: It is, we had verbally agreed to 10 hours a month for the first few months and then it will be as needed. We are hoping it will go down a little bit after a few months. It is going to be some work and some training that he will be doing, a couple of little classes with the Planning Commission and Town Council, things of that nature so that will be a little bit of extra time there, but they have agreed when we are getting near that 10 hour mark they are going to let us know so that we can stay in control of that.

Chris Braly: I was also surprised they didn't exclude the travel expenses in the agreement as well.

Frances Westbrook: They did exclude the travel expenses.

Chris Braly: I didn't see it in the contract.

Frances Westbrook: Yeah, it's there, I remember reading it.

Anthony Marchetti: They had it in the proposal….

Frances Westbrook: Is that where it was?

Anthony Marchetti: Almost 2-page contract that….

Frances Westbrook: They are not charging us travel because Mr. McRoberts lives here in Irvington and even if Mrs. Seay is the one who comes from Richmond to attend a meeting in his absence, they still will not charge us travel.

Chris Braly: Okay.

Frances Westbrook: Since he is the principal. Alright, then I will hand that contract over first thing in the morning. Ms. Keane do you have an update for us on…

- Fisher's Pit update, Nancyellen Keane, Esq.

Nancyellen Keane: I have an activity report, just a brief one.

Frances Westbrook: Okay.

Nancyellen Keane: I had a number of conversations with the DEQ attorney who represents the, the Attorney's General's office representative for DEQ, sorry about that. As a result of those conversations the DEQ has performed a site inspection at Fisher's Pit. I am waiting for a copy of that report, it still hasn't come in yet. There has been some evidence provided that several loads of debris have been removed I think Justin referred to that. I think there are exactly three loads that have removed. Even though we have evidence of over 1,000. I had drafted correspondence notifying the property owners of the Town Council actions to declare the property a nuisance and to prohibit burning and several other matters and I tried to arrange with Justin for him to visit the site. He is supposed to be doing that soon, and I am awaiting the report from the Attorney General's office in order to get their assessment of it. The rest of the report will be in the closed session.

Frances Westbrook: Thank you.

Wayne Nunnally: Is there more than one property owner down there that we are dealing with?

Nancyellen Keane: It is, it's a Et al, it is, when you read who owns it, it's a family member in New Jersey and it is several family members, it's like four of them.

Wayne Nunnally: Thank you. When I spoke with Eric on that he told me just in passing, I happened to see him, he said it was under contract, they were selling it for whatever that's worth.

Nancyellen Keane: That's the other two parcels which are in the County.

Wayne Nunnally: Okay.

Frances Westbrook: Alright, thank you. Anthony CARES Act Fund.

- CARES Act Fund, Anthony Marchetti.

Anthony Marchetti: Alright, so Chris is actually going to lead this conversation and I'm actually going to recuse myself from this conversation, I just feel it is a possible conflict with my business.

Frances Westbrook: Okay.

Anthony Marchetti: I'm going to sit over here and let Chris give you all the updates.

Dudley Patteson: I also need to recuse myself....

Frances Westbrook: Recuse yourself...

Dudley Patteson: ...for possible or not conflicts, future conflicts of interest.

Frances Westbrook: Thank you.

Chris Braly: So, Budget & Finance was able to get all of the information from our treasurer regarding what has been spent on and allocated to the CARES Act. The law stated that, the law was passed in July of 2020 stated that you could backdate any expenses up to 03/01, 03/01/2020. I spoke with Mr. Sanudo about getting expenditures, the law was passed 03/01, the funds were received in July.

Frances Westbrook: That's right.

Chris Braly: So, you could go back to March 1st. I spoke with Mr. Sanudo about expenditures from March 1st, 2020 to June 30, 2020, he indicated that since we were under budget in that fiscal year that we would not be able to allocate expenses to CARES because the requirement for CARES was that the expenditure needed to be a nonbudgeted expense and we were under budget by quite a bit in fiscal year 2019/2020....

Frances Westbrook: Due to COVID.

Chris Braly: ...he didn't think we could justify using those funds for CARES, so....

Frances Westbrook: Interesting.

Chris Braly: ...I did not look at any expenses from March 1, 2020, to June 30, 2020, and I left those alone. So then I had him send me the expenses that had been allocated from July 1, 2020 to June 30, 2021, as well as the general ledger for that time period. Currently allocated was $25,766.38, and that is what has currently been allocated. Now after reviewing what was allocated, I have additional copies for anyone who might, after reviewing what was already allocated, I believe that we need to remove $1,182.50. It was originally allocated to Bay Design Group and then Town Council voted that their work

could not be CARES Act money could not be used, so we need to go and reverse that allocation. I also found $2,628.63 in qualifying expenses relating to the new town office and a zoom subscription. So, what our recommendation is for fiscal year 2020/2021 is to revise the total spent funds to $27,212.51 to reimburse the general operating account from the CARES account by that amount of money, date that June 30, 2021, the last day of the fiscal year and then reduce the CARES account and deferred CARES revenue by that same amount and then we can close our fiscal year 2020/2021. Then I had him send me the same information for fiscal year 2021/2022 and he sent it from July 1 to November 12th, that's when he sent it. I believe there is $945.00 that were allocated that should be removed. It was an invoice for Mill Creek....

Frances Westbrook: Geek....

Chris Braly: ....Geek...

Frances Westbrook: Uh huh.

Chris Braly: ...and I think the whole invoice was classified as CARES but only a portion related to the grant, the website part for the grant should be allocated....

Frances Westbrook: Okay.

Chris Braly: ...so I think we need to remove that. There is nothing to add that was missed and so the revised spent should be $8,446.00 as of November 12th and so then I would propose to reimburse general operating account from the CARES account for that amount of money dating that November 12th and then reducing the CARES account and deferred CARES revenue by the same amount. That brings us from July 1, 2020 to November 12, 2021, a total amount spent of $35,658.51 out of a total possible $70,490.42. That means that we have $34,831.91 remaining to be spent by December 31st, and so I know that there was some interest in microphones possibly that had been discussed several times, but we've been going now so long without them, I don't know if it would be worth using it or not, but my proposal would be to award grants to Irvington businesses to use up all the funds and my proposal would be to modify the terms of the first grant process basically allocating allowing Irvington businesses to apply and divvying up the money equally to all of the applications that we receive. I think that the businesses in Irvington did suffer during the pandemic, and I can't think of a better way to use the money especially as the clock is ticking and about to run out.

Wayne Nunnally: You've obviously done a great job on this. Thank you for that, but what can we spend it on? Is there other items left that we can spend it on?

Bonnie Schaschek: They're....

Chris Braly: Most of the CARES Act funds were specifically designed to deal with the immediate impacts of the pandemic so if we had a staff of 25 that we sent home and they weren't being paid because they weren't working, we could use the money to reimburse. If we had a police force that was on the front line and possibly being infected with COVID we could give them extra money. If we had a hospital or if we were hosting vaccine clinics or testing sites we could use the CARES money for that. We didn't have anything like that.

Wayne Nunnally: Can we establish a police department.

Chris Braly: I don't think you would be able to establish a police department with that much money.

Wayne Nunnally: Seed money is what I'm asking.

Chris Braly: So, it was really designed and we had minimal PPE that we bought, we did have a couple dividers in the office to help you know facilitate separation and that kind of stuff, so there was expenses, there were expenses that were not budgeted that qualified that we did use them obviously, but there's a lot left and I think that at this time just awarding grants to businesses....

Frances Westbrook: Now we did...

Bonnie Schaschek: We already approved that once...

Frances Westbrook: Well yeah, but nothing has happened.

Bonnie Schaschek: Yeah, but nothing has happened. So, it has already been approved, nobody's....

Chris Braly: Well, what we approved was up to $10,000, the same terms as the prior one and what I would like to do is change those terms to basically award the rest of the money equally to all people who apply. Now, we would need to change a couple of the documents that are posted on the web to change some language there. We would also want to advertise it extensively calling all of the Irvington businesses individually to ensure that that they know they can apply, but you know maybe running an ad in the paper and....

Bonnie Schaschek: Just post it at the post office. I wouldn't run an ad in the paper.

Chris Braly: So, but, we would need to change the terms from what was approved. I did speak with Laurel today, we didn't receive any new applications…..

Bonnie Schaschek: We haven't.

Chris Braly: …and so, you know I think that we would receive applications if there was a huge effort to publicize it and you know contacting all of the businesses and let them know what the plan is.

Frances Westbrook: We can probably use the same application, it is very possible that…

Chris Braly: We would just need to change it….

Frances Westbrook: …door to door….

Chris Braly: …we would just need to change the language a little bit….

Frances Westbrook: That's right.

Chris Braly: …and so I don't, if it's acceptable to everyone then you know I think that what the appropriate thing to do would be to make a motion to change what was already approved to the new terms and implement those immediately and then pick a deadline for when the applications have to be submitted by.

Wayne Nunnally: Are we making a motion?

Frances Westbrook: Hold on a minute, more discussion, Jackie?

Jackie Brown: I think this microphone thing shouldn't be ignored. We can't, I can't hear a lot of public comments when somebody is talking from way over there, and I'm not talking an elaborate system, I'm not talking spending $30,000 on microphones but I think we need to get some kind of sound system in here so that we can all her each other better.

Frances Westbrook: And I think it's important, we do have sometimes in the audience those that have difficulty hearing us and Jackie has from time-to-time had difficulty hearing everything that is said. I know Laurel has expressed the same thing. So, I like your idea but I would like for us to real quick see if we can't get a cost factor and it doesn't have to be anything elaborate and just back that out of this and that balance does exactly….

Chris Braly: So would it be appropriate then to back $8,000 out of this because the original estimate, you said the estimate was $7,000 to $8,000….

Frances Westbrook: Uh….

Chris Braly: …that might be conservative….

Frances Westbrook: …I thought I said $7,000 but maybe you might be right, hold on….

Laurel Taylor: $7,000 to $8,000.

Frances Westbrook: $7-$8,000 okay.

Chris Braly: That would be conservative.

Frances Westbrook: If we are talking just WIFI type microphones and do they amplify themselves is that what I'm understanding.

Chris Braly: Some systems have a like in, it's probably inside the main speaker that broadcasts the sound that has the amplification, but I mean there are systems that are $5,000, you know portable systems that are $5,000, $4,000....

Bonnie Schaschek: But you don't need to wire the building and all that?

Chris Braly: No, but you know, if we, I mean the question is how can we, how can we spend all of it appropriately....

Frances Westbrook: Not have to send any back, yes.

Chris Braly: You have to think that if you don't spend $7.62 that they are going to, I don't know if they'd make you send that back or not but....

Bonnie Schaschek: Probably.

Frances Westbrook: If they do, we will.

Chris Braly: Right, but my point that this sum of money is too large to send back in my opinion.

Bonnie Schaschek: I'm surprised we haven't gotten any applications.

Chris Braly: I don't know if it was publicized that well and because it wasn't publicized very well so, unless you were at the meeting or listened to the audio.

Frances Westbrook: We might could employ also the new Irvington Business Group that organization....

Chris Braly: To get the word out.

Frances Westbrook: ...to help get the word out.

Chris Braly: So I guess because time is running out, would it be prudent to come up with a number and say this is the pot that we are going to offer and you, we will be accepting applications up until this date, we will be making the awards on this date, and if, I mean there is not 100 businesses but if 15 businesses apply then it is distributed equally amongst all 15 and if 5 businesses apply then it is distributed equally amongst all 5. We just have to....

Frances Westbrook: The concept I think is minimal to me, I mean I don't know how you....

Bonnie Schaschek: I'm fine with it. We have been trying to get the businesses to do....

Frances Westbrook: Yes we have.

Bonnie Schaschek: ...this for a while. That's why I'm just surprised that nobody has bothered applying.

Frances Westbrook: So....

Bonnie Schaschek: It's been quite a while that we keep saying the funds are there for them to use.

Wayne Nunnally: I thought we already did give grants.

Bonnie Schaschek: We did and then we wanted to do a second round.

Chris Braly: We voted on a second round.

Frances Westbrook: To do a second round.

Bonnie Schaschek: Because we don't have schools, we don't have police departments....

Chris Braly: Right.

Bonnie Schaschek: There is very little other....

Chris Braly: Yes..

Bonnie Schaschek: ...than hand sanitizers, paper towels that we can spend the funds on.

Chris Braly: Apparently there's a shortage on those.

Bonnie Schaschek: So you know it's.

Frances Westbrook: So Chris if we had a round number to offer for that, say $26,000, that's a little bit more than the $8,000, but it is a round number, would that work for you, would you...

Chris Braly: Sure, I mean, as large as the Council feels comfortable with, I mean, if we reserve some money for microphones, and we reserve a pot for small businesses, and then we get the word out and we have a deadline and go from there.

Frances Westbrook: Okay.

Wayne Nunnally: Why don't we do that tonight and then if we can't get the microphones, then we....

Frances Westbrook: ....we can just sweep the pot basically....

Wayne Nunnally: ...until December, right. So, what's the deadlines we want to use?

Chris Braly: Well, I mean, so we are meeting one more time before the end of the year…

Frances Westbrook: That's the time we need to vote.

Bonnie Schaschek: We need to take the proposals, the paperwork that is already there and then back into those dates.

Chris Braly: Right.

Bonnie Schaschek: So starting now when is the next one and the next one. I don't remember what dates we had on there before. I can't remember.

Frances Westbrook: I don't remember either but if we put a deadline on there so that we have these requests…

Bonnie Schaschek: If we have the paperwork by the 12th…

Frances Westbrook: In time for the next meeting.

Chris Braly: So, the last time it was November 18, 2020 was the start and the close was November 24th, so that wasn't….

Frances Westbrook: Very long.

Chris Braly: …that much time.

Bonnie Schaschek: Well, that's because at that point we thought we had to give the funds back in December of that year.

Chris Braly: Okay.

Bonnie Schaschek: And everything had been rushed, so I would say just, we they have to get the applications, when is our next meeting, the 11th.

Frances Westbrook: The 9th.

Chris Braly: The 9th, so by the 8th.

Frances Westbrook: So, if we could get this, we are at the 18th now, if we can get this information out to them the middle of next week.

Chris Braly: I mean I was going to work with Laurel….

Bonnie Schaschek: It's on the website so we just need to change the date on the website.

Chris Braly: I was going to mark these up and send them to Laurel to change a few things.

Frances Westbrook: To change, but what I'm talking about is literally getting this in their hands….

Chris Braly: By Monday….

Bonnie Schaschek: By Monday.

Chris Braly: On Monday, have them available on Monday.

Frances Westbrook: It might be Tuesday.

Chris Braly: Tuesday, if I can get, I mean, I'll do the markups and get them to her tomorrow.

Frances Westbrook: Okay she is not going to be in the office tomorrow she is going to be with her husband tomorrow.

Chris Braly: Okay.

Frances Westbrook: Okay, you can certainly send them to her if you want to but you might want to go over those with her in person so let's just say if we can get these out Tuesday and I'm proposing that you know maybe we can go door to door, I would be available to help do that....

Justin Nelson: I'll go door to door.

Frances Westbrook: We can do that.

Chris Braly: We can put them on the website, we can put a notice in the...

Bonnie Schaschek: In the post office and then....

Jackie Brown: Can we just email them an application.

Chris Braly: I'll send an email to the business association with....

Bonnie Schaschek: And that should be sufficient.

Chris Braly: ....an updated application.

Frances Westbrook: I don't see where it is all that big a deal to literally place in their hand the application and there is a deadline on the application we need to get it back because if we don't get the interest in this we are going to be sending this money back.

Wayne Nunnally: So, what's that deadline?

Frances Westbrook: So.

Bonnie Schaschek: I would say they have to have them back to us by the 8th if our meeting is the 9th.

Frances Westbrook: Let's back that up let's say Friday the 3rd.

Chris Braly: Okay.

Frances Westbrook: A week time to get all that together.

Wayne Nunnally: If they haven't done it, then the rest we could spend on microphones, whatever is left.

Bonnie Schaschek: No, they are keeping $8,000 out for the microphones.

Wayne Nunnally: That's what I said.

Frances Westbrook: We can say the Thursday deadline, we will have a straggler or two perhaps, so December 3rd is the deadline and then we'll deal with it and....

Chris Braly: $26,000 will be the pot that we....

Bonnie Schaschek: Depending upon how many applicants.

Chris Braly: It's divided equally.

Frances Westbrook: Yep, and December 9th and we will appropriate the funds accordingly. Okay.

Bonnie Schaschek: I think we had like 10 last time.

Chris Braly: I think it was 6.

Frances Westbrook: I think it was 6. Alright very good, any other questions.

Wayne Nunnally: Thank you Chris.

Frances Westbrook: Very good. Alright gentlemen would you like to rejoin us.

- FlackShack, Anthony Marchetti.

Frances Westbrook: Alright the next item on Old Business is FlackShack, Anthony I do believe that is yours.

Anthony Marchetti: Just an email from Susan. This is just an email, probably nothing we haven't talked about, I just wanted to share with Council, and we can obviously get it out to the public that Susan French said she can you know for the remaining what would be 6 months of our fiscal year I guess cater to our budget, adjust her scope's not the right word, frequency, you read through it's got the details. I just wanted to keep it on everybody's radar, right now there is no money for this in the budget but if the proposed budget there is that new line item for tourism support. I just wanted Council, everybody to be thinking on it. I just didn't want to, we don't have to go this route, but we've got 6 months, you know the budget goes through, this seems like a really easy way to be doing something right away and use that money. I'm open to other ideas of course but just wanted to keep this on the surface so people could think about it, if the budget passes in December you know we can go, if we go this route, commission FlackShack as soon as we can so that we can get them, get their services as much as the remaining fiscal year as possible. That gives us

the time on the new budget to, I guess we don't have to decide for the new budget, but we have more time to figure out how we will spend it next fiscal year.

Frances Westbrook: Okay this is informational for us.

Anthony Marchetti: Information, yeah, she is basically doing the same thing she did before, I guess a lot of the leg work, heavy lifting has already been done and she just proposes what frequency she would do each of the things that she does in terms of social media posts, website contact, calendar updates, blog, etc. So, that's all I got.

- Golf Car Registration Form, Frances Westbrook.
- Short-Term Rental Registration Form, Frances Westbrook.

Frances Westbrook: Alright, the next two items we will take in tandem that is the golf cart registration form and the short-term rental registration form. They were in your packet. These are the proposed registration forms we will be using. I do not believe we have determined a fee for the registration of short-term rentals and that is what we need to come up with.

Anthony Marchetti: So, it won't go into effect until?

Frances Westbrook: Until the next go around.

Anthony Marchetti: Until the next go, so that would be the…

Frances Westbrook: That's right.

Anthony Marchetti: ..that's not included.

Frances Westbrook: That's something that we are going to have to think about and we are going to have to go into the next budget which you guys will start working on almost immediately.

Anthony Marchetti: Just one giant budget.

Frances Westbrook: But the golf cart registration form, we can start using that fee was already determined to be $25.00 and if you all don't have an objections then I'll ask Laurel to start using this fee the first of the year for golf cart registrations.

Chris Braly: I'm confused about the short-term rental one, was the, when the ordinance was passed was there a fee proposed for that or, why?

Frances Westbrook: There's never, we've never decided on a fee, there has never been a fee schedule, that has been submitted with the budget that we have to pass every year….

Chris Braly: Right, yeah.

Frances Westbrook: …so that's not been a part of our fee schedule to date.

Chris Braly: But we can still use the short-term registry just….

Anthony Marchetti: We can't charge for it, there's no fee for it.

Chris Braly: Right. I mean I think we should do that because it.

Frances Westbrook: We can do that.

Chris Braly: I mean I think we should.

Frances Westbrook: For the first year.

Chris Braly: It has been passed and implement it.

Bonnie Schaschek: Six months.

Anthony Marchetti: We can still capture the registry.

Bonnie Schaschek: I think at one time we used to charge $50, way back when.

Frances Westbrook: We never had a registry.

Bonnie Schaschek: No, but when they came in to do whatever.

Chris Braly: Does there need to be a fee.

Bonnie Schaschek: I can't remember.

Frances Westbrook: Not that I'm aware of.

Chris Braly: Isn't the point of this to track who should be paying their occupancy taxes?

Frances Westbrook: Yes, that is, that's the ultimate goal on this but no we've never had this before or charged a fee before.

Chris Braly: Right, I would recommend just implementing the ordinance that we passed without a fee associated with it because we want people to sign up so that we can make sure they pay their taxes.

Anthony Marchetti: Valid point.

Frances Westbrook: Yeah.

Chris Braly: I don't think there needs to be a fee associated with it.

Dudley Patteson: There should be a penalty if they don't…

Bonnie Schaschek: There is a fee, even the County charges a fee for the registration.

Frances Westbrook: All counties charge a registration.

Bonnie Schaschek: There is a bunch of administration work that has to be done. I agree for 6 months you want to try and get as many of the short-term rentals on the list as possible

since it is not in the fee schedule but then when we redo the budget we put a line item in the fee schedule for it, so I mean, that's....

Frances Westbrook: Nancyellen?

Nancyellen Keane: I was just going to tell you that the ordinance that you passed allows you to use that form whether or not you have a fee, allows you to have a fee and as Bonnie said yes you would need to determine what it is at the next go round to go on the fee schedule, your only allowed to charge as much as it would take to cover your cost.

Bonnie Schaschek: Right.

Nancyellen Keane: Anyway, so you could say that for the first 6 months while you're going through the first 6 months of it you are gathering information about what your costs are for doing this to justify what fee you put in your fee schedule when you get around to doing it, so that can be a way to test it in a way.

Frances Westbrook: So, if we came up with a fee it wouldn't go into effect until July 1st.

Chris Braly: Correct.

Frances Westbrook: So hence your 6 months of, it would probably encourage people to sign up before a fee is involved so.

Chris Braly: Yeah, and I guess what I would like to see is that we get as many people signed up as possible and the question is how do you do that without...

Frances Westbrook: It's an ordinance now, they have to.

Bonnie Schaschek: They have to.

Frances Westbrook: Yeah.

Chris Braly: I know it's an ordinance and they have to but....

Wayne Nunnally: Jason, Jason...

Frances Westbrook: You mean Justin.

Wayne Nunnally: Justin, I'm sorry.

Chris Braly: So you know short of having Justin go on VRBO and Air BNB and finding these places you know you are relying on a lot of people who don't live here.

Wayne Nunnally: One of my kids told me it is like 35, I had no idea that we had anything like that number.

Frances Westbrook: Well these two forms will be a part of the packet that we send out along with the septic inspection and pump.

Chris Braly: Ah okay.

Bonnie Schaschek: That's it, every resident regardless.

Anthony Marchetti: Every property owner would get the same form.

Frances Westbrook: For the Town of Irvington that has already been provided to us from the Town.

Chris Braly: Okay.

Frances Westbrook: So that way it will go to the property owner.

Anthony Marchetti: A way to get all that information.

Frances Westbrook: So, alright.

Chris Braly: Okay.

Frances Westbrook: So that's that. Alright that's the end of Old Business, do we have any.

- Public Comment.

Chris Braly: Hold on, there's public comment.

Frances Westbrook: Yeah, go there. So, the public is invited to speak to any of the topics we covered so far in Old Business. State your name and address please.

Tom Chapman: Tom Chapman, 62 Old Cove Road, in the CARES Act funds distributed to businesses, I don't know what businesses applied but just off the top of my head real estate did real well so I don't think we should distribute money to any real estate firms and realtors and I don't know if BNB count as a business but I don't think they should be getting any.

Frances Westbrook: I don't know if we can legally exclude.

Bonnie Schaschek: We can exclude by number of employees.

Frances Westbrook: Can we, I don't know.

Bonnie Schaschek: Yeah.

Chris Braly: There…

Frances Westbrook: Nancyellen has a comment on that.

Nancyellen Keane: I was going to say real estate is eliminated.

Frances Westbrook: Oh, they are eliminated.

Chris Braly: There's exclusions, the law excludes certain businesses.

Bonnie Schaschek: Yeah, it does.

Frances Westbrook: Alright so okay, well that will take some coordinating.

Bonnie Schaschek: Yeah, it is actually in the paperwork.

Chris Braly: And I think there was some stuff about your business had to be formed…

Bonnie Schaschek: By a date.

Chris Braly: …prior to a certain date, etc.

Frances Westbrook: I do remember that part, but I didn't know there were groups excluded.

Bonnie Schaschek: Yep.

Frances Westbrook: Anyone else? Alright, we'll move on to new business. Oh, I'm sorry.

Teresa Ransone: Teresa Ransone, 424 King Carter Drive. I have a question about the forms that y'all are doing.

Frances Westbrook: Uh huh.

Teresa Ransome: And I don't know if I'm reading them wrong or if I missed it but are these annual fees.

Frances Westbrook: Yes.

Teresa Ransone: And I'm sure that that is going to be enforced.

Frances Westbrook: We certainly hope so.

Teresa Ransone: In some way.

Frances Westbrook: Yep.

Teresa Ransone: With procedures.

Bonnie Schaschek: We are going to try.

Teresa Ransone: Because you know frankly, I did not know that the golf cart was, you were supposed to pay that every year, so I'm in arrears.

Frances Westbrook: Well, you and everybody in this room.

Bonnie Schaschek: We actually didn't collect it because we never put it on the fee schedule even though it had the ordinance.

Teresa Ransone: Now, I did pay it once.

Bonnie Schaschek: I paid it once too, but I haven't paid it since.

Wayne Nunnally: I've paid it five times.

Bonnie Schaschek: You've paid it five times. I have five stickers.

Teresa Ransone: I was just, it wasn't clear and there is no place on these forms to state they did pay.

Frances Westbrook: Yes, there is at the very bottom of the, let's see, it does at the very bottom, registration fee down here and proof of insurance.

Teresa Ransone: Oh, okay. Thank you.

Frances Westbrook: The requirements that are on these forms is by State Statute we have to have this information in order for us to have golf carts on the three streets that we are allowed to have golf carts on.

Chris Braly: Give Justin a golf cart with a little siren.

Bonnie Schaschek: That's a good idea.

Wayne Nunnally: A blue light.

Chris Braly: Sounds like fun to me.

Frances Westbrook: Siren on it for you to enforce.

Justin Nelson: I'm down. Well for my car $4.00 a gallon is expensive.

Frances Westbrook: Alright we'll move onto new business.

L. NEW BUSINESS

- Rappahannock Record ad to advertise two upcoming appointments for Planning Commission vacancies.

Frances Westbrook: We have two additional vacancies coming up on the planning commission, one of course is Julie as she moves into being our Mayor, so we will need someone to take her position starting January 1st of next year, [inaudible] Capps end of his term February of 2022, so those are two positions we are going to have to look at and so the reason why I'm bringing that up right now is that we need to keep that in the paper and I need your motion to do so.

Chris Braly: Steve Kimmith also his term already ended.

Frances Westbrook: We already have that.

Bonnie Schaschek: We have those.

Frances Westbrook: Yeah, that's part of one of the closed sessions tonight.

Chris Braly: Okay.

Anthony Marchetti: We had advertised for his Chris and there's just two more coming up.

Chris Braly: Oh, okay gotcha.

Frances Westbrook: New seats…

Anthony Marchetti: Additional seats coming up.

Frances Westbrook: Also, we need to appoint another member to the Board of Appeals, George Cooper as of September of this year, the end of his term and I don't think in the past that we have advertised in the Rappahannock Record for Board of Appeals, it is a five member group, quite frankly they seldom met and we may want to reach out to Mr. Cooper and see if he wants to be reappointed. We may want to look at some other candidates or whatever but we need to get that done sooner rather than later and I'd like to see that happen in December if possible since he expired, his term expired back in September.

Wayne Nunnally: He was the last one….

Frances Westbrook: He filled an expired, uh huh.

Chris Braly: I'll make a motion to keep the ad in the Rappahannock Record for….

Wayne Nunnally: Second.

Chris Braly: …the Planning Commission seats.

Wayne Nunnally: Second.

Frances Westbrook: Any other discussion, all in favor?

Group: Aye.

Frances Westbrook: All opposed? Motion passes.

Vote

Chris Braly, aye.

Dudley Patteson, aye.

Anthony Marchetti, aye.

Bonnie Schaschek, aye.

Wayne Nunnally, aye.

Jackie Brown, aye.

Motion (*Chris Braly)* To Keep the Ad in the Rappahannock Record for the vacancies on the Planning Commission – Motion passes 6-0.

Chris Braly: Who is going to reach out to Mr. Cooper to see if he wants to…

Frances Westbrook: I'll be glad to do that.

Chris Braly: Okay.

Frances Westbrook: Okay, so. Is that the general consensus of the Council?

Bonnie Schaschek: Uh huh.

Wayne Nunnally: Take a baseball bat with you.

Frances Westbrook: To make sure he says yes. Okay, alright, next item is Round Table, do we have anything Town Council member wishes to announce or bring forth.

M. ROUND TABLE

Chris Braly: I have something that I'd like to say but I have a real quick question, for the budget doesn't, haven't the previous budgets been passed with an official ordinance that gets advertised in the paper and everything so if this was the first reading was that done for this?

Frances Westbrook: We do not have that for this reading, we need to put, that could be a problem.

Wayne Nunnally: It can be fixed.

Frances Westbrook: It can be fixed, I mean this happened once before too, here a few months back so, alright let me see how I can rectify that, that could possibly entail a meeting to tell you the truth. Alright, let me see how I can rectify that.

Chris Braly: Before it delays the…..

Bonnie Schaschek: It's not necessary.

Frances Westbrook: We have the time I think, I don't want to speak out of turn, let me look at this and see, that's major. Alright, thank you.

Chris Braly: But I did have another topic I wanted to address.

Frances Westbrook: Sure.

Chris Braly: Thank you. I'd like to address the public comment regarding the sewer feasibility study made at the Budget & Finance Public Hearing on November 4th. While I appreciate the desire of Mrs. Chapman to have the Town conduct a prudent and careful analysis of a potential public sewer project, I do not believe that a preliminary study conducted by nonexperts is a necessary prerequisite for conducting an independent feasibility study. I do not believe that anyone on Town Council is qualified to lead any preliminary sewer study and I do not believe a Needs Assessment and Preliminary Economic Analysis will provide any information that an independent feasibility study will not provide. The article published by the Iowa State University Extension and Outreach decisionmaker an agricultural economics and business website for farm business decision

states that conducting a feasibility study is always beneficial to the project as it gives a clearer picture of the proposed project. Even though this article referenced by Mrs. Chapman in her comment was written for businesses to use as a guidance to "investigate the viability of a potential business venture" many ideas are applicable to our Town with regards to this project. The author stressed "the importance of a feasibility study is based upon the organization's desire to get it right before committing business resources times and budget". The authors believe that not doing a feasibility analysis can be even more expensive in terms of poor decisions you may make from not conducting the proper analysis. I believe that a feasibility study conducted by experts before the resident's survey and comprehensive plan update would best serve the Town of Irvington. I wonder how can the residents and business owners honestly answer survey questions about a potential sewer project without knowing the facts related to the estimated cost of the project and what will be required of them. A feasibility study conducted by experts will provide this. Without facts people can only speculate based on what they assume. No one knows what a project like this will require. No one knows how much the project will cost. No one knows if there are other sources of funding available to help keep the costs to residents and businesses down. This information will not be known until a feasibility study is conducted by experts. Unfortunately, I had to replace my septic system this year and let me tell you it was not cheap. If the feasibility study were to show that connecting to a town sewer system is much less than the cost of replacing a septic system, why wouldn't someone want to connect to the sewer system. On the other hand, if the cost to connect was much greater than that of a new septic system I wouldn't blame anyone for not connecting. No one knows which case will be true until an independent feasibility study is conducted. Many will argue that the economic impact of a project of this magnitude is the most important factor. However, in my opinion the environmental impact is much more important. I would hope that a feasibility study would also show the environmental benefits of switching to a public sewer system. Did you know that most of Carter Creek is deemed a condemned shellfish area by the Virginia Department of Health effective October 15, 2021 notice #021-041 states that some portions of the creek are seasonally condemned from April 1 to October 31, before a large portion of Carter Creek it is "unlawful for any person, firm or corporation to take shellfish from this area for any purpose". In a 2019 article addressing

the problems of failing septic systems published by Rivers and Coast an annual publication of the Center For Coastal Resources Management at the Virginia Institute of Marine Science the authors indicate that even "a properly installed and correctly functioning septic system can still deliver a significant load of nitrogen to adjacent waters through shallow ground water. They also indicate another problem with septic systems is that recurring tidal flooding over drain fields due to sea level rise are expected to aggravate the situation. A failing system due to increasing saturation can deliver even more nitrogen, phosphorous organic matter, bacteria and pathogens. It is the responsibility of Town Council not only to focus on present day issues but be forward thinking about issues that may present themselves well after we are gone. As a group we decided to apply for the ARPA Funds. The Federal Government allows for these funds to be used for investments in water and sewer infrastructure. In the interim a final rule issued by the Department of Treasury the ARPA provides funds to state, local and tribal governments to make necessary investment in water and sewer infrastructure. By permitting funds to be used for water and sewer infrastructure needs congress recognized the critical role that clean drinking water and services for the collection and treatment of waste water and storm water play I protecting public health. Whether or not to move forward on a town sewer project is not an economic issue, it is a public health issue. All funding used to conduct the feasibility study will come from the ARPA Funds that we as a group decided to apply for. Not a single dime of the Town's money will be used for the feasibility study. We need to move forward, have experts conduct an independent feasibility study and obtain factual information in order to make the best decision for the Town of Irvington. Thank you.

Frances Westbrook: Your welcome. Anybody else.

Wayne Nunnally: I'll just make one quick comment. There is a great deal, good hard work Chris, it is hard to disagree with what you said but some communities may have in it those experts that know how to build systems, have built systems and can give us that advice on a pro bono basis before we have to spend any funding. I would be totally against it if we had to spend the whole funds but if ARPA is available I understand that and we will hopefully use those if we go forward but this, an independent committee could give that group a lot of help if they know what they are doing. A few years back Ed Sulick who is a wonderful gentleman, he spent a lot of work on this, a study that is way out of date

now, but it was 5 years ago and the information he was brought back was phenomenal and unpaid for. So, I don't want us always to be jumping, jump, jump, jump to spend money when you know if we can do it cheaper and get the same quality and or experts are available to us we should employ them and it is basically if they are willing to work but that is another discussion but thank you for your good work on that. The one thing I want to be absolutely certain on okay, I got hood winked on this money when we hired Bay Design. In that motion that I made to hire Bay Design I specifically put the money was coming out of ARPA Funds, COVID funds....

Chris Braly: Uh huh.

Wayne Nunnally: ....and I would not have made that motion, now that the people had to pay for it, so before we jump it I want to make absolutely certain that these funds can come from that pot.

Chris Braly: I promise you; I will email you the interim final rule from the Department of Treasury.

Frances Westbrook: The specific.

Chris Braly: From Jay Sanudo his ruling on the sewer feasibility study and using the ARPA Funds and he said absolutely. I can forward that email but noted. We can make sure it is.

Frances Westbrook: I want to clarify to and Ms. Chapman you are sitting here, so correct me if I'm wrong, you did send your talk or your comments that you had at the last meeting to Town Council members and what I got out of that was that she is not saying not to do a feasibility study what she is saying is to do some preliminary gathering.

Chris Braly: Right, right.

Frances Westbrook: Within our community and just use some of our resources to give us an idea.

Chris Braly: Right and my position is that that step can be skipped because the organization that would be hired to provide the feasibility study can provide that same information.

Frances Westbrook: So are you more concerned with the time factor of....

Chris Braly: Yes, part of it, yes.

Frances Westbrook: Each step.

Chris Braly: Yes, and especially with the survey coming up not, it might be too late anyway but what I don't want is to have people answer surveys without knowing the facts.

Frances Westbrook: No, I don't think any of us want that.

Chris Braly: Right. So, if there are survey's, I'm assuming that there will be questions related to public town sewer on this upcoming survey, without having any kind of information to base your opinion on as a resident you know you will be answering something that you may not be able.

Jackie Brown: Same for the town office…

Chris Braly: You are exactly right.

Jackie Brown: …numbers.

Frances Westbrook: Alright, so let's consider this.

Anthony Marchetti: I think we are all after the same information I just don't know if somebody could bring to the table and say here is what information a pre-feasibility study is going to provide and explain how that is valuable and how that's not the same information that you know the firm that conducts the feasibility study is going to provide. I don't know enough to say 100% but at the surface to me it seems like it's going to delay getting to the feasibility study but, again, I don't think that somebody can say this is what the prefeasibility study, this is what information it provides and it is different than what we are going to pay somebody else to collect.

Wayne Nunnally: The only way I look at it is this, I think we all want what is best for the Town, no doubt about it, but if we have X number of dollars to spend and if I can save even this free money some of that by having a prefeasibility study then I have, can use that free money for something else too and not just completely use it all up in one pot.

Frances Westbrook: Alright let me say something….

Wayne Nunnally: Let me just finish Madam Mayor if I may.

Frances Westbrook: I'm sorry.

Wayne Nunnally: My example would be something like this, if the feasibility study determines how many miles of pipe we need, if the feasibility study, the preliminary one determines what they think the size would be of those pipes these are hours that the new fella wouldn't have to spend in his report.

Frances Westbrook: I think they'd spend it anyway.

Wayne Nunnally: Which would to me help them a great deal and may even keep that money down and we'll have some of it to go somewhere else, that's all I'm saying. I want to make sure that we don't, we can use it for the full amount.

Anthony Marchetti: Not going to be reckless with the money, I will comment I think the Town is going to have a hard time spending the ARPA Funds like we did with the CARES Funds, again fortunately sidewalks doesn't look like it is going to qualify outside of that, we have very little that I think we would be able to spend it on.

Chris Braly: The difference between CARES and ARPA is the added infrastructure, water, sewer, broadband, it is the same like COVID impact funding for hospitals, schools, that stuff but then they added this extra infrastructure.

Anthony Marchetti: A feasibility study would represent you know if we stick to what is on the capital budget 20% of our ARPA funds so that still would leave 80% of the $150 out there.

Frances Westbrook: So, let's do this. I don't see any harm if Wayne's committee just wants to gather a little bit of information let us know exactly what they have in mind, bring it back in December we say yay, nay, move on with it. Wayne would you and Jackie be willing to do that?

Wayne Nunnally: I would like to do that, and I will be canvasing the community for people to give me information.

Chris Braly: Would you also reach out to Kilmarnock since they have just finished or are conducting the feasibility study and see what that offers.

Wayne Nunnally: Chris I did that; I got the figure of $16,500 and I forget....

Bonnie Schaschek: He wasn't at the meeting.

Frances Westbrook: He wasn't at the meeting. But that may be part of what you present to us again so, let's do that and I assume you read Ms. Chapman's email that she sent us on all of that, but I would suggest if you have any questions in that regard you might give her a shout too just to keep everybody onboard.

Wayne Nunnally: I'm going to call her and talk to her about it.

Frances Westbrook: Okay. Mr. Chapman you said, you were raising your hand for a moment. Do you want to?

Tom Chapman: May I make a comment?

Frances Westbrook: Absolutely.

Tom Chapman: I'm still Tom Chapman, I still live 62 Old Cove Road, in terms of the survey we are going to put out, we are going to get our questions together by the end of January they are going to be out. There's no way you are going to have a feasibility study conducted by the end of that so Chris to your note that the feasibility study will give us the information to conduct our survey, it won't.

Frances Westbrook: It won't.

Tom Chapman: So that argument doesn't keep you from doing a needs analysis to get a feasibility study you are going to have to put together an RFP right, when assuming you skip any preliminary analysis when do you think you would have an RFP and how would you put it together.

Wayne Nunnally: I don't know what RFP is.

Frances Westbrook: Request for…

Chris Braly: Request For Proposal.

Tom Chapman: You are basically going to have to put out an RFP by the way I design sewer treatment systems….

Bonnie Schaschek: That's what he used to do.

Tom Chapman: I'm…on the subject, so you are going to put out an RFP, you are going to get responses back and then you are going to contract one of the firms to bid is that how it works?

Chris Braly: Yeah, yeah.

Tom Chapman: What kind of time frame do you think you will get a completed report back from a feasibility study?

Chris Braly: I mean I have no idea, my point was that I think that the any, I think my point is that we should move directly into figuring out how to get someone to do the feasibility study like Kilmarnock did and not spend additional time with that process.

Frances Westbrook: Sounds like we won't have that information in time for the survey.

Chris Braly: I understand that but….

Frances Westbrook: This could give us some information that we could use in the survey so that they are not answering a question that they know absolutely nothing about.

Tom Chapman: It would also be part of the RFP quite frankly, I did happen to get the preliminary engineering study from White Stone today, it was done in 2014, I don't know what it cost because too busy building things, the estimate for building phase 1 and 2 systems in there was $8,000,000 and they considered a bunch of alternatives in this analysis but it is a lot of work to do that kind of thing. You can use their input, let's face it one of the factors of putting one in here is what is Kilmarnock going to charge because we don't, we likely don't have the land to put together a large drift system like White Stone is building unless we acquired land. One of the big factors if we are going to connect with Kilmarnock which is the way people envision this what will Kilmarnock charge us. That's a conversation with Kilmarnock, we don't need anyone to do an engineering feasibility study to say hey what are they going to charge our residents to connect to this, we can find that out. In the analysis that was done for White Stone the negotiation with them is that they are going to charge 120% of what they charge their own residents. They are willing to give the people those kind of numbers so having a conversation with them is probably a good idea because they are considering expanding this plant which frankly will get further nutrient removal.

Chris Braly: Right and part of this was because Kilmarnock is in the process of looking at this issue and I didn't want Irvington to be, I wanted to be proactive to take advantage of what they are doing working kind of in conjunction with them and not just waiting to until they are finished before we....

Tom Chapman: Talking to them prior to getting the RFP out probably would be a good idea. The infrastructure community can do that with a little help from someone that knows something about it. Phil is actually a civil engineer so I think you know we can probably assist prior to getting the RFP out and getting I think the question is what will Kilmarnock actually give us ahead of time and how much are they going to hold back to get the whole negotiation together. They have the issue whether RWC is going to tie in right. What is happening in the whole area is huge progress.

Anthony Marchetti: Right, so Kilmarnock is they have to make some upgrades or expansion to deal with what will be the new high school, Compass is already on it, so Kilmarnock knows they have to do something. What they are exploring is how far, how much, what makes sense right, they said we would love to have the Tides, we love to come

down Irvington Road to get to Tides, that's kind of the Tides would love to not have their outfall go into Carter's Creek, they want to be good stewards so you know they would love RWC, some of the businesses down King Carter, or excuse me Irvington Road. To your points I don't think Kilmarnock knows yet what it would cost, what it would charge and that is what they are trying to figure out. I've never done it, I'm not claiming to know the process, you know I agree with you I don't think the White Stone approach is going to be an option for Irvington. I think that is pretty obvious to everybody. The Kilmarnock one might not be an option, I just don't want to miss our opportunity to....

Tom Chapman: Anthony I guess if you are going to put out an RFP what are you going to have them do, are you going to have them evaluate all these potential alternatives, you can probably sort through some of them ahead of time, like you mentioned last time the Tides Inn, being here, that the Tides Inn would contribute money because quite frankly they have discharge pollution problem.

Anthony Marchetti: It is a possibility like in Kilmarnock like I said things we're exploring could be that between Kilmarnock wanting the Tides and the Tides wanting to get on it that a big part of that cost to run down Irvington Road and connect to the Tides would be a big part of that main trunk line, I don't know the terminology could be paid for by Kilmarnock and the Tides and at no cost to the residents or at low cost to the residents and then....

Tom Chapman: But that's a negation between the Tides and the Town of Kilmarnock.

Anthony Marchetti: Right.

Tom Chapman: Engineering feasibility.

Frances Westbrook: May I bring this back around to the main point if I may please.

Bonnie Schaschek: Can Jackie have her say.

Frances Westbrook: It's, yes but hold on just let me remind, the main point here is whether or not we want to gather some information in a timely enough factor to get it on the survey for the new comprehensive plan. Everything else we are talking about is a little down the road and it is good information to have and I think we need to cease that but what we are doing right now tonight is basically a time factor to get information for the survey.

Anthony Marchetti: That doesn't seem feasible.

Frances Westbrook: I think it is feasible if we are going to start at the end of January, we can possibly gather some of this preliminary data so that we can at least have something on the survey for the residents.

Tom Chapman: It's possible.

Frances Westbrook: It's possible. We don't know until we try, okay, so, Jackie.

Jackie Brown: I just wanted to say that I did meet with Susan Cockrell some time ago and she gave me some pretty definite figures about what the residents would be and the rest of it depends on the engineering surveys and them deciding how they are going to get the fluid back and forth, etc. the problem was the fact that we have our own water and they wanted all, they wanted the water and the sewer and now they are backing off of this. I asked her about a month about what the costs were going to be and how that was going to work and she didn't want to talk about it.

Frances Westbrook: No, she probably isn't going to, nothing concrete but.

Jackie Brown: I do have a number of figures that I can share with the committee when we meet.

Frances Westbrook: It sounds like we may have a little bit of expertise here within the town that we might can tap into if they are willing for questions to point in one direction or another to gather a little bit of information that might be good to use on this survey. The last thing we want is to have a survey go out and residents don't have enough information to respond....

Bonnie Schaschek: Legitimately....

Frances Westbrook: Legitimately on that question.

Jackie Brown: She also did say that it would require for Kilmarnock to be interested it would require a significant number of residents to agree to sign up.

Frances Westbrook: I would imagine they would have to have X number of or a percentage. Yes sir your name please.

Male: [inaudible] Who is creating the survey? Can we ask that company if they have enough information or.

Frances Westbrook: That is not exactly what this company does I don't think.

Female: Designs surveys and they will be meeting with different stakeholders in town, residents, businesses and so forth to find out what they want to know about and may design the questions based on…

Male: But shouldn't that company tell us what type of information they need. We are talking about something we have never done, and it is creating the survey and shouldn't they tell us what type of information they need.

Bonnie Schaschek: We tell them what we want them to ask.

Frances Westbrook: We tell them what we need to know. This is being done in conjunction with the comprehensive plan review so this company is what they do, they have people like us do their comprehensive plan review and one of the steps is of course doing the survey It will be a joint effort. There is going to be some things that they are going to need to know but there is things that we as a town are interested in knowing such as who we want to do a sewer, do we want to have a boat ramp, do we want to increase or you know redo the Commons area, that's the kind of thing that we have…

Male: Shouldn't that company sit here right now with us and talk about that specific.

Frances Westbrook: That company is doing so with the Planning Commission.

Male: Okay.

Chris Braly: Well, the formal recommendation has not been made by the Planning Commission to the Town Council on which firm to hire. There are two firms being considered and that recommendation won't come until the December meeting and then it is up to Town Council to move forward to negotiate a contract with them.

Female: That's the company what they do and find out what they want.

Wayne Nunnally: Madam Chairman I am going to call a meeting of the Streets Committee next week and I'll invite the public and anybody wants to come.

Frances Westbrook: You'll need to get with Laurel so that we make the required days of a notice.

Wayne Nunnally: That's right, I just want to…

Frances Westbrook: And next week is Thanksgiving.

Wayne Nunnally: Just tonight we have talked about it enough can we move on.

Frances Westbrook: Next week is Thanksgiving so I doubt we have time to notice it unless you want to meet Friday.

Wayne Nunnally: Thank you ma'am.

Frances Westbrook: Okay. Anything else on this item we are going to get ready to go into. Yes ma'am.

Female: Can I just make one comment.

Frances Westbrook: Absolutely.

Marsha Chapman: Marsha Chapman, 62 Old Cove Road. I encouraged my husband to bring, he picked up the economic analysis for White Stone's $8,000,000 system and I encouraged him to bring it tonight as a visual so you could see how huge it is, it is at least that thick, and it was looking at all sorts of engineering options and White Stone contracted Economic and Feasibility Study, there is no way that anything like that can be produced in time to help us with the comprehensive plan which was my initial, my initial comment about having a slimmed down pilot kind of a create a feasibility committee was to give us some bones about what we can do for this question and not have to wait for a study that is this big and that was my point of advocating for a prefeasibility study and I still think my point makes sense. Thank you.

Frances Westbrook: Anyone else. Alright we are going to close Round Table we are going to be going into closed session so ladies and gentlemen if you will excuse us, you are more than welcome to wait outside, I don't know how long we are going to be otherwise whatever motions we make will be.

Anthony Marchetti: Still recording, you need me to read the statement.

Frances Westbrook: Go ahead.

Anthony Marchetti:

N. CLOSED SESSION

Anthony Marchetti: you need me to read the statement. I Anthony Marchetti move to go into closed session pursuant to State Code 2.2-3711 A.8 for purposes of legal advice from counsel regarding Fisher's Pit and for personnel matters concerning appointment to the Planning Commission pursuant to Virginia Code 2.2-3711 A.1.

Chris Braly: Second.

Frances Westbrook: All in favor, roll call vote please, roll call vote starting with Jackie.

Jackie Brown, yes.

Chris Braly, yes.

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Wayne Nunnally, yes.

Frances Westbrook: Motion carries we are in closed session.

Motion (*Anthony Marchetti)* To Go Into Closed Session – Motion passes 6-0.

O. RETURN TO OPEN SESSION

Anthony Marchetti: Whereas the Town of Irvington is convened to closed session on this date pursuant to and affirmative and recorded vote in accordance with the provisions of Virginia Freedom of Information Act and whereas Section 2.2-3712 of the Code of Virginia requires a certification by the board that such closed session was conducted in conformity with Virginia Law. Now there be it resolved that the board hereby certifies that to the best of each members knowledge one, only public business matters lawfully exempted from open session required by Virginia Law were discussed in closed session to which this certification resolution applies and two, only such public business matters that were identified in the motion convening the closed session were heard, discussed or considered by the board. Is there any member who believes there was departure from the motion to go into closed session if so, please state the departure? Roll call certification.

I, Wayne Nunnally, so certify.

I, Bonnie Schaschek, so certify.

I, Frances Westbrook, so certify.

I, Anthony Marchetti, so certify.

I, Dudley Patteson, so certify.

I, Chris Braly, so certify.

I, Jackie Brown, so certify.

Frances Westbrook: Alright we are back into open session. We have a couple of actual points. Jackie you have a motion to make.

Jackie Brown: I'd like to motion to nominate Jeremy Taylor to the Planning Commission.

Wayne Nunnally: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed? Motion carries to appoint Jeremy Taylor, effective December 1, 2021 to the Planning Commission.

VOTE

Jackie Brown, yes.

Chris Braly, yes.

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Wayne Nunnally, yes.

Motion *(Jackie Brown)* To Appoint Jeremy Taylor to the Planning Commission – Motion passes 6-0.

Frances Westbrook: Next action.

Bonnie Schaschek: Action on Fisher's Pit, we'd like to transition the legal counsel of Fisher's Pit from Keane LLC to Sands Anderson effective December 1, 2021.

Wayne Nunnally: Second.

Frances Westbrook: Any discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Unanimous motion carries.

Motion *(Bonnie Schaschek)* To Transition Legal Counsel for Fisher's Pit from Keane LLC to Sands Anderson effective December 1, 2021 – Motion passes 6-0.

Wayne Nunnally: Can we adjourn?

P. ANNOUNCEMENTS

- Next Town Council Meeting – December 9th at 6:30 p.m. at the Irvington Baptist Church.

Frances Westbrook: One quick announcement is that next Town Council Meeting December 9th at 6:30, right here. Motion to adjourn Mr. Nunnally.

Wayne Nunnally: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: Roll call.

Motion (*Wayne Nunnally)* To Adjourn – Motion carries 6-0.

VOTE

Jackie Brown, yes.

Chris Braly, yes.

Dudley Patteson, yes.

Anthony Marchetti, yes.

Bonnie Schaschek, yes.

Wayne Nunnally, yes.

Q. ADJOURN

November 18, 2021 minutes were approved (with the addition of Jackie Brown, as present) at Town Council Regular Called Meeting of December 9, 2021.

Vote:	Aye	Opposed	Abstained
Dudley Patteson	X		
Anthony Marchetti	X		
Bonnie Schaschek	X		
Jackie Brown	X		
Wayne Nunnally	X		
Chris Braly (absent)			

The vote was 5 – 0 with one member absent and the minutes were approved.

Respectfully Submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer

Frances E. Westbrook

Frances Westbrook, Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY, NOVEMBER 18, 2021, 6:30 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Mary Cary Bradley	991 King Carter
2.	Teresa Ransone	424 King Carter
3.	Julie Harris	1099 K. C. Dr.
4.	Jim McBeath	220 Sanders Lane
5.	Shary McBeath	220 Sanders Lane
6.	Marsha Chapman	62 Old Mill Cove
7.	Tom Chapman	" " "
8.	Michael Schmid	341 The Cove
9.		
10.		
11.		
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, NOVEMBER 4, 2021
Immediately following the Town Council Public Hearing.

AGENDA

A. CALL TO ORDER

Frances Westbrook: Call this meeting to order. This is Town Council Special Called Meeting. We are meeting in Irvington Baptist Church on Thursday, November 4th. It is 6:00 p.m. This meeting is immediately following the Town Council Public Hearing we just had on the proposed amended budget. If I might please have a roll call.

B. ROLL CALL

Chris Braly, present.

Dudley Patteson, present.

Anthony Marchetti, present.

Wayne Nunnally, present.

Bonnie Schaschek, present.

Jackie Brown, present.

Frances Westbrook, present.

C. Approve Agenda

Frances Westbrook: We do have on our agenda here a closed session set aside for legal advice concerning Fisher's Pit, that is being pulled off of the Agenda but we need to have a vote on that and it needs to be.

Wayne Nunnally: I move we move the session for advice on Fisher's.

Anthony Marchetti: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: Let me have a roll call, it has to be unanimous before a special called meeting.

Vote

Chris Braly, yes.

Dudley Patteson, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Motion (*Wayne Nunnally)* to remove closed session regarding Fisher's Pit – Motion Passes. 6-0.

Frances Westbrook: Okay thank you we will remove that from the Agenda and so now if we can approve the Agenda as it has been amended please.

Wayne Nunnally: So moved.

Bonnie Schaschek: Second.

Frances Westbrook: Once again this has to be unanimous from all present so if we can have a roll call.

Chris Braly, yes.

Dudley Patteson, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Motion (*Wayne Nunnally)* to Approve The Agenda – Motion Passes. 6-0.

Frances Westbrook: Thank you all so we will now move into closed session.

D. CLOSED SESSION

Frances Westbrook: We now move into closed session for personnel for the purpose filling the Town Attorney position. Anthony if you would read us into that please.

Anthony Marchetti: I Anthony Marchetti move to go into closed session pursuant of 2.2-3711 A.1 of the Code of Virginia for purposes of consideration of perspective candidates for employment involving the position of the Town Attorney.

Frances Westbrook: Can we have a second?

Chris Braly: Second.

Wayne Nunnally: Second.

Frances Westbrook: All in favor, roll call vote.

VOTE

Chris Braly, yes.

Dudley Patteson, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

E. CLOSED SESSION

Frances Westbrook: Thank you, we are now in closed session.

F. RETURN TO OPEN SESSION

Anthony Marchetti: Whereas the Town of Irvington has convened a closed session pursuant to the State on an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act and whereas section 2-2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conforming with Virginia Law. Now there be it resolved that the Board hereby certifies that to the best of each members knowledge, one only public business matters exempted from open session required by Virginia Law were discussed in closed session to which this certification resolution applies and two, only such public business matters that were identified in the motion in closed session were heard, discussed or considered by the Board, is there any member who believes there was departure from the motion to go into a closed session. If so, please state the departure. Roll call certification

Chris Braly, I so certify.

Dudley Patteson, I so certify.

Anthony Marchetti, I so certify.

Wayne Nunnally, I so certify.

Bonnie Schaschek, I so certify.

Jackie Brown, I so certify.

Frances Westbrook, I so certify.

Frances Westbrook: Alright, we are open session. Is there any action to be taken?

Wayne Nunnally: Madam Mayor I move that Town Council acquires Sands Anderson to represent us as attorney and for you to be the power to sign the contract as needed to do that.

Jackie Brown: Second.

Frances Westbrook: Is there any discussion? Let's have a roll call vote please.

Chris Braly, No.

Dudley Patteson, yes.

Anthony Marchetti, abstain.

Wayne Nunnally, yes.

Bonnie Schaschek, yes.

Jackie Brown, yes.

Frances Westbrook: Motion carries

Motion (*Wayne Nunnally) – Sands Anderson – Mayor to sign contract – Motion Passes 4-1-1.*

G. Adjourn

Wayne Nunnally: Move we adjourn.

Dudley Patteson: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: Meeting is adjourned.

The November 4, 2021 minutes were approved at the Town Council Regular Meeting of December 9, 2021.

Vote:	Aye	Opposed	Abstained
Dudley Patteson	X		
Anthony Marchetti	X		
Bonnie Schaschek	X		
Jackie Brown	X		
Wayne Nunnally	X		
Chris Braly (absent)			

The vote was 5 – 0 with one member absent, and the minutes were approved.

Respectfully Submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer

Frances Westbrook, Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, NOVEMBER 4, 2021; 6:30 PM

Sign In Sheet

	Name	Address
1.	Julie Harris	1099 K. C. Dr.
2.	Marsha Chapman	62 Old Mill Cove
3.	Tom Chapman	62 Old Mill Cove
4.	Mary Cary Bradley	991 Icing Carter Drive
5.		
6.		
7.		
8.		
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10.		
11.		
12.		
13.		

B+F Public Hearing

T.C. SCM

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING/WORKSHOP
BUDGET & FINANCE
IRVINGTON BAPTIST CHURCH
THURSDAY, OCTOBER 14, 2021; 5:45 PM

AGENDA

A. CALL TO ORDER

Anthony Marchetti: Tonight is Thursday, October 14th, workshop meeting for Irvington Town Council, start with call to order and roll call.

B. ROLL CALL

Dudley Patteson, present.

Bonnie Schaschek, present.

Anthony Marchetti, present.

Frances Westbrook, present.

Wayne Nunnally, present.

Jackie Brown, present.

C. APPROVE AGENDA

Anthony Marchetti: Approve the Agenda.

Bonnie Schaschek: So moved.

Wayne Nunnally: Second here.

Anthony Marchetti: Alright, Agenda approves. Onto discussion about the amended budget.

Motion (*Bonnie Schaschek) To Approve Agenda – Motion passes.*

Anthony Marchetti: To make it easy I tried to highlight the line items that had changes there is a copy of the current and the proposed just so you can go side-by-side if needed. The first one is on revenue, the fire grants as we have discussed before, the money in for that grant went from $10,000 to $15,000, you'll see further on down where we kept the $10 so White Stone are proposing $5,000 go to Kilmarnock.

Wayne Nunnally: Where are we, I've lost the....

Bonnie Schaschek: In the highlighted in yellow.

Wayne Nunnally: In yellow, okay.

Anthony Marchetti: Should say Proposed Amended.

Wayne Nunnally: Up top.

Anthony Marchetti: Bonnie tell me if this is what you had meant when we talked about adding a line for Triway Trail, came from local....

Bonnie Schaschek: It is not a local fund....

Anthony Marchetti: Oh, it's not.

Bonnie Schaschek: ....that is VIA's, I think VIA gave the funds to the Town.

Anthony Marchetti: I thought it was a derivative of....

Bonnie Schaschek: No.

Frances Westbrook: Actually the CD if I'm not mistaken says bicycle path.

Bonnie Schaschek: Yeah, it says bicycle path.

Anthony Marchetti: So, it's not local, bicycle path CD.

Bonnie Schaschek: Bicycle path CD, yeah.

Anthony Marchetti: Okay.

Bonnie Schaschek: I think VIA donated that several years ago.

Anthony Marchetti: Okay, so I'll just make a wording change.

Bonnie Schaschek: Yep.

Anthony Marchetti: So that where it is coming from, we may not need it this year but....

Bonnie Schaschek: Just in case.

Anthony Marchetti: ....we thought we'd put it there in case they call for it.

Bonnie Schaschek: Yeah.

Anthony Marchetti: The Virginia Tourism Grant will, I got more detail for the regular Town Council meeting. If we submit our receipts, everybody spends the money, or when we submit our receipts we should receive another $6,916 to close out the Virginia Tourism Grant, so....

Frances Westbrook: Excellent.

Anthony Marchetti: …that deadline is the end of February so that we'll be in this fiscal year. You'll see the ARVA Funds, those actually I guess were received June 30th, so that came in last year's cycle, but I just showed them there on the actuals.

Bonnie Schaschek: Did we actually deposit it into our accounts in June or?

Frances Westbrook: It was wired into our accounts.

Bonnie Schaschek: It was, oh my goodness.

Anthony Marchetti: Yes.

Frances Westbrook: It was actually wired into the General Operating….

Bonnie Schaschek: Then you moved it out?

Frances Westbrook: …to CARES Funds which is what the accountant said to combine the two, make two separate subaccounts. Alright, so moving onto Operating Expenses. We've got in the proposed we've got employee expenses, I've got $60,000 which was revised from the current budget of $72,000. I basically went back and looked at the actuals for the previous full years going back to 19 and 20. I also had Jay Sanudo send a report with total payroll expenses and that does include training insurance and stuff like that. So that is where the $60,000 came from. Under Professional Services….

Bonnie Schaschek: Can we talk about that. We are going to be doing a 6-month review of the existing employees so, I would like to see this increased to like $63,000 or $64,000.

Frances Westbrook: Normally do January or February somewhere in that time frame.

Bonnie Schaschek: Uh huh, yeah, so I think we should, we were averaging on actuals between $63,000, $64,000 and $65,000, I'd like to see it go back to $64,000.

Anthony Marchetti: You prefer it to be in the budget?

Bonnie Schaschek: Yeah.

Anthony Marchetti: Than not.

Bonnie Schaschek: Yeah.

Anthony Marchetti: I think some of our, Fran you might remember from last year's, the $72,000 was when the Treasurer was not separated out into Professional Services….

Frances Westbrook: Right.

Anthony Marchetti: So that does account for some of the reduction….

Bonnie Schaschek: Uh huh.

Anthony Marchetti: ..that the Treasurer position is now under professional services.

Bonnie Schaschek: Right.

Anthony Marchetti: So moving down Professional Services you'll see, let me make a note on this, Professional Services at $40,000.

Frances Westbrook: That's accounting and legal correct?

Anthony Marchetti: Correct and....

Bonnie Schaschek: Isn't Davenport in there as well?

Anthony Marchetti: Yes, so, the breakdown, where the $40,000 came from is $15,000 legal, $15,000 RFC, $10,000 Davenport. I asked Jay to provide basically what their totals have been to date, obviously it is going to fluctuate based on hours, he said I think it averaged so far 1,220 a month for Jay for RFC services, so I just plugged in $1,050 at 12 months that is where the $15,400 RFC and then legal I guess we still don't know yet. I've got it plugged at $15,000, I'm guessing new legal will be more expensive by the time it is adopted it will be 6 months left in the budget so I think that will be conservative but, those are the numbers to add if we get more concrete numbers we can update it before we go to amend. The insurance, the VML, I just took the actual....

Frances Westbrook: Invoice.

Anthony Marchetti: ....invoice and that's where that, it is an increase from the current budget so that is just the actual invoice. Office expenses, I did an increase, really the increase was to account for what Laurel brought up to us, I guess the expense of these minute books, although we can print double-sided that will help, but what was it, the last minute book was $212.00?

Laurel Taylor: Yes.

Anthony Marchetti: After paper and printing and the book itself and one book held what three of the meetings?

Laurel Taylor: Three.

Anthony Marchetti: So, I'm sure that expense was already part of office expenses.

Bonnie Schaschek: No it wasn't.

Anthony Marchetti: It was not.

Frances Westbrook: Not that many books.

Bonnie Schaschek: No.

Frances Westbrook: Nah uh, because once we started....

Anthony Marchetti: That expense would have been before.

Frances Westbrook: Once we started going verbatim, that's the reason.

Anthony Marchetti: Certainly there has been an increase which is what it went up $1,500 to help, I had consumed that a part of General Operating Expenses in years past had included whatever.

Bonnie Schaschek: Usually one book lasted the entire year plus then. It is usually like 2 years, but when they went to verbatim.

Anthony Marchetti: Well when she said $200.00 covered for that one book, it covered three meetings, how many will we usually have in a month.

Bonnie Schaschek: That's just the paper I think the book is $300.

Anthony Marchetti: This month alone, so, if you do times 12.

Bonnie Schaschek: That's something, you know, we never approved, the Council never really approved verbatim, that's something we need to talk about. I mean we can always keep verbatim, a copy of it sitting somewhere, but put summaries in the book because you don't need all of that in the book.

Frances Westbrook: Isn't this cost also reflect some of the transcription fees?

Anthony Marchetti: So, I had a note on where we had, I thought we had that under Town Council expenses, you see there is an increase.

Bonnie Schaschek: Is that why you went up there?

Anthony Marchetti: I went up to account for the transcriptionist.

Frances Westbrook: Okay.

Anthony Marchetti: Does not matter to me where we want to, if that expense should be in office or Town Council.

Wayne Nunnally: When did we approve a transcriptionist?

Bonnie Schaschek: We never did.

Wayne Nunnally: How did we spend the money for it, if we didn't approve it?

Frances Westbrook: That's a good question.

Wayne Nunnally: How do we answer it?

Frances Westbrook: I did ask months and months ago, never got a straight answer so.

Bonnie Schaschek: It is something that is there and we need to take and bring up and discuss again but going back doesn't pay, we just have to move forward.

Frances Westbrook: Yeah, okay.

Anthony Marchetti: So, those are the two changes, reason by the two changes from Office and Town Council was increase of expense of minute books, then cost of transcriptionist under Town Council and that gets us through Operating. Flipping over to Community Sport Tourism.

Dudley Patteson: May I bring up something that just came up, within the last week. We upgraded our WIFI at the Hope & Glory and in the process of paying the techs to do it, they mentioned that the Irvington WIFI was on chimney and though it was not operational because we are not paying anybody for WIFI service, there was still a signal that was interfering with our WIFI and for our guests, simultaneously I was at the VIA came to me and said what do you know about the Irvington WIFI because our vendors are complaining about the fact that they see Irvington WIFI pop up on their available WIFI networks and they can't get onto it and it is not working and they, and we are joining in a partnership with the Steamboat Era Museum to in essence piggyback with them on their upgraded WIFI. Is that correct? Please explain.

Cay Bradley: So, the VIA approached the museum and asked if they could put a extender outside of the museum during the Farmer's Market and use the museum's WIFI for their vendors because most of the vendors now are using swipes and they can't do it because we no longer have WIFI. So the museum agreed and every Farmer's Market they have to coordinate with the museum to run a cable out a window of the museum and hang the thing and we have made sure that they are separate from the museum, and that they are monitoring at all times because of course we don't want the museum's WIFI to go down because of too many people on the Farmer's Market WIFI, so the museum has entered into this agreement with the VIA at this point in time, but I pointed out to them that it might be worth considering coming back to the Town to talk about this now that this is a big issue, but anyway that is the deal that the VIA and the museum have.

Frances Westbrook: I know that, the VIA is the reason why we stopped it. Their vendors weren't using it and it came from, who was the president before you Julie?

Julie: Deb Lockhardt.

Bonnie Schaschek: Deb Lockhardt.

Frances Westbrook: It may have been Deb Lockhardt because the vendors weren't using it, they weren't having issues swiping and so we said well then fine why are we paying for it.

Dudley Patteson: Well this year, this year I don't know what it was but our WIFI system that we previously had, it just changed was…

Frances Westbrook: Uh huh.

Dudley Patteson: ….working fine and all of a sudden we were getting some complaints particularly with guests out at our cottages in spite of everything that we did with receivers and transmitters it wasn't working so we went to great expense to hardwire a lot of our property to prevent that, but, what the grander picture on this WIFI is that a WIFI system can be a very valuable asset to have the Town have a general WIFI system because it enables residents to get on a WIFI system that they may not normally have access to.

Frances Westbrook: That was the original argument when we decided to do it.

Dudley Patteson: Okay, good, I'm a little behind the scenes and so I'm not as seasoned as you.

Bonnie Schaschek: We stopped using this over 3 years ago, so I'm surprised in the last 2 weeks all of a sudden.

Dudley Patteson: It all started with the vendors complaining to the VIA and then we needed to get the tower down so we could have a proper system working.

Wayne Nunnally: Dudley caused it.

Dudley Patteson: Pardon?

Wayne Nunnally: Dudley caused it.

Frances Westbrook: Dudley caused it.

Dudley Patteson: Thank you.

Frances Westbrook: So is the apparatus still attached to the chimney?

Dudley Patteson: No we took it down.

Frances Westbrook: Took it down.

Dudley Patteson: At our expense, and what I would like to see in the budget is a, it could come under capital operating, it could come under operating, at least a WIFI system that actually works in the Town and not only for the residents who may need WIFI that they can't always go to the local to use their WIFI system, in addition to that tourist when they

come in, they are on their phones all the time, if they want to find a restaurant, they'll Google it, they'll Trip Advisor it, they'll whatever they want to do and to have that communication is extremely important and therefore I think we as a Town should investigate a WIFI system that works.

Frances Westbrook: Alright since the Turkey Trot, the Farmer's Market are winding down....

Dudley Patteson: Yep.

Frances Westbrook: ...I think it would be worth a phone call to Metrocast and let's talk to them, I know they have been giving nice deals to rural communities, spot locations of WIFI because of students having been at home during COVID and a lot of them didn't necessarily have internet in their homes and I think it would be worth a conversation with Metrocast to see what they would be willing to do for....

Bonnie Schaschek: Well, under the AFR or whatever it is, broadband is one of them so that is an expense that you could because that is part of infrastructure for the Town that you could and I'd have to look and see what COVID says but definitely under what it is ARPA you could use, do that.

Anthony Marchetti: Sounds like a great use.

Bonnie Schaschek: And that, we had talked about....

Dudley Patteson: It's already in here.

Bonnie Schaschek: It's already in here, we had already talked about that being one of the....

Anthony Marchetti: Sounds like a great use for it.

Bonnie Schaschek: ...uses, but where would you put it, you don't want to have one of the guys like Northern Neck WIFI used to have to climb up through a window in one of your guest bedrooms, I mean, you have to find some place that it is.

Cay Bradley: A gazebo, why not put it on the gazebo, the gazebo is Town property.

Frances Westbrook: I don't know that it was tall enough. I believe that was discussed one other time. I think....

Anthony Marchetti: I think Broadband will tell us...

Dudley Patteson: Kilmarnock has a pole with a....

Frances Westbrook: What about the flag pole.

Dudley Patteson: …has a pole with a system in their public parking lot that apparently seems to work, but whether it is Atlantic Broadband or some other provider we need to….

Bonnie Schaschek: We can find out.

Dudley Patteson: ….we used Atlantic Broadband because it seems to be more consistent than the other options.

Bonnie Schaschek: What did they charge you to take that dish down or that connection down?

Dudley Patteson: Uh, they haven't given me the bill yet, I don't think it was too much because, but I haven't seen the bill.

Frances Westbrook: Alright, so why don't we give that to the appropriate committee to make the contact, let's find out, make the, they can meet and see where it might go and start the budget because…

Dudley Patteson: I think that's Wayne, is it Wayne?

Frances Westbrook: I think it is Wayne and Jackie, because as far as the budget goes we have already got ARPA in there.

Bonnie Schaschek: It's there.

Frances Westbrook: Okay.

Anthony Marchetti: Alright, Dudley moving on?

Dudley Patteson: Yeah.

Anthony Marchetti: Alright so back to Community Support and Tourism, fire and rescue that had previously been a $2,500 donation to KVFD….

Bonnie Schaschek: Kilmarnock.

Anthony Marchetti: …and that is now the extra $5,000 that we got….

Bonnie Schaschek: You know I'm not sure where that was, we only gave them $500, how did it come to $2,500?

Frances Westbrook: No, we have been giving them the actuals as you see, we have been giving them $2,500 for a couple of years now.

Bonnie Schaschek: Really, oh okay.

Frances Westbrook: That started I think Randy's last year.

Bonnie Schaschek: Oh, okay.

Frances Westbrook: You see in 2020/2021 the actuals $2,500 each year.

Bonnie Schaschek: Yeah, but I remember the $500 but.

Frances Westbrook: I think you are probably right.

Bonnie Schaschek: And we fought to give them that.

Anthony Marchetti: I guess this is actually, give them $5,000 up from $2,500.

Bonnie Schaschek: Yeah, this has got strings attached to it. They can only use it for certain things. Before they could use it for whatever they want.

Frances Westbrook: This has to fit in the grant parameters.

Anthony Marchetti: Yeah. Under flags and banners, we had a $5,000 add and that was Bonnie jump in here for…

Bonnie Schaschek: $10,000 for the lanterns and $5,000 for the flags and the poles that got ruined.

Anthony Marchetti: They didn't fit.

Bonnie Schaschek: No, I think they got ruined in the rain.

Frances Westbrook: Well, I'm going to talk about that at the Town Council meeting, but yes the poles, there were some poles that were ordered about a year or 18 months ago according to the shipping label that is on the box and they are the wrong size poles so I'm hoping, I don't think they will let us return them now but they may let us swap them for the right size. Not that that matters here, hoping that is going to be a wash, maybe a little bit more but we do need to get some more flags. Crab Festival, that was changed to match the sponsorship level, $50 change, then you see the new Triway Trail which a revenue was shown I guess bike CD I incorrectly called it Lokey, but bike CD on the revenue side so that zeros out. There is a new line item called Irvington Tourism Support, the idea behind this is for the Town to have some participation, an active approach to supporting the industry businesses that you know probably account for 60 to 70% of the Town revenue. Just as an idea obviously this has not been discussed or voted. One possible use or example would be having somebody like FlackShack take that up with their marketing and promotions Love Irvington campaign that they had done before.

Dudley Patteson: Of course these funds still have options for leveraging with other grants to maximize.

Anthony Marchetti: Right, so there is, the money is not spoken for at all. That would obviously be, how does the Town, the dollar amount was a, obviously can be discussed as well, but....

Bonnie Schaschek: I thought we agreed to the $10,000?

Anthony Marchetti: Yeah, that was the number, I was just saying that there was open discussion for people.

Jackie Brown: Why was the amount for the trolly doubled?

Anthony Marchetti: I think they added a stop.

Frances Westbrook: Before COVID they were adding two stops further down, so we thought we would donate more money.

Jackie Brown: Was the Town Council consulted about these stops?

Frances Westbrook: Well....

Bonnie Schaschek: No.

Frances Westbrook: ....Lara certainly presented it to us in one of her reports.

Jackie Brown: I think that Town in Kilmarnock created this route for the trolley.

Frances Westbrook: Actually it was a couple of the short term rental people down there, Lara was not one of them, but who had guests there and if we had a stop closer down that end it would work well for those short term rentals and getting them into Town to spend their money.

Dudley Patteson: We will be losing one stop because one was at the Dog and Oyster Vineyard and we are not going to be there next month.

Frances Westbrook: Well I don't imagine that gets a whole lot of....

Wayne Nunnally: Is that permanent?

Dudley Patteson: Well we are moving our wine operations to the front of the Hope & Glory as we discussed in earlier Town Council meetings. Because we didn't want to lose the value, it was, it is a good business decision but we didn't want the Town to lose a vineyard, we wanted to somehow create a vineyard experience to keep people coming.

Frances Westbrook: So, is the vineyard going to stay intact at Dog and Oyster?

Dudley Patteson: I, the, I don't know, I don't know what the vineyard has plans are. I have no idea.

Frances Westbrook: Gotcha.

Wayne Nunnally: Will you operate a facility…

Dudley Patteson: Excuse me?

Wayne Nunnally: You going to operate anything on your property?

Dudley Patteson: We are, The Hope & Glory we are going to do, you know wine and oysters like we did over there and….

Bonnie Schaschek: He sold his property.

Dudley Patteson: We sold the real estate back to Vineyard Meadow, so.

Frances Westbrook: Okay.

Dudley Patteson: But kept the business which is the value.

Wayne Nunnally: We should have kept those….

Dudley Patteson: I wish too, believe me.

Anthony Marchetti: Alright so that gets us through and onto Capital budget. I took some things off because it didn't look like they were going to happen and it makes sense to leave them on then we can but it is pretty obvious we weren't going to put a shed on the property this fiscal year, the next 6 months, architectural, septic, but you guys tell me what you think, what you want.

Frances Westbrook: The number that we had plugged in for the shed.

Anthony Marchetti: Right here.

Frances Westbrook: Okay, then should we stick it under the next year.

Anthony Marchetti: To the next year if you want.

Frances Westbrook: I think that would probably look better as opposed to it just disappearing altogether that may….

Bonnie Schaschek: I think we should move it to 2023 or 2024 because if you have the Town Hall there you are not going to be able to do both so move it to 2023/2024 until after….

Frances Westbrook: We have those schematics if you will that shows where the shed….

Bonnie Schaschek: But I doubt it is going to get implemented.

Frances Westbrook: We can't keep waiting much longer on this stuff we are storing over at The Tides Inn.

Bonnie Schaschek: I know, we should have put a shed in years ago.

Frances Westbrook: I agree and right now our flags are being stored over at Elbourn's because he was not going to put them back over at the shed at the Tide it is just in such bad repair, it is leaking and we have been having some issues. I would hate to see it wait until 2023/2024 but I guess it just depends on how far along we get with the other. If we are good on the schematic that that's where we will put it then.

Bonnie Schaschek: Then why don't we just go ahead and just do it before even the building gets built.

Frances Westbrook: I guess that's my point is that if we agree with that schematic, then we can go ahead and get that going perhaps. Of course the building the way the building industry is going we might can get on their list and can get it done by 2023/2024. So, I mean there is almost a 2-year waiting frame right now to get a pool in by anybody local.

Dudley Patteson: Oh yeah.

Frances Westbrook: It's crazy.

Anthony Marchetti: So I can put those back in and just move them slide everything over in the column, okay. I can put WIFI on there, just so it's there.

Dudley Patteson: I think we should put WIFI on there just in case the funds are not available through the ARPA.

Frances Westbrook: Bonnie's right, I mean.

Bonnie Schaschek: It's infrastructure.

Dudley Patteson: Are you sure you're sure?

Bonnie Schaschek: I'm positive.

Dudley Patteson: Okay.

Anthony Marchetti: I'll find out and....

Bonnie Schaschek: It is actually one of the....

Anthony Marchetti: It sounds right cause I know it's infrastructure so.

Bonnie Schaschek: Yeah.

Dudley Patteson: Does sound right.

Bonnie Schaschek: Very few things that we qualify for but that was, but you know what if we qualify for that, take it regardless of whether we do it or not, take it and we can always give it back but we would get the interest anyway, not that we get much interest these days.

Dudley Patteson: So....

Frances Westbrook: Okay.

Anthony Marchetti: And then the last one was the sewer feasibility which....

Bonnie Schaschek: You know what Anthony why don't you just put miscellaneous infrastructure in the, we don't have infrastructure anywhere there, we did at one time.

Anthony Marchetti: And then....

Frances Westbrook: Add that as a new category?

Bonnie Schaschek: Yeah and so add infrastructure as a category and then you know put in....

Frances Westbrook: ...feasibility, that's....

Bonnie Schaschek: ...yeah and then the WIFI and all that can go into infrastructure.

Anthony Marchetti: So the last change was the sewer feasibility cost and that was a number that Susan Cockrell with Kilmarnock had put out as a real number for sewer feasibility.

Wayne Nunnally: We are going to spend $35,000?

Anthony Marchetti: That's the number she said what it would cost to get the information we need to make the transition.

Wayne Nunnally: ...last night I got a figure on $50,000 to $100,000 for a professional study.

Dudley Patteson: They are already into a process of looking at how they expand their sewer.

Frances Westbrook: We are only going to discuss, I mean our feasibility study is only going to include hooking up whereas their study is the whole ball of wax.

Wayne Nunnally: When I talked to them she said the study was, our study for feasibility was $50 to $100,000.

Frances Westbrook: How long ago was that?

Wayne Nunnally: It's been a while ago. That's what I wrote down and then that, if we connect to them, just to connect to them, it was going to cost us $2,618,880 to connect to them, now before I spend, I want to know it is going to cost me that kind of money, I don't want to spend $35,000 without, I mean if I know in advance that $80, it is going to cost me, I forget what the actual, it was 6.2 miles x fee, it was $80 a foot it came out to be $2,618,880 to connect. Now that figure is all I need to know.

Dudley Patteson: There are ways to get subsidies and I think they are being explored as well to help pay for it and until a study is done we don't look at other options and we need to look at all options and we need to.

Wayne Nunnally: This Town is going to spend $3,000,000 to connect.

Anthony Marchetti: I think that number may not be current or accurate. I'm not saying it wasn't at one point, things to consider the Town has already run out to Compass and the new high school, what will be the new high school which lessens the distance now. In Kilmarnock this is per Susan Cockrell they have got to upgrade or expand their system, so they are going through a big feasibility study on if we are going to do it, how, what does that mean.

Wayne Nunnally: She told me it was going to cost $16,000 if we even, after we spend all this other money each resident would have to pay $16,000 to hook up to the system. I think this, before we spend $35,000 for a study that ought to be in the survey.

Anthony Marchetti: The study can be paid for by ARPA which we are struggling to find ways to spend ARPA anyways so theoretically the feasibility study won't cost the Town a dime. The money we have to spend on a pretty limited scope of uses so it doesn't actually cost us money to find out what it is actually going to cost, that's why I think it is worth it. If they come back and say it's going to be that much money then everybody can make the decision based on the actual information. What I was wanted to finish on was Kilmarnock is now interested, they want The Tides, they want some of the big users. The Tides Inn is also interested in stopping their outfall into Carter's Creek. I don't know numbers, I don't want to speculate numbers, I think we should let the study tell us. They could be spot on but I think until we have the information we shouldn't speculate on what expenses are. I do know because I talked to The Tides because they are interested in picking up a big portion of the bill to get sewer to them. Kilmarnock wants to get The Tides possibly Northern Neck Insurance the business district themselves, Kilmarnock themselves might be interested in offsetting some of that expense to get that main trunk line into town so that what's left might be much more manageable. There might be grants available for what portion is left. Obviously this is a bunch of....

Bonnie Schaschek: I think you need to do the study because at one time you had to take their water as well, you had to have water with their septic which is very, very expensive.

Frances Westbrook: Now you don't.

Anthony Marchetti: And the other part of the conversation is that usually septic is metered based on water usage but if we have, there are some things to figure out. I guess my point is, I can't speak for them, but they said they would be interested in learning more if The Tide's is willing to foot a big chunk of that to get it to them and Kilmarnock wants to get it to them and wants to cover some of that expense it may make sense for us to do it.

Wayne Nunnally: But here's my point Anthony if you say we can spend....

Bonnie Schaschek: If you can use the....

Wayne Nunnally: ...magic money that we are getting from somewhere and it is not coming from the citizens....

Anthony Marchetti: We've already got the money.

Frances Westbrook: We've already got the money, it is the ARPA money.

Wayne Nunnally: I want to make it clear, if we start spending our money, we can reduce taxes first. So I said my piece.

Bonnie Schaschek: We also need to look at White Stone system too, because White Stone is coming up Irvington Road as well.

Wayne Nunnally: I talked to White Stone and what they said they don't even consider but it maybe 2 or 3 years before they could consider talking to anybody. They've got so much more to do with theirs.

Bonnie Schaschek: Oh yeah, the same thing with Kilmarnock. What they've got to do, it's going to be...

Anthony Marchetti: It's a ways off, my point is if we don't explore it and if the study says it doesn't make sense or it is too expensive then we know, but I think the Town's only chance is going to be when Kilmarnock expands theirs, otherwise to do our own I think it is going to be probably costly. Not being able to cost to have our own system is likely, I don't know that for sure. So, I think it is time and it needs to happen now because if we just if we don't get on with Kilmarnock it is probably never going to happen. I think we should at least know whether it is an option to get on with Kilmarnock. It doesn't cost us any money.

Wayne Nunnally: ...talk to anybody, is the way I look at it.

Anthony Marchetti: Anybody else?

Frances Westbrook: Thank you Anthony.

Anthony Marchetti: I'll make those updates and recirculate.

Frances Westbrook: Do you want a motion to adjourn or are you.

F. ANNOUNCEMENTS

Anthony Marchetti: For now, I don't have any announcements. There is on the proposed Budget & Finance schedule there was a October 25th public hearing for this, I guess we will work to finalize the date and time and let everybody know but I'd like to have one more public hearing so the public can offer feedback on the budget prior to the November regularly scheduled November meeting which would be the first reading of the amended budget in the hopes of the second reading in December it can be passed, so I'd like to have a dedicated public hearing to get feedback on the now proposed budget.

Frances Westbrook: So you'll work…

Anthony Marchetti: Finalize time and send out the proper notice, otherwise we can move to adjourn.

Wayne Nunnally: So moved.

Dudley Patteson: Second.

Anthony Marchetti: All those in favor?

Group: Aye.

Anthony Marchetti: Adjourned.

Frances Westbrook: Thank you.

G. ADJOURN

October 14, 2021 minutes were approved at Town Council Special Called Meeting of November 18, 2021.

Vote:	Aye	Opposed	Abstained
Dudley Patteson	x		
Chris Braly			x
Anthony Marchetti	x		
Bonnie Schaschek	x		
Jackie Brown	x		
Wayne Nunnally	x		

The vote was 5-0-1
Laurel S. Taylor
Town Clerk and FOIA Officer

Respectfully Submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer

Frances E. Westbrook
Frances Westbrook, Mayor

Frances Westbrook, Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL/PLANNING COMMISSION JOINT PUBLIC HEARING
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, OCTOBER 14, 2021, 6:30 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Oreeta Ramoore	424 King Carter DR
2.	Mary Cary Brady	991 King Carter
3.	Marsha Chapman	PO Box 36
4.	Thomas Chapman	PO Box 36
5.	Deborah Capps	280 Tredhaven 22480
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL/PLANNING COMMISSION JOINT PUBLIC HEARING
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, OCTOBER 14, 2021; 6:30 PM

AGENDA

A. CALL TO ORDER

Frances Westbrook: This is the Irvington Town Council Regular Monthly Meeting in which we are also going to have a joint public hearing with the Planning Commission and Town Council. When we get ready to go into that Public Hearing, that's the Joint Public Hearing, the Planning Commission would like to join us up here, we've got something for you. Let's get through our first few items and then we'll start the Public Hearing. Is that good for you all. Alright so, today is Thursday, October 14, 2021, the meeting is starting at 6:34 here at the Irvington Baptist Church. May I have a roll call please of the Town Council.

B. ROLL CALL

Town Council

Dudley Patteson, present.

Bonnie Schaschek, present.

Anthony Marchetti, present.

Frances Westbrook, present.

Wayne Nunnally, present.

Jackie Brown, present.

Frances Westbrook: And if we might have a roll call of the Planning Commission.

Planning Commission

Julie Harris, present.

Brian Forrester, present.

Albert Pollard, Jr., present.

Phil Robinson, present.

Steve Kimmeth, present.

Tom Chapman, present.

Staff Present

Laurel Taylor

Justin Nelson

Special Counsel present: Nancyellen Keane.

C. APPROVE AGENDA

Frances Westbrook: Now if I might have a motion to approve the Agenda.

Bonnie Schaschek: So moved.

Wayne Nunnally: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: Motion carries.

VOTE

Dudley Patteson, yes.

Bonnie Schaschek, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Jackie Brown, yes.

Motion (*Bonnie Schaschek)* To Approve Agenda Passes ~ 5-0.

D. PUBLIC HEARING/JOINT PC/TC

Frances Westbrook: Moving to the Joint Public Hearing for tonight and Justin I am going to turn this part over to you.

1. CUP Application 2021.CUP3 – Mayhew.

Justin Nelson: We have a CUP Application to build al pool inside the RPA in Zoning R1, Tax Map 34 Parcel 10F, using redevelopment, so, whereas the Irvington Town Council reviewed a proposed Conditional Use Permit Application 2021.CUP3-Mayhew to build a pool at a residence inside the RPA Redevelopment, no preliminary encroachment, no increasing impervious cover, in R1 Zoning District Tax Map 34 Parcel 10F located at 336 Old Mill Cove Road. Application whereas the Joint Public Hearing on that petition was

advertised in the Rappahannock Record on September 30, and October 7, whereas the Planning Commission and the Town Council had a Joint Public Hearing on October 12 to hear public views on the application, whereas the Planning Commission considered the application at its meeting on October 12, and November 9, whereas Town Council considered the application in the meetings held on October 12 and November 11, now therefore be it resolved that the Irvington Town Council hereby approves or denies Application subject to the following conditions.

Frances Westbrook: Will you walk us through the application please.

Justin Nelson: Yes, absolutely. So, we have a gentleman that started this application, Mr. Ty Dabney and subsequently sold the house, they had removed I think it is, bear with me, I apologize, 1,200 square feet…

Male: 1860 I think.

Justin Nelson: Yes, of impervious material in the RPA that existed in the RPA and then they were going to come back with the exact same amount 820 square feet of impervious material including a swimming pool. I have pictures and maps which I hope.

Wayne Nunnally: Do you have a copy of that Justin?

Justin Nelson: Yes sir, you want a copy of the application?

Wayne Nunnally: I didn't see the pictures.

Frances Westbrook: Well, when you go to print them out, they don't print out as well as they look but you are welcome to mine.

Wayne Nunnally: Do you get them?

Female: I didn't get them either.

Frances Westbrook: They were part of the meeting packet.

Bonnie Schaschek: Online, I did print it.

Justin Nelson: Yeah, your picture, uh, this is your overhead shot, so the bay, this road was removed, there is a patio here and I kind of drew the outline of where the swimming pool was going to go on the lawn. So, this is what it looks like now when you pull the road out, they are trying to grow grass in there.

Wayne Nunnally: The pool is going here?

Justin Nelson: That's this, behind the patio, you can see the stake in this picture where the RPA is, so yeah, that's about, thank you sir, so that stake is approximately right there.

Wayne Nunnally: Do you have a picture? Does that show the pool?

Justin Nelson: That's the only drawing that I have at the moment, I have asked them to supply me a much larger one.

Frances Westbrook: It may come back with the zoning permit.

Justin Nelson: Well that's true, it may come with this Conditional Use Permit they are required to come when it is time to turn dirt, back to us for a building application, Conditional Use Permit all of this with what actual plans.

Wayne Nunnally: This doesn't change the impervious base.

Justin Nelson: Not at all, we are not adding any more at all. Is this yours?

Wayne Nunnally: Yeah, that was mine.

Justin Nelson: Do you need a copy of this.

Bonnie Schaschek: Actually, what they are doing will decrease the runoff down there to the creek.

Frances Westbrook: I think there is a whole pack for you at the office.

Wayne Nunnally: Will decrease it yeah.

Jackie Brown: I picked up a packet, this is the packet that I picked up at the office and it wasn't in there.

Frances Westbrook: Hum. Alright so we are here to take comments from the public if you would like to say something or ask a question, if you would please raise your hand and we will acknowledge you. If you will please state your name and your physical address here in Irvington. No comments at all, okay. Town Council do you all have anything else.

Wayne Nunnally: No thank you.

Bonnie Schaschek: Nope, I'm good.

Frances Westbrook: Alright, then this Public Hearing is finished, and we'll move on to the next item on our Agenda which is approve minutes.

E. APPROVE MINUTES

1. September 9, 2021, Town Council Regular Monthly Meeting.

2. September 23, 2021, Town Council Special Called Meeting.

Frances Westbrook: We have two sets of minutes those from September 9, and September 23, any discussion or comments?

Anthony Marchetti: I just note I was not at the September 23, meeting.

Frances Westbrook: Okay.

Anthony Marchetti: I did read the minutes but I was not there.

Wayne Nunnally: Note that we missed it.

Anthony Marchetti: Noted.

Frances Westbrook: Well, then perhaps we will vote on these separately since you…

Anthony Marchetti: Okay.

Frances Westbrook: And it was the….

Anthony Marchetti: 23rd.

Frances Westbrook: 23rd that you weren't here. Alright, if I might have a motion for approving September 9, minutes.

Dudley Patteson: So moved.

Bonnie Schaschek: Second.

Frances Westbrook: All in favor?

Group: Aye.

VOTE

Dudley Patteson, yes.

Bonnie Schaschek, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Jackie Brown, yes.

Frances Westbrook: All opposed?

Motion (*Dudley Patteson)* To Approve September 9, 2021 minutes – Motion Passes 5-0.

Frances Westbrook: Alright motion please September 23, 2021 minutes.

Bonnie Schaschek: So moved.

Dudley Patteson: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed.

Anthony Marchetti: Abstain for Marchetti.

Dudley Patteson, yes.

Bonnie Schaschek, yes.

Anthony Marchetti, abstain.

Wayne Nunnally, yes.

Jackie Brown, yes.

Motion *(Bonnie Schaschek)* To Approve September 23, 2021 Minutes – Motion passes 4-1-0.

Frances Westbrook: Marchetti abstain due to absence. Okay. Next item on the Agenda is our Financial Report.

F. FINANCIAL REPORT

1. Treasurer's Report

Frances Westbrook: Any comments or questions? No, I will entertain a motion then.

Bonnie Schaschek: There is no motion.

Frances Westbrook: You're right, we will file this. Thank you Bonnie.

G. PUBLIC COMMENT

We move to the Public Comments portion of the Agenda. Once again if you will state your name and your address when you make a comment we would much appreciate it. Sign-up sheets are also back there for you all if you haven't signed in yet, we'd appreciate if you would do that. Show of hands. Mr. Chapman.

Tom Chapman: Tom Chapman, 62 Old Mill Cove Road. I'd just like to take the opportunity to remind the Town Council that over the last year or so I have written a number of emails to all of you about simplifying our CUP approval procedure. We presently have a Public Hearing, two readings before the Planning Commission and two readings before the Town Council. They are not required in our Code so I think you should switch back to have a Public Hearing, PC Hearing and a Town Council. It will simplify the procedure, save at least a month process, it keeps the people applying for a CUP having to show up for five meetings instead of just three. So, I don't understand why it hasn't been acted on.

Wayne Nunnally: I thought we did.

Frances Westbrook: Uh ah, has that come to Town Council as a formal recommendation from the Planning Commission?

Tom Chapman: Do you need a recommendation from the Planning Commission for this? It was an administrative procedure that the Council implemented, the Planning Commission never had anything to say about it.

Frances Westbrook: Okay.

Tom Chapman: We would be happy to review it at our meetings and send it back to you that way if that's what you think is required.

Frances Westbrook: What do you all think?

Bonnie Schaschek: I think he is absolutely right, it needs to be set back the way it was. I don't know when or how it transpired, but I think just for continuity and documentation if you could send something to us and then.

Tom Chapman: From the Planning Commission…

Bonnie Schaschek: Yeah.

Tom Chapman: ….send something to you….

Frances Westbrook: I think….

Bonnie Schaschek: This way it is all documented. I don't know it turned into what it turned into.

Frances Westbrook: It's because we started using resolutions.

Bonnie Schaschek: Oh.

Frances Westbrook: And the resolutions themselves require a Public Hearing as well as….

Tom Chapman: The resolution…

Frances Westbrook: Two readings.

Tom Chapman: It's the 15.2-2204 that requires the Public Hearing/Planning Commission approval and Town Council approval. In our code, and I can't remember it all, but one part of it says you can only act by ordinance or resolution and another part of the code it says that if you are going to have an ordinance or resolution or resolution that is like an ordinance….

Frances Westbrook: Effect of an ordinance.

Tom Chapman: Effect of an ordinance, then you have to have two hearings, well two readings. Well a CUP….

Bonnie Schaschek: A CUP is not an ordinance.

Tom Chapman: ...a single item, it is not like an ordinance so we should have never moved to do it that way. You don't have to change anything in the code we can, you can just go back to the way you've always done it. The Planning Commission can consider this and make a recommendation.

Frances Westbrook: Consider that and if you have something maybe in writing already that you could send us so that we could be looking at it in the meantime and get up to speed on what you're talking about.

Tom Chapman: I already did send it, twice. It was included in the Pool and Dock thing, I fact I send another email when you eliminated the need for pools outside of the RPA and...

Bonnie Schaschek: It's in there as well, I can send it to you if you need a copy.

Frances Westbrook: I remember seeing, I do remember seeing something it is just not fresh on the top of my head, sorry. Okay.

Tom Chapman: I can just send that to everybody again or the Planning Commission can consider and decide to make that recommendation, how would you like to begin.

Frances Westbrook: Council?

Dudley Patteson: Just send it to us and add another layer.

Frances Westbrook: That's good, alright.

Tom Chapman: So, the Planning Commission doesn't need to make a recommendation on it then?

Dudley Patteson: No, I don't think so. Do you think so? Why?

Frances Westbrook: Well Bonnie saying if you have the paper trail...

Dudley Patteson: That they blessed it.

Wayne Nunnally: The reason it changed is we had advice that we had to do it from the Council.

Bonnie Schaschek: I think just if we have the paper trail it would probably be a good idea.

Frances Westbrook: Okay, so.

Tom Chapman: Well, the Planning Commission will handle it and send you a document.

Wayne Nunnally: I think you are absolutely right, it is not a resolution.

Bonnie Schaschek: No, it's not an ordinance.

Wayne Nunnally: Does not have effect of an ordinance.

Anthony Marchetti: All runoff. Just specific to the CUP.

Frances Westbrook: Anyone else? Yes Ms. Harris.

Julie Harris: Julie Harris, King Carter Drive. I am here speaking on behalf of the VIA as President, we just wanted to give Council and update on how we at our last meeting after much consideration on various ways to handle the Halloween we decided not to do it again this year because the population that is mostly involved are the ones that are not yet vaccinated. However, we did vote to have to reinstate the Turkey Trot, so we will be coming up with guidelines that will be COVID friendly and to the Turkey Trot.

Frances Westbrook: Thank you, and we'll be talking about Halloween a little bit later on in the Agenda. Anyone else? Alright, Public Comment is closed. Thank you all. Next item is report from the Mayor.

H. REPORT FROM THE MAYOR, *Frances Westbrook*

Frances Westbrook: I have just a few things to bring you all up to speed. One is that this past weekend I got a phone call from a staff member wanting to know if we were closed Monday and my reply was not that I'm aware of, well then come Monday I realized why the question was asked because the bank was closed, yes it was a holiday and our staff should have had the day off, however at the time it was brought to my attention it was too late to close the office and what have you so, Council I have for you a list of Federal Holidays that are observed by the State of Virginia as well as Lancaster County and you have the list in front of you but behind that is also the State Code 2.2-3300 – Legal Holidays and this lists at the very first page is just a quick summary of that. So, I wanted to talk about that as far as policy goes, to my knowledge as long as I've been on Town Council we've never really broached this subject. Partly because our staff is part-time. We have given certain of these as paid holidays to staff in the past and when I talked to Lancaster County these are the days that they acknowledge and so I'd like for us to talk about following suit there also.

Anthony Marchetti: I think it's a great idea.

Wayne Nunnally: Yeah, give them the same days.

Bonnie Schaschek: I would do the same as, I'm surprised Election Day is a holiday. Really.

Frances Westbrook: Well some schools are voting precincts so.

Bonnie Schaschek: Oh, is that why.

Frances Westbrook: That's one of the reasons, but.

Bonnie Schaschek: Okay.

Frances Westbrook: It is a State holiday.

Dudley Patteson: Do we need to make a motion to…

Frances Westbrook: Yeah, I think it would probably be nice to do that.

Bonnie Schaschek: I think it's fine.

Frances Westbrook: Now, we also tend to give off the week between Christmas and New Year's.

Bonnie Schaschek: Yeah we do.

Frances Westbrook: But of course that is not observed.

Dudley Patteson: I think we should add that.

Frances Westbrook: I think we should carry through with that also.

Dudley Patteson: I agree.

Anthony Marchetti: Yep.

Wayne Nunnally: What about we adopt the Federal holidays as presented in your report and add to that the week from….

Dudley Patteson: Christmas to New Year's.

Wayne Nunnally: Christmas to New Year's, Christmas Eve to New Year's.

Dudley Patteson: Yes. Second.

Frances Westbrook: Any other questions? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Alright, that motion passes.

Motion (*Wayne Nunnally)* To Adopt the Federal Holidays Schedule and add the week from Christmas Eve to New Year's Eve – Motion passes 5-0.

Frances Westbrook: The other thing I wanted you all to know is that the, we went ahead and paid the rest of the Town Office rent the remaining 6 months for this year. We have been paying it in 6 month increments and the first 6 months ended the month of June, through all the rig-a-morale that was going on not having staff we didn't pay July and August and we got a phone call so they decided they would waive the late fee if we would go ahead and pay in another 6 month increment. So being totally transparent, that 6 month payment has been made and we are good until the first of next year. Halloween is

something I want to talk about, as you all heard from Julie, last year because of COVID Town Council decided that if the Town wanted to participate in Halloween i.e., kids are coming to your door and knocking on it we thought it would be a good idea if you have your porch light on if you are accepting trick-or-treaters and if not if you felt uncomfortable with that because of the COVID situation that you would leave your porch light off and we asked the public to please honor that. Now, that was when the newspaper last, when the Rappahannock Record printed what each town was doing for trick or treating that was pretty much what was said about us. We don't usually limit age, we don't have a time frame, but we did ask if the porch light is off then don't knock and honor that, so the question is, is this what Town Council wants to do again this year.

Bonnie Schaschek: I think so.

Frances Westbrook: …contest…

Wayne Nunnally: I think it's a great idea.

Bonnie Schaschek: I think it's…

Frances Westbrook: Think so….

Anthony Marchetti: Reasonable.

Frances Westbrook: I can, let's have a motion on that too please.

Wayne Nunnally: Move we direct the public if you want to participate in Halloween turn your light on, if they don't turn it off, town to honor those general instructions.

Bonnie Schaschek: Can we have that put in the newspaper as well?

Frances Westbrook: Yes, where is, do we.

Female: Put it in there…

Frances Westbrook: Do we, do you have a special section where you talk about the towns Halloween policies or what have you?

Female: This will be my first Halloween working for the paper.

Frances Westbrook: Okay.

Female: …did not read, but I don't know if they will be having a section in there.

Frances Westbrook: Okay.

Female: However, I know my upcoming Kilmarnock article will talk about Kilmarnock's Halloween plans so I'll be certain to take note and put it in as well.

Frances Westbrook: That would be great. Thank you very much. Alright all in favor?

Group: Aye.

Frances Westbrook: All opposed?

VOTE

Dudley Patteson, yes.

Bonnie Schaschek, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Jackie Brown, yes.

Motion (*Wayne Nunnally)* To List in the Paper the Town's Halloween plans for leaving your light on to participate or turn it off if you are not participating – Motion passes 5-0

Frances Westbrook: Next item, I have a nice little note from the Steamboat Era Museum, this was thanking us for supporting our print advertising associated with the Crab Festival. We don't get many of these little thank you note and I wanted to share it with you, it came from Cay Bradley and you are most welcome Cay.

Cay Bradley: Thank you.

Frances Westbrook: Alrighty, a reminder the Mayor's Cup Tournament is coming up November 14th, 10:00, Golden Eagle, deadline for registering is November 7th, that's what I really wanted you to know. The next thing I want to mention is that Steve Kimmeth term on the Planning Commission expires the end of November and he is not seeking reappointment. He has other things planned for his life upcoming and I bring this up for two reasons, one, to publicly say thank you so much Steve, I can't imagine the Planning Commission without you, but secondly, we need to probably get an ad in the paper coming up soon in the next couple of weeks so we can get those who are interested in serving, we will have a list of names we can choose from, so once again since we are spending Town money for an ad if I might have a motion to that effect.

Bonnie Schaschek: So moved.

Wayne Nunnally: So moved, second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed.

Motion *(Bonnie Schaschek)* To Place An Ad in the Paper for a replacement for Steve Kimmeth on Planning Commission – Motion passes 5-0.

Frances Westbrook: And that's the end of my report. Next item is report from the Zoning Administrator, Justin.

I. REPORT FROM THE ZONING ADMINISTRATOR, Justin Nelson

1. Zoning Permit

- **a. 2021-26 Tree Removal Permit**
- **b. CC Enterprises.**
- **c. Applications: Pollard and Mayhew.**
- **d. Trailer Removal.**

Justin Nelson: Yes, we've had a little bit of activity. We have some permits wise, we have some tree removal permits, we do have a new single-family home going up at King Carter and Carter's Creek Road, we have the Pollard CUP, we have the Mayhew CUP. We had a lot line adjustment for Barry Robinson and we are working on this trailer situation at 4693 Irvington Road, a complaint from a citizen on getting a road cut in and those moved out of there.

Frances Westbrook: Any questions? Thank you Justin. I do want to make just one quick comment, on your CUP schedule there have been two dates added at the very bottom which is why you have that November 9, November 11 deal with the Mayhew CUP. Just calling your attention to it. Alright Anthony you are on board, Budget and Finance.

J. COMMITTEE REPORTS

1. Budget and Finance, Anthony Marchetti, Chair.

Anthony Marchetti: I am going to keep it quick. Took the first stab at the amended budget which we had a workshop prior to this meeting, those documents should be circulating and Laurel can get them to you if you haven't seen them. The next stop is I'd like to have a Public Hearing on the amended budget. I welcome feedback from the public on the changes. Right now it is tentatively scheduled for October 25th, Monday, but I will firm up time and make sure proper notice is sent out to everyone and I hope everybody will attend and provide the feedback. The goal is that the first reading of the amended budget is at the regularly scheduled November regular Town Council meeting, second reading at

the December 9th, where hopefully we can go ahead and pass it and get started on next year's budget. That's all I've got.

Frances Westbrook: Alright, thank you. H.R. Committee, Dudley.

2. H.R. Committee, Dudley Patteson, Chair.

Dudley Patteson: Well, the H.R. Committee had put an ad in the paper for the Town Attorney, we didn't get too many interested parties from that ad. We have two candidates that Bonnie and I will be interviewing next week and determining their credentials, cost associated with each, the experience and the expertise of each and we'd like to come back to Council with a recommendation and possibly we can tie this in with Anthony's October 25th meeting so we can have a Town Attorney to help us through the swamp.

Frances Westbrook: So, if we have the Special Called Meeting, the Public Hearing and H.R.'s recommendation.

Dudley Patteson: That would be nice.

Frances Westbrook: Okay. Alright, Laurel if you want to get on that, let's see what else we've got going on, I think the 25th we had already talked about so.

Anthony Marchetti: Yeah, whenever it works for everybody is fine so.

Bonnie Schaschek: It won't take long.

Frances Westbrook: Okay.

Anthony Marchetti: It shouldn't be long.

Frances Westbrook: Alright.

Wayne Nunnally: Facilities.

Frances Westbrook: The 25th is good for everybody at this point, is that what I'm hearing, okay. Yes, Mr. Nunnally.

3. Facilities, Streets, and Sidewalks Committee, Wayne Nunnally, Chair

Wayne Nunnally: I did a little bit of this at the Budget meeting just for the review and the minutes, Kilmarnock charges $10,095 for a hookup to their sewer and they would project a $16,000 hookup fee for us. Anthony has pointed out that we can have a study paid for by the Federal Government and not any of the Town money to assess the need for us. The figure that I had now, it may be old that it is going to cost us $2,618,880 to hookup to the White Stone facility but that may have changed because of compass.

Frances Westbrook: You mean the Kilmarnock Facilities.

Wayne Nunnally: The Kilmarnock Facilities. White Stone said that we could forget the hooking up with them for at least 2 years if not longer. I read just in passing somewhere that the EPA now supports a properly functioning septic system in individual homes as the best solution environmentally and as for conservating limited energy resources. That's out of the little book and of course we can do nothing, but we need to await the study that we would have, but those figures need to at least be thought about because it is a mixed amount of money that we are talking about. I have had several complaints about some sidewalks in our Town Madam Mayor and I recollect that prior Council had negotiated with VDOT for split responsibility so your committee ow is investigating whether VDOT has responsibility to fix these sidewalks or whether we do and if we do we will get an estimate and get it fixed.

Frances Westbrook: I'm aware of three places, now you may know more, but anyway I'll have you share....

Wayne Nunnally: Please do that.

Frances Westbrook: ....the areas that....

Wayne Nunnally: And if the public has any complaint on the sidewalks please contact Jackie or me so that we can get this filled in one swoop we would appreciate it.

Bonnie Schaschek (talking in the background): Anthony, going to probably want to put about $30,000 in the budget for sidewalk repair.

Anthony Marchetti (talking in the background): You think that is going to be on us.

Bonnie Schaschek (talking in the background): Some of it maybe.

Wayne Nunnally: Thank you Madam Mayor.

Frances Westbrook: Thank you. Select Committee, Chris Braly is not with us tonight, so there is no report there that I'm aware of. Laurel you haven't received anything in the last 24 hours have you. Okay, that's what I thought. Therefore we don't have a Planning Commission update at this time.

4. Select Committee, Chris Braly – No report.

5. Planning Commission, Julie Harris.

Frances Westbrook: Okay, we go into old business. What's that.

Male: Julie can give...

Frances Westbrook: Oh, I'm sorry Julie, well of course how obvious. Julie would you like to update us please.

Julie Harris: The Commission met on Tuesday, and we discussed the two berms that are still pretty much in the running, and Brian Forrester is going to contact them with the finetuning and set up a workshop date where we can meet with them and interview them.

Justin Nelson: I think that is perfectly stated. Thank you.

Frances Westbrook: I apologize to the Planning Commission again. I'm just so used to the audience being out there I didn't think about that so, anyway, thank you.

K. OLD BUSINESS

Frances Westbrook: We are going to have the second reading of....

Wayne Nunnally: Madam Mayor.

Frances Westbrook: I'm sorry.

Wayne Nunnally: Are you talking about the survey, is that what I heard you say?

Female: Yes, it's the company that will do the survey and update of the comprehensive plan.

Wayne Nunnally: Will you be discussing items that are to be included in the survey?

Female: Not yet.

Wayne Nunnally: Thank you.

Frances Westbrook: Alright we are going to have the second reading moving into old business. Second reading of 2021.CUP2 for Pollard and Justin as a second reading all you have to do is read the title.

Justin Nelson: Alright, Resolution 2021-12-Town Council Recommendation regarding CUP Application Inn in MI that has been adjusted, tax map 33.379.

Frances Westbrook: Thank you. Town Council this is our second reading and we have had the Public Hearing, so if I may have a motion to pass this resolution.

Wayne Nunnally: I was not at the last, I apologize, were there any restrictions put on this.

Frances Westbrook: Yes, in your packet there should have been some additional conditions that were added by the Planning Commission.

Justin Nelson: That was sent out in a separate email the day after the Planning Commission meeting.

Frances Westbrook: This was offered by Mr. Pollard and the Planning Commission passed it this past Tuesday and it comes to us with the recommendation that Mr. Pollards offer of these other conditions are a part of the resolution.

Wayne Nunnally: Any adjoining property owners for....

Frances Westbrook: Yes, Mr. Friday.

John Friday: May I speak Madam Mayor?

Frances Westbrook: Yes sir you may.

John Friday: My name is John Friday, I live at 84 Edgewood Lane, I own the adjoining boatyard property to Mr. Pollard's property he is intending to have some guest cottages built and I understood at the meeting held the other day that the Planning Commission appears to be passing on the CUP. It seems to have passed all their requirements and I understood at that meeting that Mr. Pollard offered some additional provisions. I don't have a copy of those. The one I think is that Mr. Pollard was agreeing to put some, put one or more security cameras in place, is that?

Mr. Pollard: That's correct, on my side of the property.

John Friday: On his side of the property and I would like the Planning Commission and/or the Town Council to possibly make some clarifications to the use of the security camera.

Frances Westbrook: This is Item #5 I think on that list.

John Friday: Yeah, Item #5 says place and maintain security camera 24 hours to facilitate adjoint named buildings at the termination of state maintained highway and I would like some additional clarification along with that provision, the first being that the images recorded on the security cameras will be of adequate quality to positively identify individuals entering the adjoining boatyard property and the second additional provision I would ask to be considered is that the 24 hour loop recordings be provided electronically by Mr. Pollard to me via email, so I can also review who is coming from his property onto mine.

Frances Westbrook: Okay.

John Friday: Is that clear, does anybody have any questions?

Frances Westbrook: I think what you're asking is that the tape be of high enough quality that you can actually identify a person on it.

John Friday: Right.

Frances Westbrook: As opposed to what we see on TV when we are looking at prime shows.

John Friday: Yeah, exactly.

Bonnie Schaschek: They just have a shadow.

John Friday: I'd like to have those recordings made available to me so I can view them without having to necessarily ask for them at any particular time.

Frances Westbrook: Okay, Mr. Pollard would you like to address some of that?

Mr. Pollard: Thank you Madam Mayor. This is a very simple application, it is by-right use, I respect Mr. Friday. I watch him out there working every day. He is one of the hardest working men I know, he runs a great boatyard, um, he has driving by this property probably 10,000 times since it has been on the market. He has bought his property subsequent, when he bought his property he knows that it is zoned industrial so he knows what this property had possible uses for, it's only after I purchased it is that his concerns sprung up. He could have come to the Town Council 10 years ago and said I don't think that that is an appropriate place for guest cottages which is a by-right use. That is proven record of improving property. I am also an extremely easy person to get ahold of, as I have emailed Mr. Friday a list very similar to this. Despite the fact that I am very easy to work with we are sitting here at the last minute negotiating this before the Town Council, all that having been said, I will certainly share, I am certainly happy for the electronic copies of the electronic for the security camera tape to be, for him to have access and I'm certainly happy for them to be of fine quality, certainly my intention. But this whole thing is easily....

Anthony Marchetti: I mean, one comment is, generally speaking, Mr. Pollard, my concern is, I guess may be different with the applicant offered them up in an attempt to be a good neighbor, otherwise I would be generally uncomfortable putting this detailed attachments to something that I agree in this case it is a by-right. I think even without this it is allowed to be there. I just wanted to note for the record these stipulations, these conditions were brought forth by the applicant and not something the Town Council or Planning Commission chose to impose in order for it to be approved. Have to be careful about the level of detail and I just want to get that on record.

John Friday: May I respond to that? As I understood at the Planning Commission meeting the Commission agreed to pass the CUP only with those recommendations. That Mr. Pollard had offered and as you said it is one thing to have a security camera you know showing you know some blurry image, but it is another thing to have a security camera that we can use if someone does in fact come onto our property from his. That was the only reason that I wanted that clarification.

Anthony Marchetti: Sure, I think this conversation is between you and Mr. Pollard can work that out, I don't think he goes to the expense of having one if it wasn't going to be functional and serve its purpose so.

Dudley Patteson: I have a comment. I am in favor of what Mr. Pollard is doing so that is not the issue here. So what the issue is what is on the CUP application, these cottages were described as 16 cottages with pavilion, etc. and it was also.

Bonnie Schaschek: No, no 6.

Dudley Patteson: 6, 16, I meant 6 sorry, sorry Albert.

Mr. Pollard: That's okay.

Dudley Patteson: And, it was also described differently and then on this particular second reading it uses the word Inn and I have heard Airbnb, I've heard VRBO, I've heard multiple uses of these cottages but what, those of us who are in the Inn business including the Tides Inn we are sensitive to businesses that aren't inns being subject to the same regulations that we are subject to. So, if it is an Inn Albert would you also agree to being subject to the same things that we at the Hope & Glory and The Tides Inn go through.

Frances Westbrook: If I might interrupt there, the term Inn comes from the zoning ordinances in our book....

Dudley Patteson: Okay, okay...

Frances Westbrook: ...so it is under the list...

Dudley Patteson: Okay....

Frances Westbrook: ...of uses and is what's used there so that's why it was used in this document, in the resolution itself. I mean it doesn't say Inns versus bed and breakfast versus, it does mention bed and breakfast but hotels versus motels, Inn is used to encapsulate....

Bonnie Schaschek: Everything.

Frances Westbrook: All of that yes.

Dudley Patteson: So tourist homes.

Anthony Marchetti: I guess the use.

Dudley Patteson: Okay.

Frances Westbrook: And as far as them adhering to the same thing that you all do, he has to do that anyway.

Wayne Nunnally: He can't talk for himself as a merchant and a member of this Council.

Dudley Patteson: Pardon?

Wayne Nunnally: I said I object to you taking your business personally and now doing it as a Council Member now Dudley. You can't wear the two hats.

Dudley Patteson: I'm not, as I said at the beginning, I in favor of what Mr. Pollard is doing and I'm just saying as Council people we need to make certain that all parties are, the playing field is level for all of us that's it. That's not anything that I should apologize for.

Frances Westbrook: Okay, so we'll move on from that then please. Anyone operating an Inn or short term rental, what have you, have to abide by the same conditions you do....

Dudley Patteson: Health department.

Frances Westbrook: Health department.

Dudley Patteson: Just to make certain.

Frances Westbrook: Yeah all of that, that's....

Dudley Patteson: Just so, you're okay with that Albert?

Albert Pollard: Thank you Madam Mayor, Council, actually read the application of what I applied for were tourist homes.

Dudley Patteson: Yes.

Albert Pollard: And my understanding is that there is a, there are demarcation lines with the ADA and other things that when you get to a certain size and whether you are booking a specific room versus a nonspecific room, I obviously intend to follow all State and Federal Laws.

Dudley Patteson: Good.

Albert Pollard: Which is a separate issue from the zoning issue.

Dudley Patteson: Correct. Okay. Thank you.

Albert Pollard: Thank you.

Frances Westbrook: Anything else? If we are ready to take a vote; I would like to have a motion please, pass this resolution as presented.

Jackie Brown: I make a motion to pass the resolution as presented.

Dudley Patteson: Did she make a motion?

Bonnie Schaschek: I'll second.

Anthony Marchetti: Including the....

Bonnie Schaschek: That was part of the...

Frances Westbrook: That's the recommendation from....

Bonnie Schaschek: ....from Planning Commission.

Anthony Marchetti: Just clarifying.

Frances Westbrook: Okay, roll call vote please, starting with Dudley.

VOTE

Dudley Patteson, aye.

Bonnie Schaschek, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Jackie Brown, yes.

Frances Westbrook: Alright, resolution passes.

Motion (*Jackie Brown) To Pass Resolution – Pollard passes – 5-0.*

Frances Westbrook: Okay, just for the public your knowledge. Mr. Pollard did withdraw his rezoning application, that is why we are only dealing with the CUP for his buildings down there. Next the Restated Banking Resolution. We did have a Public Hearing, we did have readings, but Laurel and I both have gone through the past minutes and we cannot find where an actual Town Council vote was taken, so, we need to take that vote to make it official. Nancyellen, if I may, can we vote on that tonight, or do we have to go back and have readings again. This happened to us once before awhile back.

Nancyellen Keane: Because this is a Banking Resolution and you didn't have to have a Public Hearing...

Frances Westbrook: Okay, but we did have....

Nancyellen Keane: ...It's no harm, no...

Frances Westbrook: Okay.

Nancyellen Keane: ….and you had two readings already, this would be after the, and it's already been voted on, but you couldn't find the vote.

Frances Westbrook: Yeah, we did not find it in the minutes.

Nancyellen Keane: Well I would say that you should vote on it now and then the resolution document should be changed and say that the vote was taken tonight.

Frances Westbrook: Okay.

Nancyellen Keane: That's all I can say. I think you met all the other requirements the dates that you were going to do it, and notified in the Agenda. It's on this Agenda, so.

Frances Westbrook: Yes it is.

Nancyellen Keane: Yeah.

Frances Westbrook: Alright, then looking at this Banking Resolution it states on here effective May 13, 2019, but that's the original resolution, this is the amended, that includes the fact that the Town Clerk can receive information and bank statements from Chesapeake Bay Bank for accounts. Did everybody read their copy.

Bonnie Schaschek: Uh huh.

Frances Westbrook: Refreshed on this. Then if I may, I'd like to have a motion.

Wayne Nunnally: Move we approve the Banking Resolution as written.

Dudley Patteson: Second.

Frances Westbrook: This is resolution 2021-10, I will say for the transcriptionist the recording. Alright we have a motion, do we have a second?

Dudley Patteson: I second.

Frances Westbrook: If we can have a roll call vote please on this.

VOTE

Dudley Patteson, yes.

Bonnie Schaschek, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Jackie Brown, yes.

Frances Westbrook: Okay, resolution passes.

Motion *(Wayne Nunnally)* To Pass Banking Resolution – Motion passes 5-0.

Frances Westbrook: Here we go Laurel. Now Anthony is going to bring us up to date on the Virginia Tourism Grant and wrapping up a few things here.

Anthony Marchetti: Yeah, so we should be able to complete close out of the Virginia Tourism grants that the Town received. It was called To Play or Pause in Irvington. The awarded amount was $15,250. We have a remaining balance left I guess to I guess claim is the word for $6,916. We have until Monday, February 28th, 2022 to complete the program so that the rest of the reporting in order to receive that balance. I believe as soon as we do our part, submit the receipts and fill out the close-out paperwork, we will receive that money. So the good news is we should close it out in full.

Frances Westbrook: By the end of our fiscal year?

Anthony Marchetti: Yeah, definitely, well it has got to be done by the end of February, so, that remaining $6,916 will show up on this year's revenue it goes on the amended budget. So what we have got to do is figure out where the Town left off in the submission process or the reporting process. So, one thing I wanted to bring before Council was that one of the grant partners, Steamboat Era Museum is also interested in seeing this grant closed out since the Town, Steamboat is a grant partner, that everybody leaves on good terms and that we do what we say we are going to do and finish. So one of the grant partners has offered to assist, work with Laurel to figure out where we left off in terms of reporting and then make recommendations back to Council on what needs to be done to close this out and get our money back. Cay Bradley representing Steamboat Era Museum made that offer so I wanted to bring that before Council. She is not only a partner in the grant but professionally does reporting so seems like a great person to help us figure out where we're at and what's remaining so that we can close out on good terms with all parties involved.

Dudley Patteson: I might point out as a grant partner and a Council person I cannot participate in these discussions.

Anthony Marchetti: So, I don't know if we need a vote or just a consensus that Cay can assist Laurel and Laurel has pulled some folders and started gathering, but certainly Cay's contact involvement would certainly accelerate and help Laurel.

Wayne Nunnally: I think we need her help.

Anthony Marchetti: It seemed like a great kind offer to me, so.

Frances Westbrook: Now did you tell me that our accountant was going to send us any kind of report on QuickBooks on what....

Anthony Marchetti: So what we don't know is, in order to get money reimbursed, the way the grant works is you have to show Virginia Tourism that the Town and its partners spent our dollars on marketing, advertising, whatever it may be. What I don't know is where like FlackShack that we engaged with, that contract, that money was eligible as a receipt. I don't know when the last time the Town submitted a receipt to VTC saying we spent this much with FlackShack. So, at some point yes we'll need a report.

Frances Westbrook: Is it....

Anthony Marchetti: I think that's what they'll figure out is where we left off, how much we, they told us the dollar amounts on receipts that we have to, what was it, so, yeah we have a reimbursement request must be submitted for $20,748 and eligible marketing expenses. So what we need to do is figure out what we have already submitted and then submit the rest of that. It's all been done, we just need to capture those receipts and submit them with the proper paperwork.

Frances Westbrook: Alright.

Bonnie Schaschek: The receipts of those that haven't been submitted.

Anthony Marchetti: Correct. That's what we need to figure out is what expenses the Town has had that haven't been and what haven't been and the same thing with other partners whoever owes.

Frances Westbrook: Those receipts.

Anthony Marchetti: Those receipts.

Frances Westbrook: So, alright on the Town's side what we have expended that's all been, that has all been pretty much FlackShack?

Bonnie Schaschek: Uh huh.

Frances Westbrook: Okay so we are waiting for other receipts.

Anthony Marchetti: I don't know that we have reported to VTC that we have spent all of that we have spent the money, we have reported. That is part of what needs to be figured out and part of what makes it complicated.

Frances Westbrook: It makes sense to me to have someone like Cay help do that because Jay Sanudo the accountant, I mean....

Anthony Marchetti: He's helpful, he will know what we spent, but he is not going to know the reporting.

Frances Westbrook: Exactly, and we can't tell him until we find out.

Anthony Marchetti: He can provide proof, the receipts that we need but we don't know which receipts we need.

Frances Westbrook: Okay. Does that suit everybody. I don't think we have to vote on this. Thank you Cay.

Cay Bradley: Your welcome.

Frances Westbrook: Very generous of you.

Anthony Marchetti: So, yep.

Frances Westbrook: Okay, thank you Anthony. Arrowhead Landscaping. We were in touch with them regarding the street gutters along the business part of Route 200 as well as King Carter and Steamboat where all the weeds have been growing up, we have had some pretty tall grass that has sprouted this year and Laurel had a conversation with Mr. Kettner with Arrowhead and he states that he will spray all the curbs and gutters along Steamboat/King Carter prior to cleaning the streets about 3 weeks after spraying he will remove the growth that was sprayed and will remove any leaves, debris and debris from curbs and storm drain covers. The work will be completed just before Turkey Trot in November. Once he sprays he needs to have about 3 weeks transpire and he will go back and cut everything out that is still in the gutter so everything will finally get cleaned. We typically do this I think a couple of times a year and I don't think it has been done at all this year so far, so this is going to be taken care of, but the price for doing all that for us is $1,500.

Bonnie Schaschek: How much?

Frances Westbrook: $1,500 to do all the spraying and then to remove all....

Bonnie Schaschek: Wasn't that already in their contract?

Frances Westbrook: Um, the spraying part was, but this has gotten so far out of hand, but we've got grass growing in the street gutters....

Bonnie Schaschek: You don't need to tell me, I have already taken care of that.

Wayne Nunnally: I complained to him....

Bonnie Schaschek: I did it myself.

Wayne Nunnally: He told me he was spraying continuously and keeping it down because it was kept beautifully for a while, then he was instructed by a staff member who is no longer with us that we should not be paying him to do it, because she could get it done free from VDOT.

Frances Westbrook: That's two different subject matters.

Wayne Nunnally: Well spraying the streets.

Frances Westbrook: No, what VDOT was going to do and what they have done in the past is that they literally have their street cleaning machine that has the rotating brusher, that sprays the water and sucks everything up, now that's what VDOT does I believe just once a year.

Wayne Nunnally: Yeah, that's not the same thing.

Frances Westbrook: That's the free part.

Wayne Nunnally: But he stopped spraying because he was instructed not to do it because VDOT was going to do it for nothing and the spraying part I'm pretty certain it was in his contract.

Bonnie Schaschek: It is.

Frances Westbrook: Well VDOT does not do any spraying.

Wayne Nunnally: Oh yes they do, they ruined my forsythia. Don't tell me they don't do it, I know they do it. Well....

Wayne Nunnally: And they ruined some other people's Crepe Myrtles, they came down and sprayed.

Frances Westbrook: I'm not aware that VDOT, I know they bring their street cleaning machine....

Wayne Nunnally: I would make a motion they tell us when they are coming to do it, if they do it, Madam Mayor they have done it in the past. I know that Mr. Kettner usually does a very good job with us in the past.

Anthony Marchetti: So, yeah we just got to decide it needs to be addressed whether...

Frances Westbrook: It does need to be addressed....

Anthony Marchetti: Ongoing though it needs to be routine maintenance...

Frances Westbrook: I've had three different town....

Wayne Nunnally: I move we accept his bid and...

Bonnie Schaschek: Exactly.

Frances Westbrook: I've had three different town residents come to my house and complain about them over the past, probably about the past 6 to 8 weeks and they are absolutely correct, I don't know if you've looked down Steamboat but certainly down King Carter, it's a mess. Like Bonnie we try to keep ours in front of our curb section straight and there are a handful of residents that do that but in the meantime it looks pretty raggedy going down by the Tides Inn or going down the other business side down Steamboat or even in front, I don't think it quite so bad on Route 200.

Wayne Nunnally: I made a motion that we accept the $1,500 and get it done. So, we have to get it done.

Frances Westbrook: We have to get this done before Turkey Trot.

Anthony Marchetti: I would actually like to mention too, I'll second Wayne's but I'd like to see if we could ask Arrowhead to have it done by Friday, November 19th, Saturday the 20th is the Taste By the Bay Event at the Tide's Inn and I think that is 1,200 tickets that are sold on top of vendors.

Frances Westbrook: Alright, so you are saying the 19th.

Anthony Marchetti: Of November.

Frances Westbrook: Taste of the Bay.

Anthony Marchetti: Well, the 20th.

Bonnie Schaschek: King Carter at least.

Anthony Marchetti: At least King Carter. It is a lot of people that come to Irvington and then park on King Carter in particular and it would be nice to have it cleaned by then.

Bonnie Schaschek: I don't think we need to worry about the $1,500, it is in the budget and the contract. He has not charged everything that is in that contract....

Frances Westbrook: Right.

Bonnie Schaschek: ....I don't think the $1,500 is an issue, yeah, but you know.

Frances Westbrook: Let's clarify this, Wayne has a motion, do you want to make it contingent upon being able to get this done.

Anthony Marchetti: It needs to get done, I would just ask him....

Bonnie Schaschek: Just ask him.

Anthony Marchetti: …I don't think it needs to be a part of the motion, just ask him if he could try to have it done by Friday, the 19th.

Frances Westbrook: Okay.

Anthony Marchetti: Laurel calls him and gives him the okay.

Frances Westbrook: Alright, so let's, we have a motion?

Anthony Marchetti: I'll second the motion.

Frances Westbrook: We have a second, any other discussion? All in favor?

Group: Aye.

VOTE

Dudley Patteson, yes.

Bonnie Schaschek, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Jackie Brown, yes.

Frances Westbrook: All opposed? Alright, that passes and Laurel if you don't mind tomorrow if you could give Jay Kettner a call and see if it is anyway possible he can have it done before The Taste of the Bay Event at the Tide's Inn which takes place on the 20th of November, okay. If he would work with us on that that would be wonderful.

Motion (*Dudley Patteson*) Arrowhead Landscaping – Motion passes 5-0.

Frances Westbrook: Alright, Fisher's Pit update.

Nancyellen Keane: I have a brief activity report and the rest will be in closed session.

Frances Westbrook: Okay.

Nancyellen Keane: Okay, since the last Council meeting October 9th, I've talked to the attorneys at the Attorney General's office representing DEQ enforcement and the Department of Mines, Minerals and Energy, since that conversation I have been pursuing additional information to respond to issues, discuss with the Attorney General's office. I have been doing that, I have met with Lancaster County, I have been working with our former zoning administrator Lara Brown on some information that she is providing me and I'll go into more detail in the closed session about it and I have done legal research on some of the issues that were raised by the Attorney General's office when I talked with them. So that's the end of the activity report and I'll give you more details in the closed session.

Frances Westbrook: Thank you. Alright at the end of this old business section Anthony has asked that we give the general public an opportunity to make any comments on any of the old business that was just discussed. Anything at all. Okay, thank you. We will move to new business.

L. NEW BUSINESS

Frances Westbrook: We have three items, the first three items under new business, one being septic tank pumping requirement, the second being the golf cart annual registration and the third being short term rental registration. Something that we have to address as far as the actual registrations, the actual letters and in talking about this with Anthony and Laurel we felt that in order to inform the public and you'll understand more as we go through each of these three items in detail we are proposing that we would do one mailing with these three pieces of information so that we are sure that every property owner in town gets this information. Not all this information will pertain to everyone but one, the septic tank pumping will, so, having said that, talking first about the septic tank pumping requirement is something that the Town is required to do by State Code, every 5 years every resident who has a septic tank is required to have it inspected and if need be pumped. The Town has to have that information on file. The Town if responsible for sending a letter out and their little form that goes with it that states yes I've had this done and the company you've used signs off on it and that comes back to the Town and then you are good until the fifth year rolls around. So we need to get back into the just of doing that. I don't think it has been done since Jackie Burrell left town office and that has been quite a few years so we are required to do it and we need to get back into doing it.

Bonnie Schaschek: Can I just add one thing that that.

Frances Westbrook: Yes.

Bonnie Schaschek: For those that have engineered systems that don't have the septic to be pumped out, you also need to get it inspected and get a certificate that it was inspected and that has to go back to the Town.

Frances Westbrook: To the Town, okay, thank you I didn't know that.

Bonnie Schaschek: Yeah, I need to call the State last time.

Frances Westbrook: Because that's not on the form I don't think.

Bonnie Schaschek: No, I had called the State to find out because nobody knew.

Frances Westbrook: What you should do.

Bonnie Schaschek: Yeah.

Frances Westbrook: Second item golf cart annual registration, we have permission to have golf carts on the public roads here in Irvington, now it is just three roads, all three roads speed limit less than 25 mph. We are allowed to do that because the General Assembly granted us that permission and with that permission there are some concrete things that have to be adhered to, so because there are so many more golf carts in the last couple of years and I personally see children driving them....

Bonnie Schaschek: Yeah.

Frances Westbrook: ...and we see them on Route 200 and our concern is that, or my concern is that this privilege can be taken away from us as quickly as it was given to us and we have, I have provided you Town Council with the registration form and words that Urbana has used, they also have golf cart designated areas there, so I give this to you and ask you to look at it, I hope you've looked at it because I would like for us to move on this tonight if you so desire and this would be a second part of that packet, that letter that goes out to town residents along with the septic tank information. Comments or questions, or?

Bonnie Schaschek: You are just providing this as information?

Frances Westbrook: Well, we'd like to get this, I'd like to get this moved on so that when we do this septic tank letter, that form, it will go out at the same time.

Bonnie Schaschek: At the same time.

Frances Westbrook: I don't suspect that we will get into the septic tank and get that kind of mailing ready until the first part of the year, it is going to take a little while to get it done. Laurel has taken the first step and gotten the land book, the new land book from the County, so we do have those, those updated addresses of the property owners.

Bonnie Schaschek: Okay.

Frances Westbrook: So, if you want to take a look at this further and then we can put it back on the Agenda for next month.

Bonnie Schaschek: I think it's fine, I see the registration fee of $25 here but I think that just needs to be stipulated that that fee comes from our scheduled fees that we approved with the budget just so that it's not....

Frances Westbrook: Um....

Bonnie Schaschek: …we approve that each year.

Frances Westbrook: Yeah.

Bonnie Schaschek: So.

Frances Westbrook: So, what are you saying then, I guess, you're talking about this part that says….

Bonnie Schaschek: Yeah, yeah….

Frances Westbrook: Down there….

Bonnie Schaschek: Yeah.

Frances Westbrook: How would you suggest that be worded, I mean it says proof of insurance, liability coverage….

Bonnie Schaschek: I would just put, is this the ordinance itself?

Frances Westbrook: No.

Bonnie Schaschek: Okay, only because it looks like….

Frances Westbrook: We can put the ordinance on there, we reference ordinance on the other page.

Bonnie Schaschek: Alright, that's fine.

Frances Westbrook: That might not be a bad idea.

Wayne Nunnally: I missed it.

Bonnie Schaschek: Yeah.

Jackie Brown: The golf carts.

Bonnie Schaschek: If we can, yeah.

Anthony Marchetti: State….

Frances Westbrook: This is our ordinance number and then that's the State.

Anthony Marchetti: The State.

Frances Westbrook: Uh huh.

Wayne Nunnally: When we get the driver's license and all we just….

Frances Westbrook: Yes.

Wayne Nunnally: …say we have insurance, we don't have to….

Frances Westbrook: Yes you do.

Wayne Nunnally: I've never done it, I just signed it.

Frances Westbrook: I think that is part of our ordinance. We took this from the State when they gave us permission.

Wayne Nunnally: The State didn't require you to bring it in, you just singed them on perjury.

Frances Westbrook: I disagree with you on that one Wayne.

Wayne Nunnally: You don't take your insurance policy to DMV to get your registration card.

Frances Westbrook: No.

Wayne Nunnally: You say I've got insurance. You just say it on the registration there. I don't care, but I mean you don't take it to the State.

Frances Westbrook: We can, as I said while you were gone, if you all will take a look at this and it will be back on the Agenda come November so that will give you plenty of time to look into it, that aspect of it and I certainly will too, so let's....

Wayne Nunnally: Do we have the form, the little stickers?

Frances Westbrook: We need to order more stickers.

Wayne Nunnally: We have to give people stickers.

Frances Westbrook: Yes and those are numbered so. Okay so that will reappear on next month's.

Bonnie Schaschek: You are going to reorder them as numbered ones or write the number in rather than always reordering. That was the one thing Jackie was going to do because.

Frances Westbrook: No, these aren't written on, the ones we were using they were printed on by the company.

Bonnie Schaschek: They were printed by the company but when we were going to reorder them the last time it was not going to have the number preprinted she was going to add it as you came in with your registration.

Frances Westbrook: So you don't think that that will fade off or whatever over a period of time.

Bonnie Schaschek: I don't know. You can make it a sticker like you do with your license plate.

Frances Westbrook: The company already has the logo, has the decal, so if we continue to use them we won't continue to have new setup fees or anything and have to give them new art work.

Bonnie Schaschek: Okay.

Wayne Nunnally: Well you are going to have to have a new one every year.

Bonnie Schaschek: They are going to have to make new ones every year then.

Wayne Nunnally: You have to change the date.

Frances Westbrook: I don't know that you do, but, it is worthy talking about, so I think that if you all will take this and promise me you are going to look at it, because you all have had these since last Friday, so let's take it and look at it and y'all come back with the changes and what have you and let's get this squared away in November then, okay. Alright, so that will be on the next Agenda. And the last is short term rental registration form, we do have the ordinance on the books now that the short term rental owners are required to register with the Town, we just do not have the means for which they can do. We need to come up with a registration form or whatever so, I would like for a couple of Town Council members to volunteer to start looking at this and come up and bring something back to us in November that will be a form with the amount of information, information we will need on it so when these people come to register and it has what we expect from them as owners.

Wayne Nunnally: Dudley and I should get together on that.

Dudley Patteson: Exactly my thought.

Frances Westbrook: So, are two, then I hear you two are going to prepare that?

Anthony Marchetti: Sounds like a volunteer to me, even if it was in just....

Nancyellen Keane: Just wanted you to know, I drafted this but I don't know whether you got it or not, but Laurel has it....

Frances Westbrook: No.

Nancyellen Keane: I drafted a form, the form has to track the statute, so there is not a lot to it.

Frances Westbrook: Do you still have that.

Nancyellen Keane: Yeah, I can give it to you.

Frances Westbrook: That would be a good place to start. Very good thank you.

Wayne Nunnally: Would you send that to Dudley and myself please.

Frances Westbrook: Uh huh. Okay so those three items we are going to start working on, we are going to get these ready so that we can hopefully get this sent out to town residents first part of the year.

Bonnie Schaschek: First part of the year.

Anthony Marchetti: Yeah, with the one mailing we either include the forms or at least the....

Frances Westbrook: Other layers....

Anthony Marchetti: ...that they need to address if they have those three things.

Frances Westbrook: And postage has gone up again so if we can do one mailing that would save us some money. Alright next thing on new business, FlackShack proposal for maintaining our social media account. Anthony are you going to address this?

Anthony Marchetti: I can, sure.

Frances Westbrook: Please.

Anthony Marchetti: So, as you either have seen or will see, there is a new line item on the proposed amended budget called basically Irvington Tourism Support and the idea behind it is that it is a way for the Town to actively engage and participate and help support a industry that represents a very significant portion of the Town's revenue. So, we have a line item under Community Support and Events for Tourism Support. One of the ideas is to reengage FlackShack who was involved in the Virginia Tourism Grant and start it and promoted and handled the Love Irvington website and social media accounts and manage those throughout the grants. That's where the Town's money to FlackShack went. So at this point we are just exploring ways in which the Town can jump in and participate in the tourism industry. So we reached out to Susan at FlackShack and she sent an email back with some pricing and recommendations and/or what it would include. I will note and I will circulate it that I got a late follow-up from her basically saying that she could adjust, basically she recommends the same scope just the frequency of each can be reduced to help fit in with the Town's budget. In particular if we are looking at just basically with this new amended budget if it goes into effect, it would be December when it's passed, basically 6 months how we can spend that support tourism line item dollars if we wanted to go that route, obviously this is just one option, there is lots of ways the Town can engage and

support you know the local tourist industry. Anyway she submitted scope, proposal, some costs and to me it would be a very quick and easy way to since she has already done it and a lot of the heavy lifting has already been done, setting it up and established. Now, it has gone dormant since the grant ended back in June but hopefully we could recapture and engage pretty quickly, but it might be a good way to spend the money the next 6 months or the last 6 months of the fiscal year and give us time to figure out going into the next budget for 2021/2022, 22/23 how we want to spend that line item.

Frances Westbrook: She has on here, it looks like we have been paying FlackShack a monthly retainer of $2,278.

Anthony Marchetti: That was the, yeah, she said it was the rate during the grant and it included whatever her scope was X amount, blog post and website content and social media posts.

Frances Westbrook: Yeah, she has all of that listed on here. So, what kind of cost do you think we are looking at?

Anthony Marchetti: So, you know if we did it for the last 6 months of the fiscal year the current budgetary line item on the proposed amended budget was $10,000....

Frances Westbrook: Uh huh.

Anthony Marchetti: ...that brings it, if we use it all with FlackShack to about $1,667 per month you know probably at a reduced scope from what she was doing for the previous $2,778, or at least reduced frequency, not reduced scope....

Frances Westbrook: Not the scope, the frequency?

Anthony Marchetti: Correct. That she said she recommends doing the scope, just adjusting frequency to help tailor to the budget that we have. Obviously the pros to going back with her is that she is familiar and a lot of it has already been set up, heavy lifting she can get back in and hopefully be effective pretty quickly, but there are also other ways the Town could support the tourism industry. Right now it is just out there for consideration and feedback.

Bonnie Schaschek: I think you need a combination, she also says that perhaps there is some local support as well, so if they could work with her you know.

Anthony Marchetti: So that's another, maybe another proposition would be if the Town's budget is X are there any local partners, businesses, business groups that would want to

participate, contribute or take advantage of what it is FlackShack is doing, so there are a couple of different ways that it could be approached, made affordable, maybe as a service provided to local businesses if they were interested. Some of them might already have their own social media, but others might like to get some value for it.

Frances Westbrook: Alright, so we have $10,000 budgeted for this, for this current fiscal year, is that correct?

Anthony Marchetti: It is, that is in the proposed amended budget, so right now we do not.

Frances Westbrook: Okay.

Anthony Marchetti: If the proposed amended budget passes with that in it then yes we would. We basically have that line item for the remaining 6 months or so.

Frances Westbrook: And we don't necessarily want to drop the progress we have made with this as far as getting the Town advertised and out there especially for our tourist business people.

Anthony Marchetti: I would encourage anybody who hasn't seen what she has done to look at the blog, the website, social media, try to be objective but to me she seemed like she did a really good job of spreading it around and painting Irvington on the whole in a really positive light. It wasn't all business, business, business, a lot of her posts and pictures were somebody's dog playing in their backyard in the snow or it really was a say more of a feeling, a lifestyle image it wasn't just business, business, business. Just my personal opinion but I thought she painted Irvington on the whole in a very favorable light. To me it was kind of a visual representation of what I think we all want Irvington to be or think Irvington is or hope it can be.

Frances Westbrook: Can she work on Town Council.

Anthony Marchetti: Not, but anyway at this point it is just information and for consideration and I personally think it is great. I think the Town is acknowledging and participating in the industry since it is not only a big part of who we are but represents a big part of our revenue. I think it is a great show of appreciation for acknowledging it and taking part in it.

Frances Westbrook: Any questions or comments that any of y'all would like to make so we are going to take this and look into it or consider it, any information you think we might need will you send that to us.

Anthony Marchetti: Yes, I will forward you the most recent email from her.

Frances Westbrook: So, this will come back on November's Agenda is that what you are thinking.

Anthony Marchetti: Sure, it's like it is up for discussion on the proposed amended budget and that tourism line item if it's in the budget we have to find a way to agree on how to spend it and get the most bang for the money, so this is just one option to open up for feedback and other suggestions.

Frances Westbrook: Okay, then we will move onto our next item which is the first reading of the Mayhew CUP Justin.

Justin Nelson: Resolution 2021-13 Town Council CUP application to build a pool inside RPA, R-1, Tax Map 34, parcel 10F, whereas Irvington Town Council reviewed a proposed CUP application 2021-03 Mayhew to build a new pool at a residence inside the RPA redevelopment, no further encroachment and no increase in impervious cover in R-1 Zoning District, Tax map 34, parcel 10F at 336 Old Mill Cove, whereas a joint public hearing on that application was advertised in the Rappahannock Record on September 30th, and October 7, 2021 and whereas permission of Town Council of the joint public hearing on October 12th, to hear public views on the application, whereas the Planning Commission considered the application at its meetings on October 12th and November 9th whereas the Town Council considered it's application at its meetings on October 12th and November 11th, therefore be it resolved that the Irvington Town Council hereby approves and/or denies the application subject to the following conditions.

Frances Westbrook: Thank you. Alright so that completes the first reading of the Mayhew CUP. Are there any comments from the public regarding any of the new business that we discussed tonight? Ms. Bradley.

Cay Bradley: Cay Bradley, 991 King Carter Drive and also Steamboat Era Museum, I just really want to encourage you all to think about continuing the partnership with FlackShack, as Anthony said I think they did a really nice job with the grant. If you have not gone to Love Irvington, you really should go to Love Irvington. She did a really nice job, she didn't just represent the grant partners, you know those of us which reside in town, she was really broad of what she was representing and I think when it comes to local support what Suzanne was looking for was for people to help by taking pictures and offering to write

blogs and things like that, so I think that is the kind of support she is looking for but I do think Anthony's idea of perhaps reaching out to see if there are other organizations or entities in the Town would be willing to partner is a good one so. Thank you for considering that.

Frances Westbrook: Okay. Mr. Capps.

Mr. Capps: Mayor, Members of Council, your next regularly scheduled meeting offering is on Federal and State and Local holidays and I would say that while we have done this previously that if some consideration where it may not be made in time for this year but could be a conflict but do a Veteran's Day as well as a statement that we are making collectively as a community to have our regular business on a day where employees are not employed as well as the consideration....

Frances Westbrook: Thank you, but I believe our ordinance states when we have to have our meetings, does it not.

Mr. Capps: Madam Mayor, making comments except for the fact that I know the Town has had special meetings in the last 18 to 24 months and it gives you the leeway and the discretion to not have your meeting on this holiday that would be consistent.

Frances Westbrook: Yeah, I agree. But then it is a special called meeting and that really and that kind of, that is not without issues also at times so, it is a well-made point. So, Council what would you like to do about that.

Anthony Marchetti: My two cents is to move it to observe Veteran's Day on the 11th.

Bonnie Schaschek: I would move it either to the day before or the day after.

Anthony Marchetti: Yeah, not prefer Friday.

Bonnie Schaschek: No a Friday.

Anthony Marchetti: Not a Friday evening if possible.

Bonnie Schaschek: How about a Wednesday?

Anthony Marchetti: Wednesday sounds more preferable not that I do anything on Friday's but.

Frances Westbrook: Well Wednesdays here at the church might be problematic.

Wayne Nunnally: Yeah, the church is pretty full on Wednesdays.

Bonnie Schaschek: Aright.

Frances Westbrook: I think they, they have....

Bonnie Schaschek: What if we move it to the following Thursday, we've done that before.

Frances Westbrook: The 18th?

Bonnie Schaschek: The 17th, yeah the 18th.

Anthony Marchetti: Pending availability.

Bonnie Schaschek: It should be.

Wayne Nunnally: I think that's good.

Dudley Patteson: 18th is good.

Frances Westbrook: Alright, Laurel would you call tomorrow and see if the 18th would be available to us and so this will have to be a special meeting instead of our regular monthly.

Bonnie Schaschek: So if anybody wants stuff for the Agenda make sure you get it in on time.

Frances Westbrook: Yes because the only way you can amend that Agenda is if it is a unanimous vote so that is the caveat on this okay. Alright so we will check into that, thank you. Any other comments.

Mr. Hanson: ..Hanson 424 King Carter Drive, I have some concerns about I know these things are not really big items, the septic tank pumping requirement, the golf cart registration and short term rentals, now that one might be, but I suggest that when you, those letters and with all of the information that you give some thought to policies and procedures and who is going to enforce these items in the future, so that nothing falls through the cracks.

Frances Westbrook: Which is what happened with the septic.

Mr. Hanson: I am very concerned that we are not getting all that we are supposed to be getting from short term rentals.

Frances Westbrook: I know we are not.

Mr. Hanson: So I would encourage you to look into those.

Frances Westbrook: Thank you.

Gabe Del Rio: ....Gabe Del Rio, I'm just excited with what you are doing with FlackShack there, the only thing is that I haven't really seen reports coming out to Town Council so I think it is fair to get some impact reports and some numbers and metrics that would go around this what you are talking about is organic content that is being created and that's

great. You remember IBA, I'm the treasurer of that, we did $10,000 VT grant this last year as well and it caused $1.4 million impressions on the social media. We were able to track how many night stays went through with a tracking code to the Tide's Inn, so I believe we got 92 night stays that were through that promotion. We can do the same thing with Hope & Glory. We can have other tracking codes but as we spend that money let's make sure that we are measuring what we are getting for it and that we can compare that to the industry at large because that is kind of what we are heading for is results.

Anthony Marchetti: We want to get the most value for our money so.

Frances Westbrook: Thank you, Gabe, very much.

Wayne Nunnally: How often do y'all meet.

Gabe Del Rio: The IBA meets, our meetings are…

Bonnie Schaschek: (talking in the background) Cay forwarded them.

Anthony Marchetti: (talking in the background) the metrics.

Gabe Del Rio: Quarterly, there are all member meetings.

Wayne Nunnally: Am I on your mailing list, remember I talked with you, you know I've never been notified about a meeting.

Gabe Del Rio: Sam Vansant is the master of the list there and Ann Meekins also our secretary keeps the membership roster but I'll check back again.

Wayne Nunnally: Thank you sir.

Frances Westbrook: Ms. Bradley.

Cay Bradley: Can I just respond please. As a partner of the work that FlackShack did she did actually send numbers to the partners including to the Town. That information perhaps was not talked about in public meeting, but I actually reached back to Suzanne and asked her for every report she had ever sent to the Town and I have put them together and into a PDF that I supplied to Ms. Westbrook and Ms. Schaschek because they were asking questions and I knew I could give that information. So if anybody wants to see that huge PDF please let me know because I am happy to send it to you.

Female: On screen and shared with the public because the public paid for it with tax dollars so.

Bonnie Schaschek: No that was paid for by a grant.

Cay Bradley: I collected the information and provided the information to the Town that's as far as I can go as a resident.

Male: I'm just saying I'd like to see reports on that, that's all.

Frances Westbrook: Okay any other comments? Alright, quickly.

Anthony Marchetti: I'm sorry.

Frances Westbrook: Go ahead.

Anthony Marchetti: I actually had a question for Justin, the reading but I don't know if now is the right time.

Bonnie Schaschek: Nope.

Frances Westbrook: Yeah, so if you can do it with him on the side if you don't mind, I'm ready to kind of wrap this up so we can get into closed session.

M. ANNOUNCEMENTS

Frances Westbrook: Announcements real quick, next Town Council Meeting may or may not be November 11th we are looking at postponing to the 18th, certainly 6:30 here at the Irvington Baptist Church we believe. I would like to remind everybody on November 7th, that the time Daylight Savings time ceases, we fall back so don't come here too early, okay or is it too late. I can never…

Bonnie Schaschek: Behind.

Frances Westbrook: Fall back, exactly so make sure you've got your clock set straight so you don't show up here….

Bonnie Schaschek: Too early.

Frances Westbrook: Too early, there you go. Any other announcements Council.

Bonnie Schaschek: Nope just to get another registration has to be in on the 7th or….

Frances Westbrook: Yes, November 7th is the registration deadline for the Mayor's Cup Golf Tournament.

Bonnie Schaschek: Are they registering through Justin or are they?

Frances Westbrook: Justin is sort of the go between, he is, if they need information or what have you. Alright we are going to get ready to go into closed session. Thank you all very much for coming.

N. CLOSED SESSION

Frances Westbrook: Actually you can start reading it and then we'll cut the recorders off.

Anthony Marchetti: Don't we have to vote.

Frances Westbrook: Yeah to go into closed session. Yeah, you are making the motion, you just have to wait for a Town Council person to second it and then I'll call for the vote.

Anthony Marchetti: A lot of conversation.

Bonnie Schaschek: Well just talk over them.

Frances Westbrook: Alright gentleman we have to vote to go into closed session if you don't mind, please. We are getting ready to go into closed session please.

Male: Do I stay for that.

Frances Westbrook: I think probably you should.

Male: I thought so but I don't know what the rules and regs are.

Bonnie Schaschek: Yes. Sometimes you do and sometimes you don't, but this time you do.

Frances Westbrook: I know you are, take your time Teresa.

Bonnie Schaschek: Take your time.

Frances Westbrook: There was so much conversation, one of the people talking can go on and on and on. Okay.

Bonnie Schaschek: What a mess it is over there.

Anthony Marchetti: Anthony Marchetti move to go into closed session pursuant to §2.2-3711 A8 for purposes of legal matters requiring legal advice from counsel regarding Fisher's Pit.

Frances Westbrook: Second.

Bonnie Schaschek: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed. Motion carries. We are going into closed session.

VOTE

Dudley Patteson, yes.

Bonnie Schaschek, yes.

Anthony Marchetti, yes.

Wayne Nunnally, yes.

Jackie Brown, yes.

Motion (*Anthony Marchetti)* To Go Into Closed Session - Motion passes 5-0.

Anthony Marchetti: Whereas the Town of Irvington is convened to closed session on this date pursuant to and affirmative and recorded vote in accordance with the provisions of Virginia Freedom of Information Act and whereas Section 2.2-3711 of the Code of Virginia requires a certification by the board that such closed session was conducted in conformity with Virginia Law. Now there be it resolved that the board hereby certifies that to the best of each members knowledge one, only public business matters lawfully exempted from open session required by Virginia Law were discussed in closed session to which this certification resolution applies and two, only such public business matters that were identified in the motion convening the closed session were heard, discussed or considered by the board. Is there any member who believes there was departure from the motion to go into closed session if so, please state the departure. If not roll call certification.

I, Anthony Marchetti, so certify.

I, Bonnie Schaschek, so certify.

I, Dudley Patteson, so certify.

I, Jackie Brown, so certify.

I, Wayne Nunnally, so certify.

I, Frances Westbrook, so certify.

O. ADJOURN

Wayne Nunnally: Madam Mayor since no action was taken I move we adjourn.

Dudley Patteson: Second.

Frances Westbrook: Yep. Town Council determined there was no action to be taken at this time. Thank you all for all your patience in this tonight.

October 14, 2021 minutes were approved at Town Council Special Called Meeting of November 18, 2021.

Vote:	Aye	Opposed	Abstained
Dudley Patteson	x		
Chris Braly			x
Anthony Marchetti	x		
Bonnie Schaschek	x		
Jackie Brown	x		
Wayne Nunnally	x		

Respectfully Submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer

Frances E. Westbrook

Frances Westbrook, Mayor

The vote was 5-0-1 and the minutes were approved.

attested to by:
Laurel S. Taylor
Town Clerk and
FOIA Officer

RESOLUTION #2021 - 10

AMENDED AND RESTATED BANKING RESOLUTION

WHEREAS, the Irvington Town Council ("Council") adopted Resolution 2019-002 Banking Resolution, effective May 13, 2019, authorizing certain Town Officers to conduct banking business for the Town of Irvington ("Town"); and

WHEREAS, the Council now desires to expand the Town Officers that have such authorization by amending and restating Resolution 2019-002; and

WHEREAS, financial institutions may require evidence of such authorization.

NOW THEREFORE, the Town Council RESOLVES that:

(1) The Mayor, Vice Mayor and Treasurer are hereby authorized to conduct banking business for the Town of Irvington as signatories at all depository financial institutions of the Town from time to time ("Signatories").
(2) The Town Clerk may have information concerning and may receive bank statements for all accounts.
(3) This authorization includes checking, savings, certificates of deposit and money market accounts.
(4) All transactions require two Signatories to conduct business.
(5) Nothing herein authorizes a Signatory to (i) obtain a loan, or to sign, execute, deliver notes or evidence of indebtedness in the name of the Town, (ii) mortgage, transfer, assign, endorse or pledge assets of the Town, or (iii) lease, rent, maintain, access, or terminate a Safety Deposit Box for the Town.
(6) This Resolution shall take effect immediately upon passage.

Certification

I, Frances E. Westbrook, Interim Mayor of the Town of Irvington, do hereby certify that the above is a true copy of Resolution 2021-10, Amended and Restated Banking Resolution, adopted at a regular meeting of the Town Council of Irvington, Virginia, held on October 14, 2021 at which a quorum was present and voting.

Chris Braly - absent

Jackie Brown - yes

Anthony Marchetti - yes

Wayne Nunnally - yes

Dudley Patteson - yes

Bonnie Schaschek - yes

Frances E. Westbrook

Frances E. Westbrook, Interim Mayor

ATTEST: Laurel S. Taylor

Laurel S. Taylor, Town Clerk

Passed 10-14-21

5-0-1

RESOLUTION 2021-12.TC

Recommendation Regarding Conditional Use Permit Application – Inn in B-1 Tax Map 33.379

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application #2021CUP3 POLLARD to locate an Inn in B-1 zoning district, tax map 33-379, located at 73 Seafood Lane; and

WHEREAS, a joint public hearing was advertised in the Rappahannock Record on September 30, 2021 and October 7, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings held on September 7, 2021 and October 12, 2021; and

WHEREAS, the Town Council considered the Application at its meetings held on September 9, 2021 and October 14, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint Public Hearing on October 12, 2021 to hear public views on the Application.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions, listed on page 2.

I, Frances E. Westbrook, Interim Mayor, do hereby certify that the above is a true copy of Resolution 2021-12TC adopted at a meeting of the Irvington Town Council of Irvington, Irvington, Virginia held on October 14, 2021, at which a quorum was present and voting. The vote was:

In favor - 5
Dudley Patteson
Bonnie Schaschek
Anthony Marchetti
Wayne Nunnally
Jackie Brown

Opposed - 0

Absent
Chris Braly

Passed 5-0

IRVINGTON TOWN COUNCIL

Frances E. Westbrook

Frances E. Westbrook, Interim Mayor

73 Seafood Lane, Additions to the CUP

1) A signed statement in the file saying that the applicant understands that the neighboring M-1 property is a preexisting use and that, as an industrial waterfront property, there are noises and sounds in the normal course of business that might impact my project. As a pre-existing use, it has precedent. (Obviously, I presently understand this but it would help down the road if there is a new purchaser of my property who for some reason wanted to complain.)
2) Maintenance of the existing fence or a picket fence at least 52" off the ground with pickets on 4" centers.
3) Signage on the fence and at the south exit of my property stating that guests are to respect the boatyard as private property and not to trespass.
4) Placing the same on the website and any Airbnb-type platform.
5) Place and maintain a security camera with 24 hours of "stored tape" on jointly owned building at the termination of the state-maintained highway.
6) Signage in at least 26 point font in each of the guest cottages and on the website stating:

   Please respect the private property of the boatyard next door. We reserve the right to terminate the stay of guests who trespass on the boatyard property.

   Thank you for understanding that the boatyard is a private business and not a public facility.

7) I will develop the property in a way that will minimize soil disturbance including leaving the south end of the berm functioning so that the catchment basin that has developed there remains. Other than to possibly dig post holes, bury utilities or plant vegetation, there will be no soil disturbance in the area south of a line drawn from the southeast corner of the old office building to the southwest corner of the concrete pad. Appropriate silt fencing and erosion controls will be used.

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 23, 2021; 5:00 PM

AGENDA

A. CALL TO ORDER

Frances Westbrook: This meeting is called to order. This is the Irvington Town Council Special Called Meeting held at Irvington Baptist Church, Thursday, September 23rd at 5:00. If we could have a roll call please.

B. ROLL CALL

Dudley Patteson, present.

Bonnie Schaschek, present.

Wayne Nunnally, present.

Frances Westbrook, present.

Jackie Brown, present.

Chris Braly, present.

Staff Present:

Justin Nelson, Zoning Administrator.

Laurel Taylor, Town Clerk & FOIA Officer.

Nancyellen Keane

C. APPROVE AGENDA

Frances Westbrook: The next item is approve agenda. I would like for us to entertain the notion of amending this agenda which requires a unanimous vote to add the proposed CUP Schedule and we want to get that done tonight if possible so that we can go ahead and move forward with the date that this happened.

Bonnie Schaschek: So moved.

Chris Braly: Where would you like to put it on the agenda.

Frances Westbrook: I think Justin, you and I were just talking about the 14th?

Justin Nelson: Yes.

Frances Westbrook: Does that suit you?

Justin Nelson: Yes.

Chris Braly: Where on the agenda do you want to add the cup schedule?

Frances Westbrook: I beg your pardon. Let's put that immediately after we approve the agenda and get that taken care of. I'm sorry Chris. Okay so…

Bonnie Schaschek: So, I made the motion.

Wayne Nunally: Second.

Frances Westbrook: Second, all in favor?

Group: Aye.

VOTE
Dudley Patteson, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.
Jackie Brown, aye.
Chris Braly, aye.

Frances Westbrook: All opposed? We have a unanimous vote to amend the agenda to include the CUP Schedule.

Motion (*Bonnie Schaschek)* Made To Amend The Agenda To Include the CUP Schedule ~ Motion Passes 5-0.

Chris Braly: May I also add the brief announcement immediately following. May I add an announcement to the agenda immediately preceding the CUP Schedule?

Frances Westbrook: Is that a motion?

Wayne Nunnally: So moved that he be allowed to make a motion.

Bonnie Schaschek: No, he be allowed to say…

Frances Westbrook: Make an announcement.

Chris Braly: I'd like to make a motion so I can make an announcement.

Frances Westbrook: Thank you, second please.

Bonnie Schaschek: Second.

Frances Westbrook: All in favor?

Group: Aye.

VOTE
Dudley Patteson, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.
Jackie Brown, aye.
Chris Braly, aye.

Frances Westbrook: All opposed? Unanimous decision. Motion passes.

Motion (*Chris Braly*) Made To Allow Chris Braly To Make An Announcement ~ Motion Passes 5-0.

Frances Westbrook: Alright the next item on the Agenda is Chris Braly.

D. STATEMENT BY CHRIS BRALY

Chris Braly: Brief announcement here for anyone who has not read the paper. On Friday, September 17th, I filed paperwork with Lancaster County indicating that I am withdrawing my candidacy for the vacant Irvington Town Council seat. After much deliberation, I have decided that I cannot devote the time and energy required to effectively represent the residents of Irvington. I am actively involved with my children's activities and have come to the realization that I do not have the time needed to serve on the Irvington Town Council. I will continue to work as an interim member of Town Council through December 31st, 2021. I would like to encourage any resident of Irvington who can make the substantial time commitment required to serve on Town Council to launch a write-in campaign for the vacant seat. Thank you.

E. **CUP SCHEDULE**

Frances Westbrook: Your welcome. Alright, moving along the next item on the agenda is to appropriate $250…

Jackie Brown: The CUP Schedule.

Frances Westbrook: The next item on the amended agenda is to approve the CUP Schedule. Do you all have any questions.

Chris Braly: We need to add the public hearing, joint public hearing.

Frances Westbrook: That's what I was just talking about.

Justin Nelson: Yes, that's a little senior moment by your zoning administrator.

Frances Westbrook: Welcome to the club, alright so we are going to add this October 14th, the meeting, the Town Council Meeting starts at 6:30, so shall we do this at 6:00 or start at 6:30 as we normally do with the public hearing and then our meeting immediately following.

Chris Braly: There is also a Budget & Finance workshop on October 14th which would need to be before the joint public hearing. I don't think the time has been set for that workshop.

Frances Westbrook: How about if we schedule the public hearing at 6:30 with the Town Council Meeting immediately following.

Chris Braly: Okay.

Frances Westbrook: Pardon?

Female: Regular meeting?

Frances Westbrook: Yes. I think it says in our ordinance that the Mayor can from time-to-time can change the time and place.

Bonnie Schaschek: It definitely does.

Frances Westbrook: I think it does.

Bonnie Schaschek: It does.

Frances Westbrook: Okay, so, we can choose to start it at 6:00.

Chris Braly: I would say 6:00.

Bonnie Schaschek: Does the public hearing have to be for the first reading or can it be for the second.

Frances Westbrook: Well, the problem with it being for the second in this instance is that this will be the first time they have heard anything, they will have had a first reading at the Planning Commission Meeting.

Chris Braly: Why don't we, I'll discuss with Anthony but if we have a workshop at 5:00 for Budget & Finance, 6:00 Public Hearing, 6:30 meeting.

Bonnie Schaschek: That's fine.

Dudley Patteson: Sounds good to me.

Wayne Nunnally: Works for me to. If it's good for Jackie?

Jackie Brown: Pardon me?

Wayne Nunnally: Good for you to, to have it in that order?

Jackie Brown: Yeah, fine.

Frances Westbrook: So, we'll say 6:00 then.

Bonnie Schaschek: And the meeting is 6:30.

Frances Westbrook: So, if the public hearing wraps up early then we sit and wait. Anything else, any other comments on this CUP Schedule?

Wayne Nunnally: Now that we amended it, I move we approve it.

Frances Westbrook: Second?

Bonnie Schaschek: Second.

Frances Westbrook: Thank you. All in favor?

Group: Aye.

VOTE
Dudley Patteson, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.
Jackie Brown, aye.
Chris Braly, aye.

Frances Westbrook: All opposed? Motion carries.

Motion (*Wayne Nunnally)* Made to Approve the CUP Schedule– Motion Passes 5-0.

F. APPROPRIATE $250 TO BAY TRANSIT TROLLEY

Frances Westbrook: Now I can do the Bay Transit Trolley appropriation $250. It is in our budget under Community Events. So if I might have a motion please.

Wayne Nunnally: So moved.

Frances Westbrook: Second?

Chris Braly: Second.

Frances Westbrook: Thank you, all in favor?

Group: Aye.

VOTE
Dudley Patteson, aye.
Bonnie Schaschek, aye.

Wayne Nunnally, aye.
Jackie Brown, aye.
Chris Braly, aye.

Frances Westbrook: All opposed? Motion carries.
Motion *(Wayne Nunnally) Made to Appropriate $250 to Bay Transit Trolley ~ Motion Passes 5-0.*

G. DISCUSSION: MEMORIAL FOR ALEX FLEET

Frances Westbrook: The next item is discussion for a memorial contribution for Mayor Alex Fleet who recently passed away. I think I floated the idea with each of you of $200 perhaps to the Irvington Baptist Church of which he was a very long-time member, very active here and in the church. Any discussion on this, any comments anyone wishes to make?

Bonnie Schaschek: I agree whole-heartedly.

Chris Braly: I agree that a donation in memory Mr. Fleet is appropriate. Are we allowed to donate to a church?

Frances Westbrook: We can donate.

Chris Braly: Okay.

Bonnie Schaschek: We can donate as a memory.

Frances Westbrook: We can't pay, well we have to be careful. Huh?

Nancyellen Keane: You cannot donate.

Frances Westbrook: We cannot donate.

Nancyellen Keane: You can pay for services rendered or for products you purchased.

Frances Westbrook: Well then how do we do this?

Chris Braly: Can we purchase something in memory of him?

Female: You can do it from the Mayor's Fund.

Frances Westbrook: Well, yeah, there is a Mayor's Discretionary Fund.

Nancyellen Keane: You can't donate any money that is taxpayer money.

Dudley Patteson: We can create a plaque or something to talk about how much we appreciated his service to the Town of Irvington and describe it and we can present to the church.

Wayne Nunnally: Or we could give it to the church, give it to the church and tell them to buy something. Can you buy something.

Frances Westbrook: I think it is the actual transfer of funds that is the rub. Cay?

Cay Bradley: Can I just also add that Mayor Fleet was instrumental in the museum and you can donate to the museum.

Frances Westbrook: Well now, that's a thought.

Bonnie Schaschek: And it was, very.

Frances Westbrook: He was a founding member if I'm not mistaken.

Bonnie Schaschek: Yes he was.

Cay Bradley: Yes he was.

Wayne Nunnally: That's an excellent idea.

Bonnie Schaschek: I'll go with that.

Chris Braly: I move to donate what's it $200?

Frances Westbrook: Yeah.

Chris Braly: To Steamboat Era Museum in memory of Mayor Alex Fleet.

Cay Bradley: We are nonprofit....

Frances Westbrook: They are nonprofit.

Cay Bradley: We are nonprofit and not religious.

Frances Westbrook: They are a 501C3 or 3C.

Wayne Nunnally: Second.

Frances Westbrook: Alright the motion is to donate $200 to Steamboat Era Museum in memory of Alex Fleet. Any other discussions? All in favor?

Group: Aye.

VOTE
Dudley Patteson, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.
Jackie Brown, aye.
Chris Braly, aye.

Frances Westbrook: All opposed? Alright, motion carries.

Motion (*Chris Braly)* Made To Donate $200 To Steamboat Era Museum in Memory of Alex Fleet ~ Motion Passes 5-0.

H. DISCUSSION: BUDGET & FINANCE RECOMMENDATIONS IN REFERENCE TO CORRECTIONS TO FINANCIAL REPORT.

Frances Westbrook: Next we have discussion Budget & Finance recommendations regarding any corrections to financial report or whatever else you may have to say.

Chris Braly: So, we the balance sheet, the journal entries for the property holdings have been reversed. Those have been completed. We are still working on the adjustments for the CARES Act. So, there is no recommendations at this time. We are still combing through those transactions.

Frances Westbrook: Alright, thank you.

I. DISCUSSION: HIRING NEW TOWN ATTORNEY

Frances Westbrook: Alright, next discussion of hiring new town attorney. Dudley if you want to lead that, kick it off please.

Dudley Patteson: We at our last meeting we approved a job position for posting. We subsequently realized that we needed to think about the process and which is why we are meeting today. We have several candidates that have submitted their resumes or further expressed interest to us and will submit resumes and I do feel that we are a pubic body and I think it is appropriate that we do post at least in our newspaper the fact that we are offering a position but at the same time with three candidates we can also narrow the timeline of waiting for people to respond to the post and move forward and so I suggest we proceed with the posting to the Rappahannock Record.

Bonnie Schaschek: Say the last sentence again.

Dudley Patteson: I suggest we proceed with a posting of the position to the Rappahannock Record.

Wayne Nunnally: I move that we put an ad in the Rappahannock.

Bonnie Schaschek: We've never done it in the past for a town attorney.

Wayne Nunnally: Yeah, but you don't want to fight him. He wants to do it so.

Dudley Patteson: I think it's appropriate.

Wayne Nunnally: Maybe, we'll ask him to pay for it.

Frances Westbrook: What, I'm....

Bonnie Schaschek: Ask him to pay for it.

Frances Westbrook: Any other comments or questions or, we do have it looks like three candidates at this point, or three, we have actually one resume and two that have voiced very strongly some interest in this, so....

Dudley Patteson: I also would like to suggest that Bonnie and I as Human Resources Committee collect the resumes and review them and at least have an initial conversation with each of them to determine their qualifications and what the cost might be for each of them.

Frances Westbrook: And that's where I was going, thank you. That Town Council should consider tasking HR perhaps to make initial contact with these people and make sure we have a resume from each of them, and maybe do an initial interview personally. I think that these candidates probably should interview in front of Town Council. This is a very important decision and we would like to see the interview process, be a part of it, kind of gauge the working relationship we are going to have with them and I think first impressions often say a lot. So, I would like for Town Council to consider being a part of the interview process. If there are three candidates it can be done in one evening and we space them you know 45 minutes apart or whatever the appropriate time is we can get it done all in one sitting perhaps, but, I throw that out there for you all to think about and to consider.

Wayne Nunnally: Madam Mayor, with all due respect, I don't think we need to prolong it any longer than we can. Bonnie and Dudley are capable of comprising and making a recommendation and I say they just, I move it, so we can get it on, bring us a recommendation and then we can interview that guy on that recommendation rather than all of us interviewing everybody. I don't see any point in that.

Jackie Brown: I think they can conduct the interviews, but if they are to listen to the answers I think that is appropriate. I think that is a good idea. We don't have to be involved in asking the questions but we can listen to the questions and the responses.

Frances Westbrook: Well we do have to be careful because if there is more than two, which is the HR Committee then it becomes a Town Council Meeting and the two of

them constitute as a committee meeting, it would have to be a committee meeting I would assume it would be a closed session.

Bonnie Schaschek: It has to be a closed session, yeah.

Frances Westbrook: So, there is those FOIA ramifications there. So, it seems we need to you know.

Dudley Patteson: I think Bonnie and I recognize the fact that this position is one that needs good scrutiny, and we need to give you a thorough report back.

Frances Westbrook: Okay, any other comments.

Chris Braly: I do agree with Dudley, I think putting it in the paper, I mean, how, the three candidates we have, how did they know about it? I mean, are they local?

Frances Westbrook: Word of mouth, uh huh.

Chris Braly: I would think…

Bonnie Schaschek: I think we already agreed it was going to go….

Chris Braly: In the paper?

Bonnie Schaschek: Yes.

Jackie Brown: You think what?

Bonnie Schaschek: I thought we agreed it was going to go…

Frances Westbrook: Yes, so.

Dudley Patteson: Okay, good.

Frances Westbrook: Alright, if I may have a motion to that effect please.

Wayne Nunnally: I move that Dudley put the ad in the paper for the Town Attorney.

Bonnie Schaschek: No, let Laurel put the ad.

Wayne Nunnally: And that it run for 1 week.

Frances Westbrook: Yes.

Dudley Patteson: Yeah.

Frances Westbrook: Add to your motion to, we direct HR to get in touch with these three candidates and conduct the initial interview.

Wayne Nunnally: I accept that amendment.

Jackie Brown: Concurrently right.

Chris Braly: Yes. Second.

Frances Westbrook: Second. Any further discussion? All in favor?

Group: Aye.

VOTE
Dudley Patteson, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.
Jackie Brown, aye.
Chris Braly, aye.

Motion Made (*Wayne Nunnally)* To Place An Ad In the Paper to Advertise for the position of Town Attorney and also to have Dudley Patteson and Bonnie Schaschek do the initial interviews of the three candidates presented. ~ Motion Passes 5-0.
Frances Westbrook: All opposed. Motion passes. Thank you Wayne.

J. DISCUSSION: TOWN COUNCIL RETREAT

Frances Westbrook: The last item here is the discussion on Town Council Retreat. I received the document from Mrs. Erard who is in Urbana, I think she keeps an office also in Richmond, but she is in Urbana, and she is the legal for the Town of Urbana and there is another small town or two that she represents also, but she does these retreats and has been doing for quite some time. Her name also came to me by Michelle Gouty [sp] at VML. She seems to be a little bit more on the same track perhaps as you Chris when you first mentioned that maybe we should wait until after the new body comes on board and the more she talked to me about that, the more I started leaning in that direction. So, she would suggest two sessions, one would be talking about the Council per se, the people on Council and our strengths and weaknesses and what have you and then the second session would be more of what she calls nuts and bolts of local government, very similar to discussions that Nancyellen had with incoming new Council people. So, she is looking at cost wise for both sessions about $1,500, that's $750 per session. She also feels pretty strongly that the retreat would be held, not here at the church, it needs to be held somewhere where it is neutral territory for everybody. She prefers like the other gentleman, Mr. Whitley preferred that it be out of Irvington just so that everybody is away from the day-to-day stuff here and that we are there solely to concentrate on the topics for the retreat. You all have the information on Mr. Whitley, we did talk about him one other time and then there was the information that

Chris had and are there any other details on the company that you looked at that we might need to know about?

Chris Braly: Nothing new, no.

Frances Westbrook: Nothing new. So.

Wayne Nunnally: Madam Mayor, let me understand, if you are persuaded that we should wait until the election, shouldn't we just postpone this discussion until then?

Frances Westbrook: Whatever your pleasure is.

Dudley Patteson: I think that's appropriate.

Wayne Nunnally: I move that we postpone the discussion on Council Retreat until after the upcoming election.

Dudley Patteson: Second that.

Frances Westbrook: Any other discussion? All in favor?

Group: Aye.

VOTE
Dudley Patteson, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.
Jackie Brown, aye.
Chris Braly, aye.

Frances Westbrook: All opposed?

Motion Made (*Wayne Nunnally)* To Postpone The Discussion Concerning The Town Council Retreat Until After The Upcoming Election. ~ Motion Passes 5-0.

K. ADJOURN

Wayne Nunnally: Move that we adjourn.

Frances Westbrook: Motion carries. We have a motion to adjourn. Is there a second?

Chris Braly: Second.

Frances Westbrook: All in favor?

Groupe: Aye.

VOTE
Dudley Patteson, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.
Jackie Brown, aye.

Chris Braly, aye.

Frances Westbrook: All opposed? No one ever opposes that. Thank you Council.

Motion Made (*Wayne Nunnally)* To Adjourn. ~ Motion passes 5-0.

September 23, 2021 minutes were approved / opposed at the October 14, 2021 Town Council meeting. The Vote was:

	APPROVED	OPPOSED	ABSTAINED
J. Christopher Braly (absent)			
Dudley Patteson	x		
Anthony Marchetti			x
R. Wayne Nunnally	x		
Jackie Brown	x		
Bonnie Schaschek	x		

Minutes were approved at the October 14, 2021 Town Council/Planning Commission Joint Public Hearing and Regular Monthly meeting.
Passed 4 – 0 - 1

Frances E. Westbrook
Frances Westbrook, Interim Mayor

ATTEST:
Laurel S. Taylor
Laurel S. Taylor, Town Clerk

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY, SEPTEMBER 23, 2021, 5:00 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Theresa Ransone	424 King Carter Dr
2.	MaryCary Bradley	991 King Carter
3.	Patricia H Mayhew	Contract-Purchaser of 336 old mill cove
4.	Julie Harris	1099 King Carter Dr.
5.	Nancyellen Keane	
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 9, 2021; 6:30 PM

AGENDA

A. CALL TO ORDER – *Frances Westbrook*

Frances Westbrook: This is the Irvington Town Council's regular monthly meeting held at Irvington Baptist Church. Today is Thursday, September 9, at 6:30. Before we go into items on the agenda, I would like for us to just have a moment of silence, for two reasons, one, remembering the 13 military men and women that were killed in Kabul and also tomorrow the upcoming 20th anniversary of 09/11/202. Thank you. Alright, we'll start with roll call vote please. Mr. Patterson.

B. ROLL CALL

Dudley Patteson, present.
Chris Braly, present.
Anthony Marchetti, present.
Frances Westbrook, present.
Jackie Brown, present.
Bonnie Schaschek, present.
Wayne Nunnally, present via phone.

Staff in Attendance
Justin Nelson, Zoning Administrator.
Laurel Taylor, Town Clerk & FOIA Officer

C. APPROVE AGENDA – *Frances Westbrook*

Frances Westbrook: Alright, do I have a motion to approve the agenda as presented?

Dudley Patteson: So moved.

Frances Westbrook: Second?

Bonnie Schaschek: Did you want us to say that we didn't have a report?

Frances Westbrook: When we get to that.

Bonnie Schaschek: Oh okay, thought it was before approval.

Frances Westbrook: No. Alright so we have a motion and second is there any discussion? All in favor?

Group: Aye.

Vote
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.

Frances Westbrook: All opposed? Alright, the agenda is approved.

Motion to approve the Agenda (*Dudley Patteson)* – Motion passes 6-0.

D. APPROVAL OF MINUTES – *Frances Westbrook*

1. **07.15.2021 & 07.29.2021 Minutes (tabled at the last meeting)**
2. **08.12.2021 Minutes**

Frances Westbrook: The July 15 and July 29 minutes we received at the August Town Council Meeting but they were tabled and so we will be addressing those tonight in addition to the August 12th, our last. Any comments.

Chris Braly: So moved.

Frances Westbrook: Second?

Dudley Patteson: Second.

Frances Westbrook: Any questions or discussion? Before we take a vote, was it helpful to get those minutes this last set a couple of weeks ahead of time?

Chris Braly: Yes.

Bonnie Schaschek: Uh huh.

Frances Westbrook: And that gives you enough time to talk to the office if there is any issues. Perfect.

Dudley Patteson: Thank you.

Frances Westbrook: Perfect. Alright, we have a motion and second, all in favor?

Group: Aye.

Vote
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed?

Wayne Nunnally, aye.

Frances Westbrook: Sorry Wayne, all opposed?

Wayne Nunnally: I voted....

Frances Westbrook: Yes sir.

Motion To Approve 07.15.2021, 07.29.2021 and 08.12.2021 minutes (*Chris Braly*) – Motion Passes 6-0.

E. FINANCIAL REPORT – *Frances Westbrook.*

1. **Treasurer's Report**
2. **Appropriations**

Frances Westbrook: Alright, now we move to the financial report. The Treasurer's Report August 2021, any comments? May I have a motion?

Bonnie Schaschek: To do what?

Frances Westbrook: Well, if there no comments we will move to, oh I'm sorry, you're right, we don't approve, we file these, that's correct, thank you Bonnie. Getting ahead of myself here. Alright, now we move on to appropriations. We have one appropriation for tonight which is Irvington Mayor's Golf Tournament. Oh, excuse me, also Virginia River Round, I beg your pardon. These were in our budget. They were passed and they are making request for the funds at this time.

Chris Braly: The golf tournament?

Frances Westbrook: Yes.

Chris Braly: What is the golf tournament?

Frances Westbrook: It was started by Gordon Slack probably about 10 or 11 years ago. It's been in the last 3 years that it has been called the Irvington Mayor's Cup, it allows Irvington residents to have a day of golf without any fees so, they do anti-up $20 a person which is a case prize that they give at the end of the tournament. There is also the trophy which is quite nice. They do it annually.

Chris Braly: What is it, just like a sponsorship?

Frances Westbrook: Yeah.

Chris Braly: How do we sign up?

Frances Westbrook: Actually, the zoning administrator is the contact point at the town office.

Justin Nelson: As soon as I get a firm date from....

Frances Westbrook: From Bill, uh huh, they are looking at maybe the first part of November....

Justin Nelson: Yes, that has been mentioned.

Frances Westbrook: ...but no definite date right? Yeah, and we encourage everybody to field a team, that would be great. Alright, do I have any....

Bonnie Schaschek: It's open to all residents?

Anthony Marchetti: Yes, if you are an Irvington resident, you can sign up, right, at no charge?

Frances Westbrook: Well, you don't, I mean as long as each team has at least one Irvington resident on it, I would say.

Bonnie Schaschek: Yeah, if you have guests they can....

Frances Westbrook: Yeah, so, I mean you've got a 4-person team, one has to be, or whatever you want to do, yep, as long as one of them is a town resident. Alright, do I have a motion on the appropriations?

Anthony Marchetti: Are we doing them together?

Frances Westbrook: I thought so, I thought we could. Golf tournament and the Virginia Round.

Dudley Patteson: So moved.

Anthony Marchetti: Second.

Frances Westbrook: All in favor?

Group: Aye.

Vote
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.

Frances Westbrook: All opposed? Wow, we're going right along through here.

Motion To Appropriate – Irvington Mayor's Golf Tournament & River Round – *(Dudley Patteson)* – Motion Passes 6-0.

F. PUBLIC COMMENT – *Frances Westbrook*

Frances Westbrook: Alright, public comment. There is a sign-up sheet up here, you all know the routine on that, most of you do. When you stand up to comment, if you would, give us your name, and local address, and if you would please speak to the items on the

agenda. Any comments? I'm getting suspicious. Okay, thank you very much. Next is report from the Mayor.

G. MAYOR'S REPORT – *Frances Westbrook*

Frances Westbrook: I wanted to let you know I have gotten several phone calls asking about how the special election ballot is going to be done for those of us in Irvington voting for Mayor and Town Council Member, so I talked with the Registrar's Office and it will indeed be one ballot, but Irvington residents will get a ballot with your general election on there as well as the special election and those other people in District 5 will get just the general election information. When you come in they'll be checking of course the voter registration books that they have and it is clearly marked in the book who gets a ballot that includes our election that is going to take place, so it looks like everything is all under control. Just so you know, you can spread the word, anyone that asks you, that is what I was told, okay. We also have, our Town Council Members our background check has been started, so that's underway and, the other thing Town Council Members, you know the week prior to our Town Council meetings is when it's so crazy for Laurel, so, y'all can get your things in that first week before Wednesday, it is a pretty hard push on Thursday's and Friday's to get all this stuff out to you all so that you can have them for the weekend so, if y'all could do that we'd be much appreciative. Alright, moving along we have report from legal. Nancyellen.

H. REPORT FROM ATTORNEY – *Nancyellen Keane*

Nancyellen Keane: Yes, I have an activity report for the last month, since this last meeting. This pertains to Fisher's Pit. I have had two conversations with the County Attorney, I provided…

Wayne Nunnally: Fran, I cannot hear.

Frances Westbrook: I'm sorry, hold on Wayne. I'll bring the phone to you. Hold on Wayne we are renegotiating here.

Nancyellen Keane: Since the last meeting, I have done the following: There have been two conversations with the County Attorney, I have provided additional documents to the

Attorney General's Office, I have requested additional documents from the County, I have completed scanning and labeling documents that we received from a third party. I sent out two pieces of correspondence to the Attorney General's Office and those pieces of correspondence advised the Attorney General's Office of the votes taken by Council in July and August declaring Fisher's Pit a property and nuisance and prohibiting further burning on the property. They both provided a background and chronology regarding the property, and they sought answers to a number of legal questions that I asked them and I am waiting for their answers. I currently have scheduled a conference call with the Attorney General's Office for next week, okay. So, I anticipate that next month there may be more information and potentially information for a closed session, but I don't know that yet.

Frances Westbrook: Okay, good, thank you very much. Next we have committee reports, budget and finance.

Bonnie Schaschek: Zoning administrator.

Frances Westbrook: Oh, I'm so sorry.

Justin Nelson: My first one.

Frances Westbrook: I know, your time to shine.

I. REPORT FROM THE ZONING ADMINISTRATOR – *Justin Nelson*

Justin Nelson: We have a couple of permits, new houses, one for a dock wherein a property line adjustment and focusing on the Pollard Project which is on tonight's agenda.

Frances Westbrook: Alright, so a little bit more from you when we get to that. Thank you.

Chris Braly: Did you ever find out if Lara spoke to the property owner adjacent to the North Commons?

Justin Nelson: I left him a message today.

Chris Braly: But Lara didn't speak with him I'm assuming.

Frances Westbrook: I don't think she did.

Justin Nelson: No.

Chris Braly: Okay, I'm assuming Bay Design is still at a standstill until we finish that action item.

Frances Westbrook: They did offer if say you wanted to have someone walk that property over, they did offer to go over there with zoning.

Chris Braly: Okay.

Frances Westbrook: So, I guess once we hear from them, we'll know what the next step is.

Justin Nelson: I have not received, my personal cell phone.

Frances Westbrook: They live out of town don't they?

Justin Nelson: I'm not too sure, I think they are in Noonans.

Frances Westbrook: Oh okay.

Anthony Marchetti: I think they have a local home in Noonans but I think they live in town.

Frances Westbrook: Okay. Alrighty, any other questions of Justin? Now, we can go to committee reports, Budget & Finance.

J. COMMITTEE REPORTS

1. Budget & Finance Report – *Anthony Marchetti*

Anthony Marchetti: We have a proposed schedule for the amended budget. The goal will be to get it approved by the, amended and approved officially by the end of the year. There will be a Public Hearing sometime in October and at that meeting certainly encourage public to come and participate and be involved and give feedback, so, that's the only thing new from Budget & Finance unless Chris has anything.

Frances Westbrook: Okay, thank you Anthony. HR.

Anthony Marchetti: One thing....

Frances Westbrook: Oh, I'm sorry...

Chris Braly: Budget & Finance will be also reviewing the CARES Act expenditures and hopefully we'll have something to present at next month's meeting.

Wayne Nunnally: I didn't hear what he just said.

Chris Braly: Sorry Wayne, Budget & Finance will also be reviewing the CARES Act expenditures and presenting hopefully to the Council next month which items need to be reclassified that were spent prior to receiving the funding.

Wayne Nunnally: Thank you.

Frances Westbrook: Thank you gentlemen. Facilities, Streets & Sidewalks, Wayne's not here, did you want to say anything.

2. **Facilities, Streets & Sidewalks** – ***Wayne Nunnally***

Wayne Nunnally: I would like to move that be tabled until next month.

Bonnie Schaschek: You forgot HR.

Wayne Nunnally: Madam Mayor.

Frances Westbrook: Go ahead.

Wayne Nunnally: I would to take that committee report to next month please.

Frances Westbrook: Okay, he is requesting that we do that report next month. Is that good with you? Thank you Wayne. Apologies, HR.

Anthony Marchetti: That one, should we address that, you want to do it in business?

Frances Westbrook: I think we'll talk to him about that personally and let him talk, look into it, you think that's alright?

Anthony Marchetti: Sure.

Frances Westbrook: Once again, sorry.

Dudley Patteson: Quite alright.

3. **HR Report** – ***Dudley Patteson***

Dudley Patteson: Quite alright. As Town Council remembers we had a special called meeting to discuss what we wanted to see in our Town Attorney and we had a meeting and we have had a number of topics come up and I tried with the handout this evening to

incorporate everything that we talked about. However, if I have overlooked something or misstated something, please address it with me and we will make the change, but let me read it so that the folks who are here can also understand what we are looking for. We are looking for a person or a law firm in this position to follow the Town Code, train Council and participate as follows: I have broken it down into four sections. There are copies of it over here for you if you would like. The first one involves the Town Code and then there is a training role, there's a counseling role, and a participatory role. The Town Code is pretty clear, there are copies of it over there as to what the Town Attorney's duties are. What I should say is I did delete or leave out something that was in the Town Code for good reason of course, which was the saying "upon request to Mayor represent the Town on violations of Town Code or other Town Ordinances". The reason why that was not put into this position description was that when the Town Code was written, the Town itself, the Mayor was a judge and the Town Attorney actually took all the cases and represented the Town in those situations and yet that is not the case now because the County courts hear all violations of our Code and therefore there is no reason to have that in there, and so I think when we do look at the Code this is one of the things that needs to be addressed. So, Town Attorney following the Code must be a licensed Virginia attorney, he or she is a legal advisor, attorney and counsel for the Town, all officers and matters relating to their office duties. For the Town, conduct cases in court, that doesn't mean that the attorney is the attorney to represent the Town in the court, the attorney, the Town has the option to represent them at the court, but there may be other attorneys and outside counsel that we seek for a particular reason. The description continues and it says the Town Attorney will prepare and pass upon all contracts, bonds and written instruments of the Town, and certifying before execution the legality and correctness of all the documents that the Town executes. Also, other powers and duties as may be provided for by our ordinances, charter and laws of the state. That's given in the Town Code with the exception of what I just referenced, everything should still apply today. The training role. It's very clear that everything we do involves some type of legal interaction and process and therefore in the training role it seems appropriate that the orientation of the Town Officers and training of the Town Officers and Council be incorporated in the Town Attorney's privy. The Town Attorney in training will conduct workshops, FOIA training and orientation and training

for members of the Planning Commission. The attorney also has a counseling role which is advising the Town Council on legal issues or components touching all subjects when running a government. Advice should address proper protocol, procedures, postings, public policies, governances, etc. In a participatory role, the Town Attorney should attend public meetings to protect Town Officers and Town Council from violating legal process that could occur since no officer or council member are municipal experts and that is the posting that I would like to submit for the Town to post as we go out and seek a Town Attorney. Any questions?

Wayne Nunnally: Dudley, I did not understand that last three or four statements you made, could you repeat them.

Dudley Patteson: I can't hear you too.

Frances Westbrook: He wants you to repeat, I think, the counseling role and the participatory role.

Dudley Patteson: Counseling role, can you hear me now?

Wayne Nunnally: Yes sir.

Dudley Patteson: I can hear you better too. Counseling role, advising Town Officers and Council on legal issues or components touching all subjects when running a government. Advice should address proper protocol, procedures, postings, public policy governance. Under the participatory role, should attend public meetings to protect Town Officers, and Town Council from violating legal process that could occur since no Officer or Council Member are municipal experts.

Wayne Nunnally: Thank you sir.

Dudley Patteson: You are quite welcome.

Bonnie Schaschek: A municipal attorney?

Frances Westbrook: Uh huh.

Bonnie Schaschek: It doesn't say that.

Dudley Patteson: Do we have a consensus that this is what we should use to seek our Town Attorney, which we need?

Frances Westbrook: Well, if we can have a motion and second then we can go into discussion.

Dudley Patteson: Okay.

Frances Westbrook: Do I hear a motion?

Anthony Marchetti: So moved.

Frances Westbrook: Is there a second?

Bonnie Schaschek: Second.

Frances Westbrook: Alright, now we can go into, you are supposed to have a motion and second before you go into discuss.

Wayne Nunnally: What was the motion?

Frances Westbrook: Do you have a comment Wayne?

Wayne Nunnally: I said what was the motion?

Frances Westbrook: To accept this document as our guidance for what we are looking for in an attorney.

Wayne Nunnally: Oh, okay, job description, okay.

Frances Westbrook: Yeah, more or less.

Anthony Marchetti: Should we specific municipal experience.

Bonnie Schaschek: I think it has to say municipal lawyer.

Anthony Marchetti: Yeah, okay.

Jackie Brown: Yeah, I think so too.

Anthony Marchetti: It would be pretty simple to add that.

Frances Westbrook: So where it says licensed Virginia attorney with municipal experience perhaps.

Dudley Patteson: We can do that.

Frances Westbrook: Yeah, okay.

Dudley Patteson: We are looking to this person to be our municipal expert.

Frances Westbrook: Yeah so we want, yeah. Alrighty, any other comments, discussion? Alright, we have a motion and a second.

Anthony Marchetti: Do we need to review it to....

Chris Braly: Let's amend the motion to include this addition.

Frances Westbrook: Alright, I thought I had done that when I said we would add that to it, yeah if you want to read the whole thing if you would please.

Chris Braly: I just want to make sure we amend the motion to approve this description as written with the addition of the attorney having municipal experience.

Frances Westbrook: Alright, all in favor?

Group: Aye.

Vote
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.

Frances Westbrook: All opposed? Alright that carries. Thank you Dudley.

Motion (Anthony Marchetti) To Approve the Town Attorney Job Description To Be Used In Seeking A New Town Attorney with the amended wording to include municipal experience – Motion Passes 6-0.

Dudley Patterson: You are quite welcome.

Frances Westbrook: Now this other thing that you have here, this is just strictly policy that you are looking at for background checks, do you want that discussed here?

Dudley Patteson: I think we can discuss it here.

Frances Westbrook: Okay.

Dudley Patteson: There is a policy, well the Town asked that Nancyellen with respect to Risk Aware, our soon to be new relationship, I assume we signed a new document with them?

Frances Westbrook: Yes, and I just got Laurel signed and off so…

Dudley Patteson: Okay, we'll go through this. This is a, Risk Aware was asking the Town to have in place a policy and procedure of which, for background checks because there are all sorts of issues that could come up and we need to be on the same page with them.

Frances Westbrook: Okay, excuse me for a minute, Nancyellen, do we need to send this to Risk Aware?

Nancyellen Keane: No, they just said you are representing in the contract, when you sign, I believe you signed a contract?

Frances Westbrook: Yes.

Nancyellen Keane: In that contract you are representing that you have a policy.

Frances Westbrook: Oh okay.

Nancyellen Keane: So you all authorized me at the August 12th meeting [background talking, inaudible], they agreed with it and they wanted to adopt it.

Frances Westbrook: Uh huh.

Nancyellen Keane: So, it wouldn't have to come back to Council really.

Frances Westbrook: Okay.

Dudley Patteson: So, this is the policy and procedures and it basically talks about what each candidate and what we as a Town should do if we wanted to comply with what Risk Aware is looking for so they can do the background checks.

Frances Westbrook: Okay.

Dudley Patteson: Let me make certain I understand, both Laurel and Justin have signed.

Frances Westbrook: Justin has not.

Dudley Patteson: Justin has not.

Frances Westbrook: No, there was some question about since he doesn't....

Bonnie Schaschek: Check....

Frances Westbrook: ....have anything to do with money, check signing authority or that type of thing that this probably would not have to be done for him but that is something Council will ultimately decide....

Dudley Patteson: Okay.

Frances Westbrook: ....if we follow through with Laurel because in a few months she will have check signing authority.

Dudley Patteson: Yes she will.

Frances Westbrook: Yes ma'am.

Nancyellen Keane: I just wanted to mention, the contract that you signed...

Frances Westbrook: Uh huh.

Nancyellen Keane: ....was for background checks that include criminal and calling prior employers...

Frances Westbrook: Uh huh.

Nancyellen Keane: ....does not include credit.

Frances Westbrook: Right.

Nancyellen Keane: So that if you wanted to add it you would have to have another contract because they outsource that to Trans Union remember….

Frances Westbrook: Right.

Nancyellen Keane: …so the point is, the credit check is the one that has to have a Nexus, the person you check, has to be involved with money.

Frances Westbrook: Right, oh, okay.

Nancyellen Keane: The criminal and the other check for your prior employer….

Frances Westbrook: Uh huh.

Nancyellen Keane: ….employment, perspective employment checks and anyone who is a perspective employee that you are hiring with a conditional offer of employment is who you would check.

Dudley Patteson: Yeah, the issue with Justin is, does he need a credit check, he needs the others….

Frances Westbrook: He needs the others, but we are not doing a credit check.

Dudley Patteson: Yeah.

Frances Westbrook: Okay, Justin, I'll see you tomorrow with a little piece of paper to sign.

Justin Nelson: Alright.

Bonnie Schaschek: He doesn't need it.

Frances Westbrook: Huh?

Bonnie Schaschek: I thought he didn't need it.

Frances Westbrook: She just corrected me. Not for background check, if we are doing credit check then yes.

Bonnie Schaschek: Dudley as far as the legal services go, so that's a good start for what we are going to be looking for, you want to take and put that in the paper? I mean we are not required to post it because it is a contract job, it is not an employee, so.

Dudley Patteson: I don't know about, most businesses right now are having a very difficult time staffing....

Bonnie Schaschek: Yeah.

Dudley Patteson: ....um, Hope & Glory is included. There is one excluded quite frankly that I know of that has everybody in place.

Bonnie Schaschek: Exactly.

Dudley Patteson: So, I just think we need to put it out there and use every median we can to see what we find.

Frances Westbrook: A couple of names actually have floated into the office.

Bonnie Schaschek: Yeah, yeah.

Frances Westbrook: So, perhaps you and I can chat.

Dudley Patteson: Yes, we can. We need to when we interview these attorneys as you might imagine, or law firm, we need to make certain that there are no conflicts that they have and there is always that potential that if the fees, you know what are they going to charge and who is going to do the work, because the law firm is probably going to send some junior person, may be competent as can be but still a junior person.

Bonnie Schaschek: Well, that's why we need to talk to them.

Dudley Patteson: That's right, that's why and, who will attend the meetings because we have so specific in this thing, they need to attend the meetings. All these are issues.

Frances Westbrook: If we can find someone local I think we won't have the issues of dealing with a law firm as in who's exactly doing the work.

Bonnie Schaschek: Exactly.

Frances Westbrook: So....

Bonnie Schaschek: In the interim do we want to put Sands Anderson on since they have somebody local until we find somebody, because we should have somebody.

Dudley Patteson: I don't think we can take on a law firm without going through a conflicts…

Bonnie Schaschek: Well….

Dudley Patteson: …and fees….

Bonnie Schaschek: …we already got the thing from them telling, it matches exactly what you have in your job description.

Anthony Marchetti: Well we don't know the, so I don't feel comfortable proceeding to move forward with any firm without getting an indication of how much it is going to cost.

Dudley Patteson: And Sands Anderson is a great firm…

Bonnie Schaschek: They are a great firm.

Dudley Patteson: No doubt about it, however, you know…

Bonnie Schaschek: So you want to get somebody else because we need to, well, whatever, anyway, there's other ones you and I didn't have a chance to get together on this past week…

Dudley Patteson: Yeah we….

Bonnie Schaschek: ….and I do have other names for you.

Anthony Marchetti: Guess we could send it to Sands Anderson and ask them for an update on cost.

Frances Westbrook: Well we have to tell them what we want them to do and then they'll give us a cost based on that.

Anthony Marchetti: Well, yeah.

Bonnie Schaschek: That's what I'm saying, we have the document, and we can do that.

Anthony Marchetti: That's why it should be one of the however many we reach out to.

Bonnie Schaschek: Yeah.

Frances Westbrook: Alright, why don't we do that?

Bonnie Schaschek: Yeah.

Frances Westbrook: So that this doesn't linger until, for another whole month, and we can get some costs together from Sands Anderson, is there anyone else we want to get cost from?

Dudley Patteson: Also, Bonnie's other law firms ought to be…

Frances Westbrook: And maybe in the next couple of weeks we can come together for a quick meeting and get that.

Chris Braly: There are plenty of meetings….

Frances Westbrook: Opportunities….

Chris Braly: ….in the next several weeks that we can add on a special meeting if we need to the same date, committee meeting on the 20th for Budget & Finance, the 23rd…

Bonnie Schaschek: There's a lot of meetings coming up.

Chris Braly: There's a lot of meetings coming up.

Frances Westbrook: Yeah, alright, well let's do that then and we can get some numbers together. I'd feel better about that as opposed to us just waiting and waiting. Another whole month goes by until the next meeting and then.

Bonnie Schaschek: Can you go ahead and send the job description to Sands?

Frances Westbrook: I certainly can.

Bonnie Schaschek: Do we need a motion for that?

Chris Braly: Probably.

Frances Westbrook: Yeah, if you are going to, yeah, if you are going to ask someone to talk for the Town Council.

Bonnie Schaschek: I make a motion that the Mayor sends the job description to Sands Anderson for a quote.

Chris Braly: Second.

Anthony Marchetti: Second.

Dudley Patteson: What about your firms?

Bonnie Schaschek: I want you and I to talk about that…

Dudley Patteson: Before we send it. So I move on that and we can probably pick this up at the next meeting in 2 weeks.

Bonnie Schaschek: Exactly.

Frances Westbrook: Alright, we have a motion and a second?

Jackie Second: I second.

Frances Westbrook: Okay, all in favor?

Group: Aye.

Vote
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.

Frances Westbrook: All opposed? Okay, I'll make sure that happens.

Motion (Bonnie Schaschek) For the Mayor To Send the Job Description for the Town Attorney to Sands Anderson for a quote – Motion passes 6-0.

Dudley Patteson: HR does have a couple of other issues but that's likely to come up in, later on in the meeting.

Frances Westbrook: Alright. If you are good with that…

Dudley Patteson: Yeah.

Frances Westbrook: …that's fine with us. I do want to bring attention to our Fourth standing committee which is Community & Special Events Committee that the one that

can oversee kind of bring of the Christmas tree, the flags what have you. We don't have anybody on that committee.

Bonnie Schaschek: Anthony was on it.

Frances Westbrook: Anthony are you on it?

Bonnie Schaschek: He was on it with Tripp before.

Frances Westbrook: Is that right?

Anthony Marchetti: If I was I, it's possible.

Frances Westbrook: That solves 50% of that problem. I'd like to have a second person on there.

Wayne Nunnally: I would love to join Anthony on that committee.

Frances Westbrook: Wayne you've never been to tree decorating.

Wayne Nunnally: That's right. I've never been on the committee before.

Frances Westbrook: So, are you saying that if you are on the committee that you'll be there?

Wayne Nunnally: Yes.

Frances Westbrook: Alright.

Anthony Marchetti: I'll get on your shoulders to hang Christmas lights Wayne.

Wayne Nunnally: And we will break….

Frances Westbrook: Very good Wayne thank you.

Wayne Nunnally: It will be part of our retreat training.

Frances Westbrook: The tree trimming.

Wayne Nunnally: There we go. Tree trimming.

Frances Westbrook: Yes sir. Okay, alright good, that solves that problem. Now we have Select Committee, Chris Braly.

4. Select Committee – *Chris Braly*

Chris Braly: So we conducted the first meeting on August 26th at 4:00 p.m. here at the church and we reviewed four recommendations. The first one was retaining the services of Robinson, Farmer, Cox and Mr. Sanudo as Treasurer. There was consensus that that was a good idea to move forward on a permanent basis. There was also a recommendation to look into other local alternatives as well, and at this time we, I hadn't had time to get to sit with Jackie to review this and get started on it, so right now it is just kind of in limbo and I hope to be able to schedule some time with you to start this process of at least getting some other firms or people to look at to consider as a permanent treasurer. I did reach out to Mr. Sanudo about it, like I said I would, and I will report that to you after we schedule some time to look at some other people. So right now there is no recommendation for this item. Second item we discussed was correcting the balance sheet to revert property holdings back to their original acquisition values. I spoke with Mr. Sanudo about this and admittedly there was a little confusion on my part of the meaning of exactly the mechanics of what he was going to do. He indicated that you do not account for an increased in assessed property value in GAAP or governmental county. The standard practice is to keep it on the books at the value of the purchase and then report the gain when it is actually sold. I reached out to two other accounting firms and they both agreed that that is standard practice.

Frances Westbrook: See the problem was we didn't have any records, we don't know what was paid for the original, so when we put things on Quick Books we deferred to the County's tax books to put something on the assets.

Chris Braly: So, Mr. Sanudo previewed the reversal, and the adjustment is going to lower the retained earnings by a total of $530,500, that's a combination of all three properties, the North Commons, the Main Commons and then the office and then it would account, it would add $51,700 of income that resulted from the sale of the Town Office.

Frances Westbrook: Okay, so you would report all of that at one time.

Chris Braly: By reversing the general entries, that's what would happen, it would reduce the retained earnings by $530,500 and then add the income of the sale of the office.

Frances Westbrook: So, would he do that hopefully that's as of our fiscal year end June 30th?

Chris Braly: Yeah, that's when it would need to be done.

Frances Westbrook: And that would get the balance sheet squared away.

Chris Braly: That will fix the balance sheet.

Bonnie Schaschek: Part of the balance sheet, you still have the liability on the COVID funds that is not there.

Frances Westbrook: That's a question that needs to be asked of him.

Chris Braly: The CARES Funds?

Frances Westbrook: Uh huh.

Frances Westbrook: That as well as the ARPA.

Chris Braly: The ARPA didn't come in…

Bonnie Schaschek: It doesn't have anything to do, yeah.

Chris Braly: The ARPA didn't have anything to do with last fiscal year.

Frances Westbrook: No, no, the same situation as far as having the grant type funds here, then the liability down here since we have to pay back whatever we don't use.

Bonnie Schaschek: Right, but for June we need to have a liability….

Frances Westbrook: For CARES.

Bonnie Schaschek: Because otherwise you are going to put…

Frances Westbrook: So, the question is do we need to do that, Mr. Sanudo can guide you on that.

Chris Braly: So, I will check into that.

Bonnie Schaschek: That has to happen as of the 31st as well.

Frances Westbrook: As of June 30th as well.

Bonnie Schaschek: June 30th.

Frances Westbrook: And then ARPA would be, we got that in July of this year, okay, yeah.

Chris Braly: So, at the outcome of that meeting I think, after getting clarification the committee would like to recommend reversing the general journal entries and revert the property holdings back to their original acquisition values. I'd like to make the motion to have Mr. Sanudo proceed with this change only regarding the property values.

Dudley Patteson: Second.

Bonnie Schaschek: Well don't you want to get them all fixed so that he can fix the June 30th year end?

Chris Braly: I have to check on what he is going to do for that and I don't want to do something without....

Bonnie Schaschek: Right.

Chris Braly: ....getting the approval of the Council.

Frances Westbrook: It is very possible if you can get with him sooner rather than later when we come back together for another one of these meetings...

Bonnie Schaschek: On the 20th or the 23rd...

Frances Westbrook: And then that way it is all taken care of for the end of that fiscal year and we are through with that.

Chris Braly: Okay.

Frances Westbrook: To put that behind us.

Bonnie Schaschek: Because if you are going to start your budget you need to know where...

Anthony Marchetti: Where it technically started, what you are starting with.

Bonnie Schaschek: Yeah.

Frances Westbrook: Exactly. Alright there is motion is there a second.

Dudley Patteson: I seconded.

Frances Westbrook: You second, I beg your pardon. Any other questions or discussion. All in favor, please say aye.

Wayne Nunnally: Let me make sure I understand.

Frances Westbrook: Okay.

Wayne Nunnally: We are going to correct the liability question too?

Frances Westbrook: He is going to ask about that. The motion did not address the liability issue. He needs to get with Jay Sanudo and then we'll deal with that when we come back together sometime in the next 10 days or 2 weeks to get that squared away and when we do that it will get all of last fiscal year cleaned up.

Wayne Nunnally: That's what the goal is?

Frances Westbrook: Yes. Okay, is that good Wayne?

Wayne Nunnally: Yes ma'am. I understand.

Frances Westbrook: Okay we are going to call for the vote now. All in favor?

Group: Aye.

Vote

Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: Wayne?

Wayne Nunnally: Aye.

Frances Westbrook: All opposed. Motion carries.

Motion (Chris Braly) To Have Mr. Sanudo proceed with making the change to reverse the general journal entries and revert the property holdings back to their original acquisition values – Motion passes 6-0.

Frances Westbrook: Thank you Chris.

Bonnie Schaschek: Can I ask you a question?

Frances Westbrook: Uh huh.

Bonnie Schaschek: When did we deposit the check for the sale of the property?

Frances Westbrook: Well, it sat at the office for a good while. I think we got it February maybe March.

Bonnie Schaschek: Uh huh.

Frances Westbrook: And it went in I think in June.

Bonnie Schaschek: Did it go in June?

Frances Westbrook: Uh huh. I know it went before the end of the fiscal year.

Bonnie Schaschek: Okay good.

Frances Westbrook: Yeah.

Chris Braly: The third item we discussed was making the adjustments to the CARES Act Funding that we alluded to that in the Budget & Finance report. That has been transferred there and the Budget & Finance Committee will be working on that. The final item we discussed was the Leadership Retreat that was the recommendation. At the committee

meeting it was, the consensus was that we needed to hold this to emphasize improving communication and behavior of Town Council and that the number one priority of that was for team building. It was also discussed that planning Council priorities should probably be should occur once the elections and a new body has been seated in January. So, the committee makes the recommendation to the Council that a final decision regarding the retreat be made tonight and it is on the Agenda in Old Business, so I'll leave it there.

Frances Westbrook: We did take a vote I thought at that special meeting we had following your committee meeting and we did vote to do the retreat.

Chris Braly: To do the retreat, right but the decision of…

Frances Westbrook: Of who and what, yes.

Chris Braly: …we wanted to do tonight and so the committee agrees with that and is going to make a final decision tonight which comes later on.

Frances Westbrook: Which comes later on, okay.

Chris Braly: So, I'm done.

Anthony Marchetti: How much later?

Frances Westbrook: Not much later.

Chris Braly: So, I'll move into the Planning Commission report, that's all for the committee.

Frances Westbrook: Alright, yes.

5. Planning Commission – Chris Braly

Chris Braly: The Planning Commission conducted their regularly scheduled meeting on September 7th, at 6:30 in the Town Office. A review of the proposals received for the town survey and comprehensive plan update was conducted under old business. Under new business the first reading of a rezoning resolution and CUP resolution was conducted. The Planning Commission received four proposals from Berkley Group, BFJ Planning, EPRPC and Rethink Main Street. Three of the firms that they would be submitting

proposals did not. One said that their workload was too heavy and they couldn't, and that they declined to participate and two others did not offer.

Frances Westbrook: No show.

Chris Braly: So, during the meeting the commissioners discussed each of the proposals, they felt that Berkley Group was well written, and they are qualified for the project. They felt that certain parts of the proposal relating to the comprehensive plan and zoning update were I guess greater in scope and cost than the Town was thinking and so they'd like to have them reassess that scope and see if their proposal can be resubmitted to come closer in line with the other proposals and expectations. BFJ Planning the proposal was also well written and responsive. They also demonstrated that they are qualified for projects similar to this, but they did not demonstrate any experience with Virginia localities. They are a New York based firm and most of their projects have been in the New York area and the commissioners and I were concerned that they would not be able to, they couldn't successfully navigate some of the Virginia laws that they might run into. EPRPC, their proposal was very responsive but did not provide some of the details that were requested. The commissioners are going to suggest that they review the RFP and resubmit their proposal.

Bonnie Schaschek: Do you have deadline dates for all of this?

Chris Braly: Well, yes, let me get to that.

Bonnie Schaschek: Okay.

Chris Braly: The commissioners are going to ask that the cost kind of be reformatted to match the request in the RFP, their cost was not broken out in the way that was asked. Then, Rethink Main Street, they felt that the proposal did not address the requirements of the FRP adequately and did not demonstrate the experience required for the project. There was a motion made to continue to engage with the Berkley Group and EPRPC to get proposals specific to what the RFP asked for and ask them to update what they submitted. They also are going to inform BFJ Planning and Rethink Main Street that they will not be moving forward with them. They have essentially followed their evaluation process that was reported on, we got less than expected, they got less than expected but they did whittle

it down to two firms, are going to reengage with them to kind of get into where the planning commission is happy before they make a recommendation. The goal is to be able to make a recommendation to the Town Council at the October 14th meeting. The planning commission obviously is dependent on how quickly the organizations can respond and resubmit their revised proposals, but they don't feel that it should take much effort and they fell like it can be done fairly quickly. So, they hope to move forward with a recommendation at their October 12th, move forward with selecting a firm at the October 12th meeting and making a recommendation to the Council at the October 14th meeting. Any questions?

Frances Westbrook: Thank you Chris. I attended that meeting last Tuesday and I am very impressed with thorough this planning commission is. They are Johnny right on it. We are fortunate to have them. They are doing a great job. Thank you guys and ladies. Alright, anything else for Chris. Alright we'll move onto old business.

K. OLD BUSINESS

1. Town Council Retreat

Frances Westbrook: Here we go with the Town Council Retreat. You all received last month I believe information or at that last special meeting, the information I had received from Mr. Whitley. Chris has made contact with a company called Shifting Gears.

Chris Braly: That's the name of the program. The firm is Signature Team Building.

Frances Westbrook: Oh sorry and then I told you all I would contact Andrea Erard who is over in Urbana who is another name that came to us. So if you like, would you like to go over and tell us about yours?

Chris Braly: So, I reached out to Signature Team Building, they are out of Richmond to provide a proposal. The organization has over 30 years of experience working with organizations large and small Capital One, the Grace E. Harris Leadership Institute at VCU, Aldi, The Navy, Norfolk Navy Shipyard and you name it, they work with groups. Mr. Greg Huber, the founder of the company recommended the Shifting Gears program. They have four different programs that they run, but he recommended this one primarily for our size, the size of our group. The information, and I apologize I didn't have more details for the meeting packet, but I did provide a brief explanation of kind of what it is in the meeting

packet. They customize the program, it is a series of connected problem solving activities that requires the team to use all of their talent, creativity and unique capabilities to succeed. Each program is designed from scratch to address the particular challenges that the team has. The outcome of the program is basically to achieve deeper relationships and new ways of thinking amongst the group. At the, so the process for designing the program Greg will have a conversation with the group coordinator Madam Mayor, probably yourself would be the one to do it, to discuss how the group would define success and determine what we want to achieve. After that discussion they'll choose about half of the activities prior to arriving and then kind of prepare, customize activities as the program progresses. They have over 150 activities in this program and so there are plenty to choose from. He did indicate that the size of the group might limit or prevent us from some of the activities, but he did not seem that that would be a problem to do it.

Frances Westbrook: He is not talking physical activity is he?

Chris Braly: No. Well, I don't know, he didn't tell me....

Bonnie Schaschek: Sometimes there is...

Chris Braly: All the activities are inclusive for all participants regardless of who the participant is.

Frances Westbrook: So maybe wear sensible shoes that might be good.

Bonnie Schaschek: Well, they do have requirements and I wanted to ask you about that, you talked to him about those.

Chris Braly: The cost is $750.00 plus the mileage to and from Irvington which is about $100 at the government rate, he estimated about 2½ to 3 hours for the program. It says usually 4 hours or longer but he said that 4 hour time is typically if there is 100 people it takes those people awhile to get refocused as they transition from one activity to another. We can do it here at the church because this building does meet their size requirement, so the only limitation would be we need to schedule it if we choose to move forward on a day that is available. Usually, his lead time is about 4 to 6 weeks scheduling it in advance which would put it middle to end of October to do it. Now, if he has dates available sooner he could definitely accommodate us, we would just need to be kind of the luck of the draw.

Dudley Patteson: I think it is ironic when we are talking about team building when all the votes tonight have been unanimous.

Frances Westbrook: It's been a long time since that happened.

Dudley Patteson: I've never known it to happen.

Chris Braly: Bonnie you said you had some questions?

Bonnie Schaschek: Well, yeah, these requirements they wanted to have it outdoors and only indoors as a backup for inclement weather.

Chris Braly: Well he said if the program is delivered outdoors. This program does not need to be outdoors.

Bonnie Schaschek: Okay.

Chris Braly: They do have an outdoor program.

Bonnie Schaschek: Okay.

Chris Braly: And he didn't, I told him that we had a space. He has actually conducted programs at the Tides before.

Bonnie Schaschek: Oh has he.

Chris Braly: So he is familiar with Irvington.

Bonnie Schaschek: Good.

Frances Westbrook: Alright, does that conclude?

Chris Braly: It does say wear comfortable loose casual clothing for the program.

Bonnie Schaschek: No dresses, skirts, high heels.

Chris Braly: He did say it is an all-inclusive program and the activities are chosen for, to ensure that the entire group will be able to participate the entire time.

Frances Westbrook: I don't think we necessarily learn to trust each other by falling backwards in someone's arms, so.

Chris Braly: I will make a note of that. You can discuss that with him, what he, thank you.

Frances Westbrook: Thank you. The other offer we have is from Mr. Bill Whitley. He was a past manager if you will for the County of Gloucester. He has been doing these local government type training sessions for quite some time. He did quote us a price of $1,500 that is anywhere from 4 to 6 hours, but it is no so much of a team approach as maybe the other people are. He would start with calling each of you and find out what you think the group issues are, what your personal issues are, things that we would want to address that specifically deal with our problems and from there he would design the work session if you will. That's kind of it in a nutshell and you have the written document. Andrea Erard, I

hope I'm pronouncing that correctly. She and I talked the other day and she's evidently done a heck of a lot of these over the last 10 to 15 years and her specialty are government bodies who are somewhat dysfunctional which I thought was kind of a fair description of us to some extent and she too would be speaking with each individual to make sure, and actually I really like that approach because I don't want to be the person to tell someone else what I think our problems are and what you feel and think don't get addressed and I look like a jerk, so, I do like the approach that they want to talk to each one individually and see what happens and let them design it around us individually and as a group. Her price is going to be similar to this. It is going to be closer to $1,500, but she does like to offer snacks and things which is included in her price, so, I don't know what her idea of a snack is but at any rate.

Bonnie Schaschek: Is she going to send you a write up?

Frances Westbrook: She is, she is getting that together and I should have it hopefully tomorrow then the first part of next week. She had a short week in her office this week.

Bonnie Schaschek: Can I recommend that we postpone this to our next meeting then so we can look at all three at the same time and then we can move on.

Frances Westbrook: Does that sound good everybody. Good, did you hear that Wayne.

Wayne Nunnally: I did, are we postponing?

Frances Westbrook: Well, when we get together for the next meeting this is going to piggyback on that also. We'll have her proposal in front of us at that time rather than just my verbal report, okay.

Wayne Nunnally: Perfect, yeah.

Frances Westbrook: Alright, that sounds good. At least we are starting to make a little progress. The other old business Davenport Agreement.

2. Davenport Agreement

Frances Westbrook: I think we voted on that at the August meeting to proceed with that.

Bonnie Schaschek: We did say we were going to proceed. I would hesitate on signing the contract right now though. I'd like to get the year end financials so we know where we are starting from because they said they are going to turn it around in 45 days, so if we sign it and they start right away without having a good set of financials, I would question that.

Frances Westbrook: The signature, I mean we can certainly sign and then tell them when the start date will be.

Anthony Marchetti: When we sign, it is going to take them time to collect as they examine historical, I would assume how many years they go back, we would tell them that....

Bonnie Schaschek: How are they going to get this information, when are they going to get this information because they are going to have to go to Jay probably to get it.

Anthony Marchetti: Part of the motion would be to have, allow Jay to provide them historical financials to Davenport for the services outlined in their contract.

Dudley Patteson: They should be made aware there are a couple of adjustments coming.

Anthony Marchetti: We can tell them not to go into July 2021 until we say okay. I think they can probably start the process and by the time in 2 weeks if we can get that current we will just tell them not to touch 2021 until we tell them it is up to date. But even if you want to hold when they start I don't see an issue to sign it and.

Frances Westbrook: May I have a motion please.

Dudley Patteson: So moved.

Wayne Nunnally: Madam Mayor, wait a minute, discussion yet.

Frances Westbrook: Alright go ahead.

Wayne Nunnally: I was not at the last meeting ladies and gentleman and so what I have to say won't necessarily affect that vote at all, but I have to go on record saying this. The Town Council can only raise money by raising taxes, initiating new taxes or bonds. That's the only way, they are the four areas. I don't need to pay somebody $10,000 to tell me how to raise money. We did have an obligation of how we spend that money, a legal obligation that our lawyer that we so carefully are hiring to tell us whether we can spend it or not. So, why are we hiring somebody to spend our money when we are going to get advice from our lawyer and we already know where we are going to get our funds from? What value do they offer? So, I tend to vote no on this particular motion, for whatever it's

worth, but I wanted my statement as to what I think about it on the record. Thank you for listening.

Frances Westbrook: Wayne, I'll just remind you that this was included in the budget when it was passed and so the money is already there through the budget process. So, we will note your no vote. Actually, when we get ready to take the vote, if you'll just say no and then, we'll have this to add as your reason, okay. That work?

Wayne Nunnally: Thank you.

Frances Westbrook: Alright, thank you. Alright so we have a motion.

Anthony Marchetti: Second.

Frances Westbrook: Any other discussion? Alright let's take a roll call vote on this please.

Bonnie Schaschek: Can we back up on this because Wayne was not present at the last meeting so....

Frances Westbrook: He said that.

Bonnie Schaschek: This is more than just telling you how to spend the money, this is actually going to help work on capital plans?

Frances Westbrook: No, they are going to tell us how....

Bonnie Schaschek: That's what I thought they said.

Chris Braly: Well, it's not specifically capital projects, more of like this is what your financial health is and almost assessment to help provide us with an understanding of what we could do, and could afford to finance, could afford to move forward if we have capital project X, Y or Z that we want to move forward with. I don't think it, they were going to also have different scenarios if you know there was a meals tax that they were going to talk about for example, if that was in effective this is what...

Bonnie Schaschek: I thought they were going to work on the stuff for the meals tax?

Frances Westbrook: No, they are not going to...

Bonnie Schaschek: I thought that's what they said.

Anthony Marchetti: They are going to provide scenarios, they are going to say here is our current income based on meals state tax, occupancy tax, if we do nothing different here's a healthy service, here is what type of capital project you can take on or shouldn't take on if you add a revenue stream regardless of what it is, or meal tax, here is how it would change and what services you can carry here is some different scenarios, should you pay cash, should you finance it, should you finance some of it. I think they are going to address all of those.

Jackie Brown: Also, we talked about getting information to residents of ideas about what the impact will be from the survey.

Anthony Marchetti: Right, how much it's going to cost, what it is going to cost you if anything right.

Chris Braly: It was going to be used a tool to help survey questions.

Bonnie Schaschek: Because the survey was supposed to have a cost, if they want a septic, this is what it is going to cost you.

Anthony Marchetti: Right, if it was a project, it is going to cost X amount of dollars and we had to finance it like this, would you be willing to do it or, not, so it is going to be used as a tool just like the survey at the North Commons is going to be used as a tool if we want to proceed doing anything there. But, I envision it.

Bonnie Schaschek: That's why I wanted to back up Wayne.

Wayne Nunnally: Well, that's what I couldn't understand Anthony was we've already voted to do a survey and I think the planning commission is working on hiring somebody or suggesting somebody to us to conduct a thorough citizen survey, alright so now we are going to hire another person to do a survey and then based on that survey tell us these various things that you are saying. So, I don't know why we are doing, it sounds like we are just paying for a survey in my mind from Davenport.

Anthony Marchetti: It's not a survey, it's a financial health assessment so to speak, that I envisioned giving us the output of the Davenport assessment to the planning commission and when they are working with, and when we work with the organization to develop the

survey questions, that is part of what the firm uses to develop certain questions that involve capital expenditures and asking the town how they want to proceed with major capital expenditures.

Dudley Patteson: It's an assessment of eligibility of the town provided in a safe and sound way. In other words they are not going to recommend anything that based upon how other towns look at liquidity, look at reserves, look at leveraging themselves, they will recommend something within the confines of those limits but at least it will give us what we need if we are going to consider some of the capital outlines in the future.

Frances Westbrook: An example of the sewer Wayne, if it would cost us X amount of money to make that happen and how are we going to raise that kind of money, that would be one of the important factors for us to know to include in the survey when we ask the town citizens would you be willing to pay, I'll just make this up, don't anybody get upset another $.50 on $100 for your real estate taxes to support getting a town wide sewer system.

Bonnie Schaschek: Well then, they have to pay another $17,000 to hook…

Frances Westbrook: Well we don't, no…

Bonnie Schaschek: …I'm just saying….

Frances Westbrook: So that's what this Davenport Company could help us determine what it would take to do something of that nature, or build a town office, or build a new playground, park, whatever we might look at doing, they are going to help pus determine how we are going to pay for it and where we would go to get those funds so that we can then turn around in a survey and ask the residents if they are willing to have an increase in a certain tax or to add an additional tax in order to make those plans a reality.

Chris Braly: Or we might not need to do anything, we don't know.

Frances Westbrook: That's true it may be nothing.

Wayne Nunnally: Well, that's why I'm sticking on holding, probably don't know a whole lot, but I know that I only have four ways to get money from the town and I don't need anybody to tell me unless they have a whole different way than we are legally allowed to get. I mean, we are legally allowed to do bonds, we legally allowed to raise taxes, we

legally can add new taxes, i.e., the meals tax and business tax or we can float the bond. I don't need, what are they going to tell me that I can go out and buy a bridge and resell it and make the money on that.

Anthony Marchetti: They are going to tell you how to obtain…

Wayne Nunnally: I don't know what they are going to tell me other than those four things.

Anthony Marchetti: They are not telling you how to raise money, they are telling you how to comfortably carry and be responsible to finance, to finance projects.

Dudley Patteson: Wayne, even if you were able to tell us that the town based upon its capital and its reserves and based upon its history of earnings, if you were able to comfortably tell us that the town could borrow like $2,000,000 like White Stone is going to issue bond for $2,000,000 then we can't rely on you to be the one to tell us. We need the municipal experts to come in and tell us what we can and what we can't do. That's all we're hiring them for to protect us and also use their experience working with other municipalities and what they've done and what they can do to tell us what we can do.

Wayne Nunnally: Anthony have you read the contract?

Anthony Marchetti: Yeah, lots of times.

Wayne Nunnally: So, you are satisfied with what they are giving us for our value?

Anthony Marchetti: I am, I think, I liken it to using a financial planner for your personal, for your personal life to help ensure that your sending, not overspending that you are saving, that you are preparing for retirement and that you have contingency reserves. I mean it's basically a financial planner for the town. I think that is very valuable. I am personally not comfortable making any big capital decisions not knowing, not knowing what they had to tell me. Is the town, should we pay all cash for it, should we borrow because money is cheap right now. Should it be a combination of the two? How much debt is too much debt you know? Can we do everything we want to do and reduce the real estate tax, maybe, I don't know, but that's one of the things I think they can tell us and I think they can play different scenarios, if you did this, then this would happen, if you did

that, you know here is the result and that is where I think it is going to be pretty valuable for us to see what it means when you make these changes to project out the future.

Wayne Nunnally: Anthony, I really value your opinion. I really do, but I understood from just our regular scuttlebutt after meetings that part of the contract had a provision in it where they were going to conduct a survey of the town residents.

Frances Westbrook: No, not this.

Wayne Nunnally: Is that in the contract?

Frances Westbrook: No, they are not doing any kind of survey.

Bonnie Schaschek: That's not this company.

Anthony Marchetti: Yeah, wrong scope.

Wayne Nunnally: Okay, did you understand that Jackie?

Frances Westbrook: Did you understand that Jackie that the survey is not part of Davenport.

Jackie Brown: Oh no.

Frances Westbrook: Yeah, she's onboard. She knows that.

Bonnie Schaschek: Actually, Davenport will provide good services. My only hesitation was that we haven't had a good financial report in over a year so to have, because they said they will turn this around in 45 days, so we need to get our year end in order before they start working.

Anthony Marchetti: I absolutely agree.

Bonnie Schaschek: So, I don't have a problem if you want to go ahead and sign a contract, but they can't start until after we get a good year end.

Dudley Patteson: I think that is part of the motion.

Frances Westbrook: Yes it is.

Dudley Patteson: And therefore, a motion is on the floor, it has been seconded, we had discussion....

Wayne Nunnally: Well, Dudley do we need to amend it to say that it doesn't start until this contingency happens?

Anthony Marchetti: Well, I mean they can start collecting historical information from 5 years ago.

Frances Westbrook: They can start collecting reports, yeah from the previous years, but we'll hold off for the year 2021 fiscal year ending until these corrections have been made, 2021.

Bonnie Schaschek: Oh yeah, we going 2021.

Frances Westbrook: Yeah so it would be June 30th of 2021 year end fiscal, yes.

Wayne Nunnally: Well thank all of you for your hard work on this project and gentleman and ladies can disagree.

Frances Westbrook: Alright, so let's get this.

Jackie Brown: Can we get microphones, this is so ridiculous.

Dudley Patteson: I agree with you, we need to do it.

Frances Westbrook: So, if we could have a roll call vote, the motion is that you are authorizing the Mayor to sign the Davenport agreement with the caveat that they can work on prior years while we are trying to...

Dudley Patteson: Other things that don't involve a closed year end.

Frances Westbrook: Yes, yes, roll call vote please.

Vote
Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Jackie Brown, yes.
Bonnie Schaschek, yes.
Wayne Nunnally, no.

Motion *(Dudley Patteson)* To Authorize The Mayor To Sign the Davenport Agreement with the condition that they work on prior years until the current fiscal year end is complete – Motion passes 5-1.

Wayne Nunnally: Thank you guys.

Frances Westbrook: Alright the next thing we have new business coming up.

L. NEW BUSINESS

1. Renew Domain Name – "LoveVirginia.com" (Tourism Grant)

Frances Westbrook: Renew our domain name. This has to do with the LoveVirginia.com tourism grant. Dudley would you tell us about this…

Bonnie Schaschek: I couldn't even find it when I went out there.

Dudley Patteson: Love Irvington was a domain name that was selected by Flack Shack to help market Irvington under their grant contract. Domain names are valuable. I think when we went out to find something that said Visit Irvington they couldn't find it and a lot is cost to keep a domain name such as Love Irvington which dovetails into Virginia is For Lovers and I think it would be an asset to the town. I personally collect domain names to protect my business.

Frances Westbrook: Yeah.

Dudley Patteson: And, only for protective purposes and only for purposes that that is something that I might want to do in the future and so no one else can have it.

Bonnie Schaschek: Well, why would it say Love Irvington?

Anthony Marchetti: At this point…

Frances Westbrook: It does. That's what I told Laurel so that's what she put on there, but it should be Love Irvington I was just told, sorry.

Bonnie Schaschek: That's why I couldn't find it.

Anthony Marchetti: When they started that campaign, the Flack Shack campaign and it is most notably on Instagram you know hashtag Love Irvington they obviously Flack Shack

reserved that LoveIrvington.com domain name. I don't think it was either developed, it is due to expire, so the question is do we want as a town pay $18.99 a year to control LoveIrvington.com. Whether we do something with it or maybe to Dudley's point so that Irvington, New York doesn't use it.

Dudley Patteson: Or Irvington, New Jersey.

Anthony Marchetti: Or Irvington, New Jersey.

Jackie Brown: Or Irvington, Pennsylvania.

Frances Westbrook: Alright.

Dudley Patteson: I think we need to keep it.

Jackie Brown: How much is it?

Frances Westbrook: $18.99.

Wayne Nunnally: Is that…

Frances Westbrook: What Wayne?

Wayne Nunnally: Is that $18 decimal 99.

Anthony Marchetti: Yes $18.00.

Frances Westbrook: It's less than $20.

Bonnie Schaschek: Why are we even discussing this?

Wayne Nunnally: I vote to keep the thing, let's go.

Anthony Marchetti: Second.

Frances Westbrook: We have the motion, we have a second, all in favor?

Group: Aye.

Vote
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.

Jackie Brown, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.

Frances Westbrook: All opposed. Motion passes.

Motion (*Wayne Nunnally*) to keep the LoveVirginia.com domain name – Motion passes 6-0.

Frances Westbrook: Alright, now we get to the two resolutions, and I will turn it over to Justin.

Justin Nelson: This will be the first reading Resolution 2021-15PC Recommendation regarding zoning parcel from M1 to B1, tax map 33-379, whereas the Irvington Planning Commission was asked to review and make a recommendation to Town Council on the proposed rezoning of a parcel from M1 to B1 zoning application 2021-Pollard located at tax map 33-379 to 73 Seafood Lane, that's the application and whereas delivered to all regarding property owners within 300 feet and placed on town website and whereas a joint public hearing was advertised in the Rappahannock Record on September 30, 2021, and October 7, 2021, whereas the Planning Commission considered the application at its meeting held on September 7th, 2021 and October 12, 2021 and whereas the Planning Commission and Town Council held a joint public hearing on October 12th, 2021, to hear public views on the application. That is the rezone application. The second one Resolution 2021-14 CUP, recommendation regarding conditional use application in B1 tax map 33-379.

Frances Westbrook: Hey Justin.

Justin Nelson: Yes ma'am.

Frances Westbrook: Are those the planning commission ones or the Town Council ones.

Justin Nelson: I might be reading the planning commission.

Frances Westbrook: Our first reading, ours is a little bit different.

Justin Nelson: I was the one that screwed up.

Frances Westbrook: I should have asked you before you even got started.

Justin Nelson: Okay, reset starting over. First rezone application 2021-11 Town Council whereas Irvington Town Council reviewed a proposed rezoning application from M1 to B1 rezoning application 2021-RZ1 Pollard Tax map 33-379 located at 73 Seafood Lane application and whereas a joint public hearing was advertised in the Rappahannock Record on September 30th, 2021 and October 7, 2021, and whereas the Planning Commission considered the application at its meeting held on September 7th, 2021 and October 12, 2021, and whereas the Planning Commission and Town Council held a joint public hearing on October 12, 2021 to get public views on the application. Whereas the Town Council considered the application at the meetings held on September 9, 2021, and October 14, 2021. The next resolution 2021-12TC Recommendation regarding CUP N and B1 tax map 33-379 whereas the Irvington Town Council reviewed a proposed CUP application 20-21 CUP3 Pollard to locate an N and B1 zoning district tax map 33-379 located at 73 Seafood Lane and whereas a joint public hearing was advertised in the Rappahannock Record on September 30th, 2021, and October 7th, 2021l, and whereas the Planning Commission considered the application at its meetings held on September 7th, 2021, and October 12th, 2021, and whereas the Town Council considered the application at its meeting held on September 9th, 2021, and October 14th, 2021 and whereas the Planning Commission and Town Council held a joint public hearing on October 12th, 2021 to get public views on the application.

Frances Westbrook: You'll be glad to know at the second reading you don't have to read the whole thing again.

Justin Nelson: That's great.

Frances Westbrook: In the Town Council pack that you all received Justin did send you the documentation that Planning Commission received and then Laurel sent you a letter from Custom Yachts that goes along with the information. So are there any questions. Justin you have that information in your packet, have you all had a chance to look at it.
Bonnie Schaschek: I'm kind of curious.

Frances Westbrook: Uh huh.

Bonnie Schaschek: Why are we changing from M1 to B1 because in M1 you can do everything you can in B1 and B2 as well as R1 and R2 so what's the purpose of rezoning this to a B1?

Justin Nelson: I have come in kind of with this process, as I understand it would be beneficial for the Town to remove the M1 do anything you want zoning and put it into a B1 zone.

Anthony Marchetti: Is it necessary though?

Justin Nelson: No.

Bonnie Schaschek: Because M1 you can't do anything you want, it does have some restrictions but it's kind of.

Anthony Marchetti: Less restrictive than B1.

Bonnie Schaschek: Yeah and the property has been commercial for a long time, there has been oil and all kinds of things, have there been testing on that?

Justin Nelson: Yeah the applicant is working with the DEQ going through an actual program that they have set up to.

Frances Westbrook: Is it a remediation type program I'm not sure....

Justin Nelson: I'm not familiar with the details.

Anthony Marchetti: From what I read in the report....

Frances Westbrook: If Mr. Pollard is here he can answer any questions and I also think that is Mr. Friday here also, oh yeah, there you go, so if you have any question of either of them they are here.

Bonnie Schaschek: I'm kind of curious why do you want to change it to B1?

Male: Thanks for the question Madam Mayor and Town Council I originally, I purchased the property towards the end, beginning of July putting in the CUP application, Lara on one of her last days had been talking to Maryellen, I believe I've got this right, correct me if I'm wrong, who suggested or the suggestion came back to me that it would be more beneficial to the Town if it were rezoned from M1 to B1 and I said as long as it doesn't hold the project up I am happy to do that because I don't intend to have industrial use on there. I'm happy that the use gets approved under whichever zoning the Town Council see appropriate.

Dudley Patteson: If there was a subsequent sale of the property if we change it to B1 that party would have to conform with B1…

Frances Westbrook: B1.

Dudley Patteson: As opposed to anything you want.

Frances Westbrook: M1.

Dudley Patteson: That in my opinion was why the recommendation was made to change.

Bonnie Schaschek: That whole area is M1 over there.

Dudley Patteson: It is M1 but again it is one parcel…

Bonnie Schaschek: Right in the middle.

Frances Westbrook: So, if we restrict it to B1 then we are restricting future.

Bonnie Schaschek: B2 is the buffer.

Anthony Marchetti: B2 can't have an Inn, I think only B1 can have an Inn on it.

Male: If I could in terms of the [inaudible] inclusion, the file has been closed at DEQ and I am working with an environmental consultant and most of the building that is going to be conducted is going to be above grade where we actually bring in fill dirt and then the foundation which will be minimally built will be a footing, rather will be dug into that fill dirt so that disturbing minimal amount of soil possible and then since there have been bore holes and tests over the years some places where we can dig a footing into the existing soil and then the upper portion is actually on sand pit and there has never been any pollution there and that's where the drain will go and we are working on DEQ with everything to make sure that it is set.

Bonnie Schaschek: When you say you are bringing trucks and fill how are you going to change….

Frances Westbrook: Elevation?

Bonnie Schaschek: The elevation and the runoff because there's always been a runoff problem over there.

Male: When you say there's always been a runoff problem do you mean, pack and fill will be no different than building any other house on any other piece of property.

Bonnie Schaschek: How high are you going to raise the soil?

Male: Oh, it would only be deep enough so that we can dig the 18".

Bonnie Schaschek: Isn't there a culvert that runs underneath that building because when it rains it floods over there?

Frances Westbrook: I think they did away with it.

Male: It's still there. That culvert is still there.

Frances Westbrook: Oh it is.

Bonnie Schaschek: And it goes under that building down into…

Male: And Mr. Friday did have some concerns and I've had conversation with him and I am going to continue to try to work with him and what is legally proper on some things, but I am going to amend some things so make it clear, make it a condition of the CUP that if any guests of mine enters his property then they are no longer a guest of mine, weekly stay is immediately terminated.

Frances Westbrook: And that will go back to the Planning Commission when they do their final work on it as far as any conditions on it.

Male: I am going to bring that to the Planning Commission so that it will come to you all in one package.

Jackie Brown: Do you have drawings of what you are going to do.

Male: I do, I don't know if it's in your packet but.

Justin Nelson: In the one that I emailed out.

Bonnie Schaschek: I didn't see any drawings.

Justin Nelson: It wasn't in yours.

Frances Westbrook: No, no, no.

Anthony Marchetti: Was it in his zoning administrator packet.

Frances Westbrook: This is what I found this morning and opened it up. This came to you from Justin.

Justin Nelson: Yes, I sent out two things, I sent out…

Frances Westbrook: Yeah, well here you can have mine. Take a look at it because I can print another one.

Jackie Brown: Okay thank you.

Frances Westbrook: Anything else.

Wayne Nunnally: Now that I'm thoroughly confused, are we voting for a rezoning.

Bonnie Schaschek: We aren't voting for anything we are just reading.

Wayne Nunnally: Or are we voting for a CUP.

Frances Westbrook: No sir, this is just the first reading, the second step will go back to the Planning Commission and they will bring forward to us their recommendations on this CUP and it will most likely have a number of conditional uses outlined in it so that is what we are going to wait on.

Wayne Nunnally: Gotcha, thank you very much Madam Mayor.

Frances Westbrook: Your welcome, anything else Wayne?

Wayne Nunnally: No sir, ma'am or probably should have said that No, Mayor.

Frances Westbrook: Any other questions from Council? Anything of Justin. Thank you Justin.

Dudley Patteson: I do have one point.

Frances Westbrook: Yes.

Dudley Patterson: I feel that we receive a report from Justin his ZA report and typically we have a little more meat on the bones when these reports come to us so that we can fully understand how you are thinking and what you see and what are concerned about and I think we have dropped the ball on training him to provide that wealth of information and I would like to propose that we…

Frances Westbrook: Since this is a personnel matter can we talk about this after the meeting…

Dudley Patteson: Sure.

Frances Westbrook: I think that would be more appropriate if you don't mind.

Dudley Patteson: I don't mind at all.

Frances Westbrook: Perfect. Thank you. Anything else on this matter? Alright, then moving along we have a few announcements and then Wayne we'll let you move to adjourn in just a couple minutes okay.

Wayne Nunnally: I'm ready.

M. ANNOUNCEMENTS

Frances Westbrook: Budget & Finance Committee Meeting September 20th here at the church, 5:00. Select Town Council Meeting is on September 23rd at 4:30, Town Council Regular Meeting October 14th, 6:30 here. October 12th we will be having a joint public hearing concerning the CUP and the rezoning we just heard from Justin here at the church

6:30 and Planning Commission will follow immediately after the joint public hearing. Also I want to make a plug for the Steamboat Era Crab Festival which is coming up on September 18th.

N. ADJOURN

Wayne Nunnally: Madam Mayor move to adjourn.

Frances Westbrook: I have a motion. Second.

Bonnie Schaschek: Second.

Frances Westbrook: All in favor?

Group: Aye.

Vote
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.
Wayne Nunnally, aye.

Frances Westbrook: We are adjourned Wayne.

Motion (*Dudley Patteson) To Adjourn – Motion passes 6-0.*

September 9, 2021 minutes approved at October 14, 2021 meeting. The Vote was:

	APPROVED	OPPOSED	ABSTAINED
J. Christopher Braly (absent)			
Dudley Patteson	x		
Anthony Marchetti	x		
Jackie Brown	x		
R. Wayne Nunnally	x		
Bonnie Schaschek	x		

Motion passes 5 – 0 - 0

Frances E. Westbrook

Frances Westbrook, Interim Mayor

ATTESTED:

Laurel S. Taylor

Laurel S. Taylor, Town Clerk

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, SEPTEMBER 9, 2021, 6:30 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Mary Cary Bradley	991 King Carter Dr
2.	Julie Harris	1099 K.C. Dr.
3.	Heather Sheehan	90 Railway
4.	Phil Robinson	90 Railway
5.	Hibbert Pollard	48 Steamboat
6.	Marsha Chapman	62 Old Mill Cove
7.	Tom Chapman	62 Old Mill Cove
8.	Gabe del Rio / Jeff Ewing	732 Arapaho Dr
9.	[illegible]	260 The Lane
10.	Sam Van Sann	146 Virginia Rd
11.	Ruth Fuller	341 The Lane
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, AUGUST 12, 2021; 6:30 PM

AGENDA

A. CALL TO ORDER – *Frances Westbrook*

Frances Westbrook: This is the Irvington Town Council's regular monthly meeting held at Irvington Baptist Church. Today is Thursday, August 12, 2021, at 6:30. The meeting is called to order. I'd like to remind you all who are here tonight, if you haven't signed in on the signup sheet, please do so. It is at that very back table which will be on your left side. So, if you would please do that, that would be very helpful to us. Before we get started, I'd just like to have a brief moment of silence. John Farmer who is the pastor here has been pretty seriously ill, but he is home and recuperating but I thought it would be fitting if we would have a couple minutes of silence. Thank you. Alright, we would start with a roll call vote please Dudley if you would kick us off.

B. ROLL CALL – *Frances Westbrook*

Dudley Patteson, present.
Chris Braly, present.
Anthony Marchetti, present.
Frances Westbrook, present.
Jackie Brown, present.
Bonnie Schaschek, present.
Wayne Nunnally, Absent.

Staff Present
Nancyellen Keane, Esq., Town Attorney.
Laurel Taylor, Town Clerk.
Justin Nelson, Zoning Administrator.

C. APPROVE AGENDA – *Frances Westbrook*

Frances Westbrook: We are going to go through a couple of quick agenda items here before we have two presentations tonight which I think you all will find quite interesting. May I have a motion please to approve the agenda.

Bonnie Schaschek: So moved.

Frances Westbrook: Second?

Dudley Patteson/Anthony Marchetti: Second.

Frances Westbrook: We have a motion and a second, all in favor say Aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Thank you.

Motion (made by Bonnie Schaschek) To Approve the Agenda passes 5-0.

D. APPROVAL OF MINUTES – *Frances Westbrook*

1. Minutes of Special Called Meeting 07.15.2021
2. Minutes of Special Called Meeting 07.29.2021

Frances Westbrook: Next item is approval of our minutes.

Chris Braly: Madam Mayor?

Frances Westbrook: Yes sir.

Chris Braly: It appears there were some administrative mix-ups in preparation for this meeting.

Frances Westbrook: Uh huh.

Chris Braly: In regards to the minutes, I believe a couple of different versions were distributed to Council….

Frances Westbrook: ….of the one…

Chris Braly: ….and then when the new material was added to the website, the old material was taken down…

Frances Westbrook: Uh huh.

Chris Braly: …it is no longer there….

Frances Westbrook: Okay.

Chris Braly: ....so I would like to make a motion to table approval of these minutes until the September meeting to ensure that there is no confusion over what is being approved.

Frances Westbrook: Are you making a motion to do so? Do we have a second?

Dudley Patteson: Second.

Frances Westbrook: Any discussion?

Bonnie Schaschek: Yes, I would like to, I do have some changes to the minutes so can we get them to Laurel before the September meeting so they are updated.

Frances Westbrook: For the September meeting, that sounds like a good plan. Anybody else? All in favor of tabling both sets of the minutes to the September meeting please indicate by saying aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Motion carries.

Motion (made by Chris Braly) To Table Minutes from 07.15.2021 & 07.29.2021 passes 5-0.

E. FINANCIAL REPORT

1. Treasurer's report
2. Appropriations

Frances Westbrook: And then our financial report, we have a balance sheet for July and P&L, do we have any questions on that?

Chris Braly: I have a couple of questions.

Frances Westbrook: Uh huh.

Chris Braly: The last meeting I guess we voted to proceed with continuing the employment of the previous zoning administrator for the month of July?

Frances Westbrook: That's correct.

Chris Braly: I saw on the check detail that there was salary paid, was that salary for the month of July or was that for the month of June?

Frances Westbrook: That was for the month of July. This is the July check register so…

Chris Braly: Okay.

Frances Westbrook: …should have been one of the first couple of checks on there actually.

Chris Braly: So, we never, there was never an agreement draft by the HR Committee to extend employment for that month and never presented to Town Council for approval, and for the purposes of any future audit that may occur…

Frances Westbrook: Uh huh.

Chris Braly: …I think it is appropriate to make an official motion to approve a monthly salary for the zoning administrator, so….

Frances Westbrook: We did discuss it at a previous meeting which Lara offered to stay for the month of July if we needed her….

Chris Braly: Right, and….

Frances Westbrook: …took her up on the offer, but I understand what you are saying, and I think that's….

Chris Braly: …meeting we were supposed to be presented with a new employment agreement for 1 month of employment to be presented either at this meeting to approve retroactively or at a sooner meeting….

Frances Westbrook: I think….

Chris Braly: …which could have been July 29th.

Frances Westbrook: …I believe when Nancy and I talked about this, we though perhaps that probably wasn't necessary since she had given to us in writing that she would be glad to stay for July if we needed for her to….

Chris Braly: Well....

Frances Westbrook: ....what's your question?

Chris Braly: If you don't mind, I'd like to make a motion to approve the gross salary payment of $1,833.33 to the Zoning Administrator for the month of July.

Dudley Patteson: Second.

Frances Westbrook: Any discussion or questions? All in favor?

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Motion carries. Thank you Chris.

Motion (made by Chris Braly) To Approve Gross Salary for Zoning Administrator for the month of July Passes 5-0.

Chris Braly: I have one more question.

Frances Westbrook: Uh huh.

Chris Braly: At the last meeting you indicated that the June report was tabled until this meeting and it was not included in the packet.

Frances Westbrook: That's correct, and we gave to Budget & Finance the responsibility of getting with Sanudo, having a meeting and then getting with Sanudo, to these figures that we know need to be looked at for the end of the year and, I don't think the Budget & Finance have met yet, do so soon, uh....

Chris Braly: I guess my question is how can we accept the July financials if it is going to change and carry through so, if we make changes to June, anything that we accept here in July....

Frances Westbrook: Well anything that we put on the balance sheet....

Chris Braly: ...will be different...

Frances Westbrook: ...will be somewhat different, yes, you are correct, and....

Bonnie Schaschek: I think this is just information.

Frances Westbrook: Right, so, those things you're right will change on the balance sheet, it will affect the July P&L obviously, so when we get the June and technically we don't vote this, we just file them as presented and they are fluent, they are subject to change anyway....

Chris Braly: ...okay.

Frances Westbrook: So, is that good for you?

Chris Braly: Yeah, thank you, I appreciate the clarification.

Frances Westbrook: Anybody else, then the July financials will be accepted as presented. Alright, now we are to our presentation for the meeting here. We have Jimmy Carter who is with us, the Tri-Way Trails and he is going to talk to us about what is happening with the connector between Irvington, Kilmarnock and White Stone and I thought it was apropos for him to be here tonight so we will be looking at and amending our budget in late fall and this may has some useful information for us.

F. TRI-WAY TRAILS, presentation, ***Jimmy Carter***

Jimmy Carter: Thanks for having me and calling and asking me to come, so. So the Tri-Way Trail as Fran said is a connector to hook together Kilmarnock, Irvington and White Stone within an interior trail. You know in the past there have been some efforts to put bike trails along 200, but the problem is I think we all see people out there biking and we think it is dangerous, that it's just not a safe environment. So, many things that occurs to me that, White Stone and Northumberland County are the two most elderly contiguous county in America. You know, if you go back to the census in the mid 19's, 20's, and I think the 2014 census said that Lancaster was the fifth most elderly populated county in America and Northumberland was the 8th. So, I looked at the counties above that and the only two other contiguous counties were in Florida, but that population is over 150,000 so I'd say that White Stone and Northumberland are the two most elderly contiguous counties in America. So, then the other metrics that jumps out at me is there is a Time Magazine study in 2019 that said that, it talked about the 10 fastest growing millennial cities in America. And talked about Memphis, Boston and New Orleans and you know particularly Memphis and Austin, we hear a lot about these millennial cities, but what the Time Magazine study said was that Hampton-Roads was the number one fastest growing millennial city in America and Richmond was number two. So, what that says to me is that Irvington is the East Hamptons of Virginia, I mean it is really is the quality of life leader between three vibrant millennially oriented cities. So, we've got Hampton-Roads,

Richmond and D.C. that are all, D.C. is always a millennially oriented city, new job creation particularly now that we have Amazon, so the question is what can we do to change our market perceptions of not only being retirement but how do we start adapting to these new market forces in order to grow our economy and raise our home values because if we don't raise home values then the county can't afford to pay for new schools and first responders and those types of things, so this whole effort to try to bring up home, Bob knows all about that, this whole thing about trying to bring up home values is important to these local economies. So when we start talking about how do we appeal to millennials, I sit on an advisory board, the county has Julian Travis and myself and we Justin ? and Susan ? the advisory committee for economic development for the county. So when we start digging into this, how do we build this economy and make this area, protect its beauty and make it more appealing. Now, let me say is what I'd like to say is I give an economic speech entitled "We are in the country, but we're not in the sticks", what I say when The Tides Inn opened in 1948, something changed as to how this community developed. You know, rich people started moving here, saying I can see living there because they say, I can go to The Tides Inn, there is a sort of sophistication over there. I can go over there and have a drink and go play golf and so it seeded wealth here. Then in the ensuing years since 1948 the Irvington area got a disproportion and share of the quality of life. You go and open a new restaurant or a shop or those type of things, it was only natural that as entrepreneurs that we move to where the money is. Much better to come to Irvington and open up something, everyone likes Irvington and the County than to go let's say to the upper regions of the County, Northumberland or Middlesex. It was just more mojo here. So, the question is how do we build upon that in this County. We think that just like The Tides Inn attracted that retirement market here, millennials are an experienced arena, they all want to go out and do something you know, so we've got these three urban areas so the question is, how can we start building up sort of a millennial sensibility and attract those people here to shop our shops and eat in our restaurants and we think the trail is another important differentiator that will differentiate this community from the other communities around it. So, the idea is to build a trail that, and you've got a layout in front of you, essentially what it does, it comes down, right now we think it is going to come through, probably start, each trail heads into three towns. So the idea is it would start in the town park, come down towards the hospital, up by King Carter Golf Course property, and close, we know the golf course had to close down because it was losing too much money, so the idea is we've got to repurpose that property. That property goes over to Harris Road to the hospital so, it would come down, go through the King Carter property, Tides Inn is fully onboard, the Tang's are fully behind us, I have letters from them of support. We've laid out a route through the Golden Eagle. We envision it coming through Westminster Canterbury and then head into Irvington. Probably come through the vineyard property so it would come in behind the shops. That's the current belief. Then somewhere around the Golden Eagle and Westminster Canterbury there would be another spur that would go off in a Y shape and go into White Stone. Too difficult to get across Carter Street because of the bridge is still compelling people to get on the highway there, so the idea is just stay away from the Kilmarnock/White Stone/Irvington route, we'll just do that as an

interior branch. The idea behind this is it will nourish the businesses in the three towns, it will create quality of life, exercise and those types of things for our residents, and so and it will flame up a quality atmosphere for the County. To date, when I started this idea, I biked across America in my 40's, I was sitting in Richmond with a friend of mine when I was 44 years old and we said let's go on an adventure. We had been up Everest a couple years before that, up the base, whitewater, so we said let's go do something. So, we decided we'd bike across America. The waiter we was waiting on us, to drive the van, we called and rented a van, put the whole deal together, and we biked across America. So, I understand the dangers of biking and let me just say I had never biked before and I haven't biked since, but I did bike across America. I understand the perils of being on the highway. So, the idea is this would be safe for families, safe for elderly. Where there have been trails like this, they've seen, the local property owners are really the big beneficiaries. They are the ones that really get out there and use the trail all the time. When I started into this idea, my good friend Steve Reese here, a great resident here of Irvington. Steve's bikes, you can tell the difference in the physique, Steve said how do we know if this is a good idea or a bad idea, so Steve set up a meeting with the head of Virginia Bike Association in with the head of the Trails for the Virginia Department of Highway. Most of event funding's come down through VDOT, they have a trails guy who sort of oversees those funds. We met with them if this was an idea path and they encouraged us and they said we really think this is a great idea, you all should go forward with it. So, we went out and started applying for some grants, so far, we have gotten $175,000 in grants, a Lee-Grant was $135,000 grant from the Virginia Outdoors Foundation. The Community Foundation has given us $35,000 and we have gotten some other grants. So what we are doing with that money is, we engaged Bay Design as our lead, sort of local, want to shop local on these things, but Bay Designs is doing the wetlands, doing the surveying and those types of things. We just put out an RFP the other day. The funding for this we hope is coming from the Feds. The Feds have this rails and trails program where they build trails all across America, the idea being that you don't need to be an all rail bed to get in on that funding, this goes right into that. There is a lot of money coming down the pike right now for, I think we all hearing about infrastructure funding coming down the road. We think the timing is good for this type of thing. So we needed, Bay Design is doing the tactical work in the area, but we needed a firm who is used to working with the Feds and putting together compelling packages for funding, so we put out an RFP to the lead trail consulting firms and we had three good responses from the groups that we wanted. We have narrowed that down to two and in the next 2 weeks we are going to make a decision of what our lead consultant that will put together, that will help us put together a compelling package to go to the Feds for funding. The theory is the Feds will pay 80% of the cost of building the trail. So then we've got 20% we know we need to raise. We can't go to the county, we know the town's don't really have money, so the idea is that most of the rights of ways here are pretty much, I think we know the individuals who own these properties and I think everybody is basically onboard and we've gotten some good review, just like the Tang's and the Patterson's and you know people are saying yeah we will give rights of way free of charge. What I'm hoping when we value the rights of ways like coming across the old golf course

property, the Tides Inn property, when we value those that will start to close that gap on that 20% that we will be able to say that is in kind donation of funding. So there is a lot of this that is yet to be worked out. It is coming together, we think we've got a solid idea and it is getting rave reviews, consultants that we are talking to are saying wow, we are not used to coming in and having someone already know the layout area, already know the property owner, already have a fairly well baked concept, they all say that they think we are onto something. The idea is that, we went to the County and we had a MOU at the County, a Memorandum of Understanding, the County, we are the designated agent for the County to get this done. So, what the MOU is that they will be the applicant for the grants and our committee is working as their subagent to get everything done, so we are working, our committee is sort of working under the auspices of the County. The County will be the applicant. So, Fran when we talked about funding, maybe we need some MOU with the Town too. If you all at some point I think it would be appropriate if you all could tactically say that we are onboard with this, we endorse it and you know, if we could have a resolution to that effect then that would be, I think that would be a positive thing to be able to put in our package. The reason that I haven't come in here previously to talk to you is that I've been really sort of waiting to get the national consultant onboard. They are the ones that are going to come in and help us with the public dialogue part of this concept, they are used to doing it in other regions. They are the ones that are going to put together all the great exhibits, these are just some Google Earth things that we have put together. There will be fancier stuff coming. It is, you know, I don't know what I don't know. Maybe it doesn't work out, maybe we don't get the funding, maybe we find out there is a tactile flaw here, so far I can say it feels like it is going pretty well based on my experience of working on things. We think we've got something that's pretty cool, that fits into the County. Another way we can look at it how can we incorporate lights on this trail. How does that make the County look and our towns look in terms of being more sophisticated, fitness trail, walking trail, you know economic development concept, so that's sort of where we are and I'd be happy to answer any questions you have. Yes.

Jackie Brown: Do you have a time frame that you are aiming towards?

Jimmy Carter: Jackie, that's a good question, I mean, I want to do it tomorrow, you know…

Female: …want to do it yesterday…

Jimmy Carter: ….yeah, you know and so we've been very concise under this RFP that we want to have the package put together by the end of this year, so that, we are on a very tight timeline with these consultants that come in and help us, we are still aware of all the money that is coming down the pike from the infrastructure and green and all that stuff, we just think that this is well slotted right now and so we are trying to get out there and get in line, so, the quicker the better. I don't know what I don't know, but we'll know more once we get the national firm onboard, but the quicker the better.

Frances Westbrook: Anybody else? Quick question.

Jimmy Carter: Yes.

Frances Westbrook: What can Irvington do to facilitate this?

Jimmy Carter: Why don't we do this. Why don't we put together maybe a language for you to bring up for something to consider at your next meeting just in terms of the endorsement. We've got the County to incorporate into their comprehensive plan the trail. We know that fundamentally that is something that we are going to need and again, we are early on, once we get these national consultants we'll know more, but we'll have that decided in the next 2 weeks. I'll have language for you asking for you all, maybe at your next meeting for some type of motion of endorsement and we'll work on what that appropriate language is.

Frances Westbrook: I think we can do that.

Jimmy Carter: Great.

Frances Westbrook: Anything else for Jimmy?

Jimmy Carter: Let me just say, thank you for your public service, you know it's a lot of work being on a town council and that type of thing. I just want to say you know, how much I appreciate what y'all do.

Frances Westbrook: We thank you for all you do for the community too Jimmy, this is just one of many things, thank you. Thank you. Mr. Cole.

G. DAVENPORT Presentation -- *Ted Cole*

Frances Westbrook: Mr. Cole is with Davenport and he is going to talk to us about the proposal they have for us.

Ted Cole: Exactly. Good evening. It is a pleasure to be here. I'm Ted Cole, with Davenport & Company out of our Richmond office and I work with a group within Davenport that provides financial advisory services primarily to local governments, cities, counties, towns, but we also work with other not for profits and regional entities. Just as a point of reference we serve in this capacity for a number of communities on the Northern Neck and Middle Peninsula throughout the Commonwealth, but Lancaster County is a client of ours. We've done work for Kilmarnock in the past, just locally here in terms of familiarity with Lancaster County and the surrounding areas. I've got a proposal that we put together for your consideration. I think everybody has a hard copy of that, or a copy of it, if you don't, there is a few extras at the front of the table and I'm going to walk through that briefly. I would be happy to answer any questions as I go, you know, please ask me anything that is

on your mind as I go through this. Let me just take a moment and sort of frame the discussion. As I said, we service financial advisor or municipal advisory, kind of use those terms interchangeably and in this case it would be serving the Town of Irvington. In an effort to sort of better explain what we do, we are not CPA's. We are not auditors. Right, we are not going to do your audit if you were to do one every year, your financial statements. We are not architects or engineers so we can't tell you know how to, how much a building would cost per square foot to construct or where you should run lines for water and sewer systems. That's not what we do. We are not attorneys. We are really consultants to local governments and most of our work revolves around financial projections and capital planning. Now we work very closely with architects, engineers and auditors in a lot of our engagements with local governments, but what I think I have learned over the last several months about Irvington and maybe where you all are, that is applicable to what we do is, there is at least some discussion going on about we may want to do some projects here. I don't know what the projects are, maybe there is a long list, maybe there's a consensus on what the projects are, maybe there's not, but there may be a desire to do projects and those projects could be funded with cash, those could be funded with grants, could be funded with debt or some combination of all of those things and what I've kind of come to learn is maybe there is a desire to understand what is the Town's capacity to fund capital projects. We want to discuss the merits of X, Y or Z projects but as part of that discussion we need to understand you know can we afford to contribute or fund that project. Again, whether its cash funded or debt funded. So, when we talk about debt, what is our debt capacity, what's our ability to go out and borrow funding, but also what is debt affordability. We might be an individual, we might be able on paper to say yes we have debt capacity, we can go and borrow money, our financials look good, our ratios look good, but it doesn't necessarily mean it's affordable. What is it going to take in our budget to repay that debt, whether that's property taxes, lodging tax, potential meals tax I guess is another discussion and that's really what we do? We focus on that type of analysis and what we do to get started is we try to develop a look back, a historical look back at your financial trend, so a 3 to 5 year look back what has been going on in Irvington from operating revenues, operating expenses, what kind of capital have you been funding, be it large or small dollars. What kind of reserves do you have? How have those reserves ebbed and flowed over the years. COVID-19 and all of that that came with that obviously creates some noise in that financial trend, that look back, but we have got to develop at least our approach is what we lay out in putting this assessment report together is look at the historicals and understand what the trends have been and that allows us to then take into consideration your budget right, so you just adopted a budget for the fiscal year 2022 ending June 30th, 2022, that's an important data point there for revenues and expenditures and then it is a series of projections right. What's going to happen in the next 3 to 5 years under a base case of revenue and expenditure growth or under sensitivity cases. What if revenues grow more quickly or expenditures grow more quickly, what if we institute a meals tax, what kind of dollars does that mean and those things come together to start to paint a picture about what is your capacity to operate under your current obligations and maintain reserves. Are there pressures on revenues that you are going to have to address

just to maintain the status quo, what level of reserves would be appropriate for you all to maintain for emergencies or you know creating an opportunity to take advantage of an opportunity, a resource to take advantage of an opportunity and then what would it take to be able to fund a list of capital projects. You know, what is the impact, what is the amount of revenues would be needed to identify and raise if we did decide that we wanted to move forward with certain projects. That's sort of what our proposal lays out is the process to do that. Now, I would think along the same path you all might continue to be talking about well what do we want to do as a town, what are the projects if any that we'd like to pursue. I've heard things about you know, water access, town hall, utilities of some sort or another, parks and rec type facilities, the presentation that was just made about more of regional amenities, there may be local dollars that ultimately could be contributed by the county and the towns and helping you all as the decisionmakers understand for those projects or those requests what is affordable and how do you raise those funds. How do you position the town from a budgetary perspective to be able to maintain solid financial footing and fund those projects along the way. That discussion can be at a generic level meaning we want to understand what our debt capacity is for our capital funding capacity. We talk about debt but can we also fund capital with cash and reserves and other things generically without any projects assigned to it or alternatively we can do that work with specific projects in mind. Whatever sort of the direction might be from council we can approach that either way. We are certainly not in a position to tell you what projects you should do or shouldn't do, what's right for your town, what's not right, whether you should try to grow or not grow. I think that's all a local decision. What we would hopefully be able to provide you is good unbiased transparent information that allows you to make some decisions about moving forward and how you move forward if at all on certain capital projects. Let me stop there, I mean, I've really kind of covered our scope of work. We mentioned along the way of doing some comparisons to other similarly sized towns, that's absolutely something that we could do that's a helpful perspective. Discussing policies if that is something you want to consider for example, a fund balance policy or capital improvement policy, those sorts of things we often integrate those into this type of work, but ultimately there would be a deliverable to you all and it may evolve with an initial review and then we come back and we get your feedback and your input, you want to look at a different scenario, a different sensitivity, and we come back and ultimately present you with a final product that addresses all of those things I've covered. Your historical performance, where you are today, what you look like going forward under a series of assumptions of revenue and expenditures and ultimately helping you understand the affordability and the capacity to take on capital projects but also understanding how those can be done within the context of your operations here, your day-to-day operations. Are there questions or clarifications that would be helpful?

Jackie Brown: I can see a lot of value in the information that you are planning on providing, however my concern is about timing. We are kind of in between comprehensive plans, our 2017 comprehensive plan is not community supported and, we probably wouldn't want you to study that plan to make recommendations. The next plan is coming at the earliest

in 2023 and it seems a little premature to make these kinds of valuations before we have some goals in mind. Is that wrong to, I mean....

Ted Cole: I, I read, I didn't read the whole thing, I flipped through the 2017 comprehensive plan and I guess our work can be done irrespective of where you are on a comprehensive plan site, but I think to your point is what do you do with our work. You know, are you in a position to make decisions using the information we provided and that may be more tied to your comprehensive plan. So, we can provide exactly what we've laid out without a comprehensive plan. We really won't look at the comprehensive plan for what we do. We are really going to look at historical finances, you know, revenues and expenditures, fund balance. We are going to talk about as I said generic and capital projects. If you want us to look at specific capital projects, we can do that either way but the comprehensive plan itself is not a big driver of our analysis, but I do understand that once we deliver something to you and we make our observations and our findings if you will and you say well, now what do we do? We have a certain amount of capacity that we can do, we implement a meals tax or if we adjust the tax rate or not, what do we do with that, and I suppose that's maybe where your question comes in as a comprehensive plan might be helpful to you in making some of those decisions on what projects to do. But, I think that's a discussion for you all. We can do this scope of work without a comp plan.

Chris Braly: How long will it take you if this was approved, say tonight, how long would it take you to do the...

Ted Cole: I would be comfortable you know, you don't have, and this is just a caveat, you all don't have audited financials, right you are a town of a certain size and that's not required. Now, obviously you have financial information for prior years, but it is not laid out in a uniform fashion that we might normally see in an audit. With that caveat we would need some time to gather that information and have a resource to speak with somebody in the town that is familiar with historical financials and budget, the most recent budget. I would think that we would be in a position to deliver a first draft of this in about a 60-day window, and then my expectation would be from that first draft that we would review in a setting like this or work session or whatever the case may be, I would hope that there would be some things that come out of that discussion I would expect that you would say, we really like to see what happens if this, or this, is adjusted or tweaked or another case so, my expectation would then be an additional draft within 60 days and then a follow-up, final draft within another 45 days.

Dudley Patteson: I think the timing would work well with the schedule for the survey and using that financial assessment as part of the question using it for case studies to provide questions to the town would be very beneficial I think for the town survey.

Anthony Marchetti: On your scope of services, you have seven items here, what we currently have budgeted that you just mentioned in your proposal, can we assume that we

would see under normal circumstances deliverables on those services for what we have budgeted?

Frances Westbrook: On…

Bonnie Schaschek: There's two phases.

Ted Cole: Yeah, our phase 1, which is what we have called the financial review and assessment report is you know we have identified seven sort of elements of that. Some of those are called a standalone deliverable, others are kind of incorporated in the overall report, the more concepts. But, yeah, our compensation which is at the bottom of page 2, that proposal not to exceed includes all of those phase 1 deliverables and the expectation that there would be an initial draft and probably a follow-up. At that point, you know we would be available soon thereafter, later down the road if ever needed to perhaps help implement some of that, but we would kind of look at that as a separate different future engagement.

Anthony Marchetti: Maintenance, service to the initial… .

Ted Cole: Sure….

Anthony Marchetti: …..the town…

Ted Cole: We have a lot of examples of clients where we have you know, updated that periodically and then also where they have taken perhaps what we've done and they say now we kind of know what we want to do, how do we do it, how, we might need to borrow money for an example. How do we go ahead and do that and that would sort of be the execution phase of something. So, we certainly would hope that if this first phase goes well and it meets everybody's expectations that there may be an opportunity to do something down the road if you all see fit.

Bonnie Schaschek: Have you worked with towns this size before? I mean we have 480 residents.

Ted Cole: I mean, we have, and there's a lot of, a lot of the concepts are the same you know for even very large cities and towns. You know, we focus very much on cash flow. You know we've got money coming in. You've got three primary drivers to your revenues, right you've got occupancy tax, you've got real estate tax, and I guess there is a proposal for a potential for meals tax and the retail sales tax and then you've got various lines of expenditures. I mean that is, the dollars might be smaller but the concepts are the same, so, yes we have worked with smaller communities certainly but I also think when you boil it down to the essence of what we do which is money coming in, money going out, are we coming out ahead every year, are we operating at an operational deficit, what kind of

reserves do we have, whether you are talking about $300,000 or $30,000,000, those concepts I think carry through local government work that we do and so all of that experience we have, not necessarily just small towns, is relevant to the work.

Bonnie Schaschek: Thank you.

Frances Westbrook: Any other questions for Mr. Cole? Thank you so very much.

Ted Cole: Appreciate it.

Frances Westbrook: Alright, we are going to move into our public hearing phase of tonight's meeting.

H. PUBLIC HEARING

Frances Westbrook: We are redoing two ordinances because we didn't advertise correctly and we didn't have the public hearing the way we should have, so we are stepping back and getting everything back in sync, so, the first part of this is a public hearing, we would like to hear from you if you have any comments on this first ordinance.

- Ordinance 2021-08, "Adopt Short-Term Rental Registry"

Frances Westbrook: Adopt Short-Term Registry. Are there any comments from the public on that? Anything from Town Council? The second ordinance is to Repeal and Reenact Town Code §34.02 which I believe is the definition of transient. Any comments from the public on that? Town Council?

- Ordinance 2021-07 "Repeal Reenact Town Code §34.02"

Frances Westbrook: The public hearing is closed. Thank you.

I. PUBLIC COMMENT

Frances Westbrook: Now we'll move to the Public Comments section here. This is where we welcome comments from the public on any agenda items. If you would please, I would encourage you to direct your comments to me, the Mayor and then we'll take it from there. If you would like to raise your hand, please if you have a comment to make. Ms. Bradley.

Mary Cay Bradley: Mary Cay Bradley, President of Steamboat Era Museum. I was not here in July and you all voted to do a sponsorship for the Crab Festival and we greatly appreciate the support for the Crab Festival and we greatly receiving the forms from you all, so thank you for that.

Frances Westbrook: Your welcome. Anyone else? Yes sir, Mr. Cooper. Please state your name.

George Cooper: My name is George Cooper. The trepidation is related to the absence of an understanding of what the town government is for and both of the presentations we heard this evening were extremely interesting and potentially very valuable to us, but I don't think we are not yet at a consensus as to whether or not the purpose of Council and its activities is to stimulate economic development or to manage and those two are very different activities and I suspect that what we'll need to do is get some level of consensus between the community and the Council as has been mentioned earlier by members of Council, because I think the discussion that you all have had over the last years regarding a town hall, regarding expenditures that way exceed the interest and demand of the 480 residents of the town needs to be addressed before you spend money. So, I think that there is some soul searching that needs to go on first before we even have the financial advice, because I think that one of the things that is going to happen is somebody is going to suggest to you that we don't need a real estate tax. We passed the real estate tax because the Inn was going to close for 2 years and we weren't going to get any revenue though the Inn didn't close. We now have money that is sitting there attempting you to do things which are unnecessary and not necessarily wanted by the community. Thank you.

Frances Westbrook: Thank you Mr. Cooper. Anyone else? Alright. Next report from our Town Attorney, Nancyellen Keane.

J. REPORT FROM THE TOWN ATTORNEY, *Nancyellen Keane.*

Nancyellen Keane: Thanks, my first item is one that Dudley has asked me to do for this meeting. He asked me to provide a list of orientation and training that I provided to the Town during my tenure and so I wanted to give you all just a general list of this so you are aware. I performed research and created the outlines and pulled together the materials in preparation of these sessions. Governance workshops January and February 2020, two 1-hour sessions for counsel, orientation and training for council members, three sessions of 2 hours in June of 2020 for Bugg, Westbrook Marchetti, Patteson and similar number of sessions in July of 2021 for Braly. Both including FOIA training. Orientation for planning commission members beginning September 2019 two 2-hour sessions for Harris, Chapman, Braly, Forrest, and Robertson, including FOIA training. Orientation and training for zoning administrators. Three hour sessions for Brown in June 2020. Several sessions in August 2021 for Nelson both including FOIA training. Orientation and training for the Town Clerk. Numerous sessions in July and August 2021 for Taylor including FOIA training. The second item I want to let you all know how I'm leaving various open issues upon my departure. One, with respect to the Town Clerk and FOIA Officer, the minute books are completed through June 10, 2021 meeting. I've got all the materials put in a file folder which will be given to the clerk to put in the minute books. A chronology of about 2 months was provided to demonstrate to the town for likely timing of actions that will need to be taken to notice and document meetings and prepare minute books. I corrected the Resolution 2021-10 amended and stated banking resolution to authorize the town clerk to receive information and statements for all town bank accounts. With respect to the zoning administrator, the CUP and rezoning schedule was provided and it's in your

packets for tonight. There is a CUP and rezoning application in that you all need to decide whether you are going to adopt the schedule for tonight. Ad copy and resolutions for these will be provided prior to my departure. Council members and Mayor, certain council members and Mayor have asked me to do various things since the last meeting. One, I drafted employment agreements for the Town Clerk and Zoning Administrator. I drafted a letter authorizing the Lancaster County Clerk to administer the oath to the Town Clerk. I reviewed the Risk Aware Agreement and we'll discuss that later in the agenda. I drafted resolutions for appointment for the Town Clerk and Zoning Administrator should you desire to use t hose. My work prepared for the town has been provided to the town at the time of completion, for examples, schedules, ad copy, resolutions, ordinances, memos, were all provided to council or staff as appropriate at the time they were done. The through truck restriction issue came up at the last meeting and I wanted to make sure you were all aware I prepared chronology of all work on this matter and I will provide a copy of that chronology to the Zoning Administrator on my departure. The Town adopted a resolution supporting through truck restriction in an alternate route using Old Salem Road which is consistent with the position of VDOT. Following a meeting with Lancaster County last August Irvington was advised that the resolution passed by Irvington would not pass the Lancaster Board of Supervisors. The Mayor and Vice Mayor decided they would contact or meet with individual supervisors to ask them to support the Town's resolution. Finally, Fisher's Pit, I have been in conversations with the Attorney General's Office regarding Fisher's Pit enforcement and cleanup issues. Irvington is cooperating with the Attorney General on this. Council declared this property a nuisance at its last meeting and there are some final issues that I will discuss tonight in closed session because they pertain to legal advice. Thank you.

Frances Westbrook: Thank you. Any questions for Nancyellen? Next we have report from our Zoning Administrator and I'll take a moment to introduce Justin Nelson, starting with us the first of the month and we are very excited to have him and if you'll give me just one moment I neglected to introduce Laurel Taylor who is sitting here at our front table and she is our new Town Clerk and FOIA Officer, so we are very pleased to have both of them onboard. Okay Justin.

Chris Braly: One question, oh go ahead and give your report first.

K. REPORT FROM THE ZONING ADMINISTRATOR, *Justin Nelson*

Justin Nelson: I don't have anything to report at this time.

Chris Braly: Okay, one question I did have and this probably needs to be, I think this is your second day correct, so I don't expect him to have any answers, but Madam Mayor we need to make sure we follow-up and I'd like the zoning administrator to first check if Lara reached out to the adjacent property owner of the North Commons regarding the drainage issue on Bay Design plan.

Frances Westbrook: Gotcha.

Chris Braly: I know that we voted to proceed with the recommendations at the last meeting contingent upon Lara's I guess reporting of her finding the information we needed to find regarding drainage and so I'd like to make sure that that gets passed to Justin and he can either check with Lara to see if she did it or reach out and.

Justin Nelson: She and I talked about that transition.

Chris Braly: And then hopefully next meeting we can provide an update on the Bay Design process of where they are on their plans and the work they have been contracted for. I saw in the check detail that they were paid for the outstanding balance, but I don't know if they are still waiting on that fourth item for the drainage to proceed or if they can do anything else.

Frances Westbrook: I believe Justin will be going over to Urbana and have sort of a get acquainted and catch up on all those things and bring back to us.

Chris Braly: Good, good. Thank you.

Frances Westbrook: Anything else? Thanks Justin.

Justin Nelson: Thank you Madam.

L. COMMITTEE REPORTS

Frances Westbrook: Committee reports, Budget & Finance, Anthony Marchetti.

1. Budget & Finance Report, *Anthony Marchetti*

Anthony Marchetti: Just a few quick things as budget and finance, and you'll see it later in the agenda where if I can make a motion to accept the Davenport contract. I'm not comfortable making decisions and I don't think I can do my job and do it well without some of the answers and services that Davenport provides. That's not making decisions but just like I would think it would be reckless for the Town to operate without legal counsel. I think it would be reckless for the Town to operate without a financial, somebody advising financially what we can and can't do and how we can be more efficient and how we can better use taxpayer dollars or how we can stop collecting taxpayer dollars. So, I'll just mention that budget and finance supports the Davenport proposition and hope that we can get that in the works. The other item to mention is at the next meeting I will bring hopefully the beginning draft amended budget schedule to lay out so we can start working on that. There is a few things over the months that will change, one of the big additions is the money that we have already received and Chris has the master task with kind of owning that making sure what it can be used for, when it can be used. So since there is a vacancy on the Budget & Finance Committee when Mayor Westbrook moved up to the mayor position, I'd like to make a motion for Chris Braly to join the Budget & Finance Committee and help with the rest of the budget and finance for the calendar year, excuse me, fiscal year.

Dudley Patteson: Second that motion.

Frances Westbrook: Any discussion, questions.

Jackie Brown: Well, Mr. Braly is on a lot of committees. I think he would be a good choice for Budget & Finance, we've got three different places where he's nominated and some for other committees and I think that we need to not have him act as an adhoc member of every committee on council.

Frances Westbrook: Okay, you want to elaborate on that.

Jackie Brown: Well he's made the motion for the select committee to implement the recommendations from the audit for the…

Frances Westbrook: That's a short term.

Jackie Brown: That's a short-term committee.

Frances Westbrook: Uh huh.

Jackie Brown: To assist the town officer with FOIA.

Chris Braly: That was made at the request of the Mayor.

Frances Westbrook: Yep, and that's a 60-day….

Chris Braly: No more than 60 days to ease the transition period.

Frances Westbrook: We're not going to have legal for her to turn to for the next 30 to 60 days.

Jackie Brown: I don't have any problem with him being on your committee, I have a problem with him being on all the committees.

Anthony Marchetti: So we don't want to spread him thin, everyone is volunteering their times, so, I will be respectful of that as well.

Frances Westbrook: Anything else?

Dudley Patteson: We have a motion.

Frances Westbrook: Is there anything else? Alright, I didn't ask for a second, I apologize.

Dudley Patteson: I did, I seconded.

Frances Westbrook: You did, thank you very much. We have a motion that has been seconded. We will take a vote. Let's do a roll call please.

VOTE
Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Jackie Brown, yes.
Bonnie Schaschek, yes.

Frances Westbrook: Motion carries.

Motion (made by Anthony Marchetti) For Chris Braly to Join Budget & Finance Committee passes 5-0.

Anthony Marchetti: That's all from Budget & Finance.

Frances Westbrook: Alright, thank you. HR Committee.

Bonnie Schaschek: Can I ask him a question for Budget & Finance?

Frances Westbrook: Yes.

Bonnie Schaschek: Are you going to get with Jay and get some of the other ones fixed before the next meeting.

Anthony Marchetti: Yes.

Bonnie Schaschek: Okay.

Anthony Marchetti: There's a lot he needs to do, he still needs…

Frances Westbrook: He needs direction from….

Anthony Marchetti: …direction from council to make those changes, so yes, for sure.

Frances Westbrook: So you all will come up with a list and you and I had a list going, but and then bring that back to council.

Anthony Marchetti: Right, and we need to authorize him once council agrees….

Frances Westbrook: That's correct.

Anthony Marchetti: …to make those changes.

Frances Westbrook: Alright, HR Committee, Dudley.

2. H.R. Committee, Dudley Patteson.
    - Town Attorney Vacancy.

Dudley Patteson: Madam Mayor, Council Members, as of August 15th, we are going to be without a town attorney, I would like to recommend that before we post for this position that we do a needs assessment.

Bonnie Schaschek: Do a what?

Dudley Patteson: A needs assessment, that we should get together and we should determine what role that we feel our town attorney should play and work with us on. Therefore, I would like to make a motion that this Town Council authorize the HR Committee, Bonnie to conduct a needs assessment using input from all council members for the purpose of determine the type of a town attorney best suited for Irvington prior to the beginning of the search for a new town attorney. To present to Town Council the results of this needs assessment and to use the outcome of the needs assessment to recruit a lawyer or a law firm to serve as the new town attorney. We've had lots of conflict in the past over the role, lets define it so we are all on the same page.

Anthony Marchetti: Second.

Frances Westbrook: Alright, we have a second, any discussion? Are we looking at a workshop type meeting where we can all get together and....

Dudley Patteson: I think that would be a good recommendation although it does require more of our time but I think we need to do that.

Bonnie Schaschek: That's fine, as long as it's in a timely fashion.

Frances Westbrook: Yeah, I don't think we ought to drag it out long...

Dudley Patteson: As Anthony said we need to start regular counsel.

Bonnie Schaschek: ...charter...

Frances Westbrook: Alright so today is the 12th, Dudley have you got any suggestions, um, towards the end of August perhaps.

Dudley Patteson: That would be good with me.

Frances Westbrook: Do you want to stick with Thursday nights, that would give us the 26th.

Dudley Patteson: The 26th.

Frances Westbrook: The 26th, is that good for you Chris, Anthony?

Anthony Marchetti: Yep.

Frances Westbrook: Jackie?

Jackie Brown: This is for a special workshop?

Frances Westbrook: This will be for a workshop.

Jackie Brown: August 26th?

Frances Westbrook: Right, that's a Thursday, and how about you Bonnie?

Bonnie Schaschek: Yep, what time? What's good for you Jackie?

Jackie Brown: I can be here any time after 3:30.

Dudley Patteson: Pardon.

Frances Westbrook: She said…

Bonnie Schaschek: Want to start, can you be here?

Chris Braly: I can be here, I can be here….

Anthony Marchetti: I would say earlier afternoon or evening is better.

Frances Westbrook: Would you like to get started maybe at 5:00?

Dudley Patteson: Yeah.

Anthony Marchetti: That's fine.

Frances Westbrook: Does that seem, alright, let's say 5:00 on August 26th will be a workshop here at the church. It's predicated on the church being available to us, so we'll need. Laurel, would you make a note that we need to get in touch with Hazel Farmer perhaps tomorrow and see if the church would be available to us on August 26th at 5:00 and then we'll know if we can go forward with this day. Thank you ma'am.

Chris Braly: One thing too since we are discussing the vacancy of the town attorney.

Nancyellen Keane: Did you vote? Did you vote on that?

Frances Westbrook: No, I think…

Chris Braly: Let's vote on that motion then.

Frances Westbrook: Well do you want to say…

Dudley Patteson: I make a motion.

Frances Westbrook: To table this then.

Chris Braly: No, no.

Frances Westbrook: Oh I thought you had something else to say about this. Okay we have a motion, do we have a second?

Chris Braly: Second then.

Frances Westbrook: Any other questions, comments. All in favor, say aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: Opposed? Motion carries.

Motion (made by Dudley Patteson) to have a workshop on August 26th at 5:00 to discuss town attorney position passes 5-0.

Chris Braly: So because we have this vacancy or will have this vacancy of the town attorney, we do have one legal matter regarding Fisher's Pit….

Frances Westbrook: Uh huh.

Chris Braly: …that is prudent that will be prudent that we have an attorney, so I would like to make the motion to have the HR Committee draft an engagement letter to retain Nancyellen Keane, Keane Law PLLC as special counsel to the Town of Irvington in a nonlitigation role for the purpose of working on an ongoing Fisher's Pit legal matter at the rate of $225.00 per hour capped at 5 hours a month until completed and authorize the agreement to be signed by the Mayor once drafted.

Dudley Patteson: Seconded.

Frances Westbrook: Discussion?

Bonnie Schaschek: I think I'd like to hear what the rest of the legal information is in the closed session before I agree to something like that.

Frances Westbrook: Well we can't discuss Fisher's Pit.

Bonnie Schaschek: Can we do this motion after we come out of closed session?

Chris Braly: Sure, we can continue the motion.

Frances Westbrook: Is that good for you?

Bonnie Schaschek: Yes.

Frances Westbrook: We'll readdress that after closed session.

Dudley Patteson: Madam Mayor before we leave the town attorney vacancy, line item here on the agenda, I would like to point out that I decided I needed to do a little research in advance of putting together this motion this evening and so I looked up in the dictionary tonight town attorney and I couldn't believe it, but there was the name, Nancyellen Keane. This is her last meeting. She has tirelessly worked for us as a Town Council, she was there whenever we needed her, she has been my guide, our guide to a tough year. Others have questioned her integrity and judgement I have never done that and I have always admired her character and we will miss you terribly, heartfelt thanks.

Group: Clapping.

Frances Westbrook: Thank you Dudley. Now also under HR we are going to look at this document that was included in your packet concerning background check.

Dudley Patteson: Yes.

Frances Westbrook: Nancyellen if you would please address that it would be great.

- Discuss contract and certification agreements for background check company.

Nancyellen Keane: Sure.

Dudley Patteson: Do you mind if I, since.

Nancyellen Keane: Sure.

Dudley Patteson: First off, Bonnie and I and HR Committee we were rightly given the task to evaluate a couple firms RiskAware and Hire Right and we looked at their proposals and came up with RiskAware as our favorite choice and in that regard we passed that along to the mayor has since passed on the review of the contract with RiskAware to the town attorney and you can take it away now.

Nancyellen Keane: I looked at the contract. This is the same firm that we talked to last year, last May when we were looking at doing background checks and we never got through the process because their process is not exactly user friendly if you want to call it that. I mean there is a lot to it. I will say that what this is a master contract so one it is entered into, if it is, then you don't have a problem in the future doing a background check because you don't have to worry about doing the agreement over and over again. It is just a one-time thing, but up front, they basically want blood from you. So, anybody whose looked at this, your eyes are probably glazed over but the salient points for me are several points that are, that I will talk to you about in terms of approving this agreement. One, we need to have a written documented page, one page document that the actual candidate for employment would sign authorizing that this firm specifically do the background checks that you all have determined you want done whether that's credit, that's criminal check, that's calling prior employers, whatever it is. I can draft that and I will do that if we are able to, if you all decide you are going to approve the agreement. Secondly, this agreement if it is signed requires the Town to have procedures and they are representing that they have reasonable procedures in place to comply with all applicable local, state and federal laws in this agreement basically. We do not have those right now, so there is a motion on your agenda pertaining to this contract that if you get to that, you approve the contract and you approve the mayor to sign it, you would authorize the HR Committee to develop a policy/procedure which I can also draft if you want, but it would require the town to comply with the contract provisions that call for it and the laws that they reference. Okay, it's a circle, it's a big fat circle. Then, the third issue that is probably the most important one in terms of legal analysis is that they require the Town to indemnify them for certain things and as you all are aware local governments can only indemnify for certain things and not others. What I want to do is do some more research, I told the Mayor I want to do some more research and to call them tomorrow if you all want to go ahead with this contract and to see what else we can do to modify the terms that are in the provision about indemnification because I am pretty sure this company is probably doing business with other governments or state universities or something, I mean, they've got to. So, I want to talk to them about what they can do to change the provisions slightly. So, what I would say is we had this same issue if you recall with the lease for the town office up here on Irvington Road, where we had an outstanding issue with the indemnity and you all went ahead and approved the lease subject to resolving the issue with the indemnity. So, I would suggest tonight that the best way to proceed here is if you want to go ahead with approving this company as the background check firm, that you do so subject to us resolving the issue with the indemnity to the satisfaction of whomever, whether it's the HR Committee and the town attorney or whether it's the Mayor and the Town Attorney, somebody, so that you don't have to have another meeting to come back and do this. So that's basically it. There

are other provisions in here that talk about you know a lot of laws and the Fair Credit Reporting Act and all that, that's just the law and you have to comply with it and they take about 8 pages to say that.

Frances Westbrook: Small print.

Nancyellen Keane: And small print. Does anyone have any questions about this? It's basically a rite of passage with these types of firms, you either sign their agreement and use them or you don't and most of them, I have not, I am not familiar with the other company's terms. I don't know if you all looked at the other company's contract or terms....

Dudley Patteson: We did.

Nancyellen Keane: Was Hire Right similar to this. Well I'm sure, if you are doing credit checks you have to comply with the Fair Credit Reporting Act and they are going to want you to sign and say you are. So, does anybody have any questions?

Frances Westbrook: I have a question for Council. I'm just playing devil's advocate here, do you think we really need to do this. Need to move forward with doing a background check?

Bonnie Schaschek: I personally don't think so. I think if we have them bonded, they do checking when they bond them. I mean we usually bond the clerk anyway but you can go ahead and bond the zoning administrator and our insurance and stuff will take into information. Won't our insurance look into some of that if they do bonding?

Nancyellen Keane: I don't know. We have not done any bonding since I've been here. I don't know how the zoning administrator would be, you are not touching money.

Frances Westbrook: I believe our policy does state that.

Nancyellen Keane: I think there is something that refers....

Frances Westbrook: ...for the clerk, but I believe the clerk's position is listed on the policy.

Nancyellen Keane: It is.

Frances Westbrook: I believe so.

Chris Braly: What has been done in the past with...

Dudley Patteson: Nothing.

Nancyellen Keane: This agreement, you couldn't ever get....

Chris Braly: Not even the last time this agreement was looked at but prior town staff...

Frances Westbrook: Never. Actually when we hired the previous zoning administrator she worked in the school system for a number of years and they had to do background checks in that so.

Chris Braly: Right. I was just curious on what has been done.

Dudley Patteson: From my perspective we need to take the conservative caution route of doing something like this because if, but in some cases if there was it could come back to bite us and cost us more money than what this check may take.

Frances Westbrook: Chris.

Chris Braly: It makes sense to spend the time and effort to develop or get this process out of the way to make it easy in the future for the next time that we have to hire someone and…

Frances Westbrook: Anthony.

Anthony Marchetti: I'm not sure to be honest. I guess it is fine to not do it until it's not.

Frances Westbrook: Until it's not.

Anthony Marchetti: So, I mean, it may be overkill, err on side of caution.

Frances Westbrook: Okay, Jackie.

Anthony Marchetti: I'm not too familiar with any of this stuff.

Frances Westbrook: Gotcha.

Jackie Brown: Bonding, I think the bonding is enough for both of these.

Frances Westbrook: Anything else you want to say? Do any of y'all that are here with firms, do you all do background checks?

Anthony Marchetti: ….I'm just not familiar with, I don't know.

Dudley Patteson: We, we look at backgrounds.

Frances Westbrook: You do.

Bonnie Schaschek: Who do you use?

Dudley Patteson: Pardon.

Bonnie Schaschek: Who do you use?

Dudley Patteson: An online service.

Bonnie Schaschek: An online service.

Dudley Patterson: An online service.

Nancyellen Keane: Same as this?

Dudley Patteson: Not the same one, no.

Nancyellen Keane: See he has the ability to say that he's got the procedures and he agrees to it, see what I'm saying.

Dudley Patterson: And particularly in this hiring department it's a lot of things that you don't expect are happening and I, as I said, I don't have an inkling of a doubt that these two folks are going to come out perfectly fine but....

Anthony Marchetti: If the indemnity stuff could be worked out, what's the downside to proceeding with RiskAware?

Nancyellen Keane: None. It would make it real easy for you to do the background checks. After you've done the agreement, all you have to do is use your debit card and put the person's name and social security number in and you will have the answer in a few days for anybody you want. It's just the first time you do it, you have to basically do all this.

Frances Westbrook: Alright, any other questions?

Bonnie Schaschek: I think you have to get their permission too.

Frances Westbrook: Oh yeah.

Bonnie Schaschek: They have to sign off...

Frances Westbrook: Right, Nancyellen...

Nancyellen Keane: ....sign off on it...

Frances Westbrook: ...that was one of the things that she brought up the first item actually.

Anthony Marchetti: Is there an initial cost?

Frances Westbrook: It depends on the service, if we just want to do a background check, I think, well it was included in here.

Anthony Marchetti: Pay as you need?

Frances Westbrook: Yeah, pay as you need, so if you want to do a background check that's a certain amount of money. If you want to add a credit check which I don't think we need to do a credit check, but then you add on this and if you want to blood from their first born then, that's a, alright, motions.

Bonnie Schaschek: How about if we hold off a motion until next month and do some more research, like what you're using online.

Nancyellen Keane: Can I say?

Frances Westbrook: Yes ma'am.

Nancyellen Keane: If you don't do this, and you enter into the contract with one of the, you're not doing it in the right order. If you find out something in a background check that

will cause you not to employ someone, you don't want to already have a contract with them.

Jackie Brown: Do we already have contracts?

Chris Braly: It's not signed because it was pending background investigation.

Frances Westbrook: We have proposed contracts.

Nancyellen Keane: You are allowed to do one of these employee background checks at first if you've given a conditional offer of employment which you have…

Frances Westbrook: Uh huh.

Nancyellen Keane: …because your motion said it was subject to a background check.

Frances Westbrook: That's right.

Nancyellen Keane: That's what Council motion was.

Frances Westbrook: So, if we make…

Bonnie Schaschek: Referenced, if it was referenced, did it say background?

Frances Westbrook: Yes and if you want the, I think the basic background can include up to three references that you want them to check. But if you want them to get into more detail as Anthony said it is a very, I can see us spending anywhere from $80 to $105 I think, it looks like about the category that we are looking for per person. So it's not…

Anthony Marchetti: Fran, if we are going to do it…

Nancyellen Keane: Say that again.

Anthony Marchetti: If we are going to do it, now seems like the time so that you can help with the indemnity issues.

Nancyellen Keane: Because you've got people working for you and not signed…

Frances Westbrook: Yes.

Nancyellen Keane: …..and one person here has never been sworn in.

Frances Westbrook: Yes, that's right. Alright, so we have the possibility of three motions. They are written on, I don't like to make motions as a Mayor so, if any of you all would step up to the plate please.

Dudley Patteson: I make a motion to approve the contract with RiskAware.

Anthony Marchetti: Contingent upon the modification of the indemnification language.

Nancyellen Keane: Can we say resolving the indemnification language to the satisfaction of whom.

Frances Westbrook: Legal.

Dudley Patteson: Town attorney, yeah.

Nancyellen Keane: To the satisfaction of the town attorney, and you all will go along with whatever I think is okay in terms of an indemnity?

Frances Westbrook: In terms of an indemnity.

Dudley Patterson: Yeah, yeah.

Nancyellen Keane: So that's your motion?

Dudley Patteson: That's my motion.

Frances Westbrook: Laurel, do we need to repeat that for you, oh we've got that on recording. Are you good?

Anthony Marchetti: We should repeat it.

Bonnie Schaschek: We need to repeat it for us too.

Frances Westbrook: Okay, Dudley Please.

Dudley Patteson: Motion to approve contract with RiskAware subject to the town attorney reviewing the indemnity language and…

Bonnie Schaschek: Resolving the indemnity….

Dudley Patteson: Pardon?

Bonnie Schaschek: Resolving the indemnity…

Dudley Patteson: …and resolving the indemnification.

Frances Westbrook: To the satisfaction of legal. Alright we have a motion, is there a second?

Anthony Marchetti: Second.

Frances Westbrook: Any questions? Discussion? All in favor say aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed?

Frances Westbrook: Motion carries.

Motion (made by Dudley Patteson) to approve the contract with RiskAware subject to the town attorney reviewing and resolving indemnification issues. Motion carries 5-0.

Dudley Patteson: Second motion is to authorize interim Mayor to execute the RiskAware contract.

Bonnie Schaschek: No, to first call and see if, oh.

Frances Westbrook: Yeah, once that is…

Anthony Marchetti: Once the town attorney is satisfied, right.

Dudley Patteson: Then it goes to the mayor.

Bonnie Schaschek: So, if we don't resolve the indemnity then the other ones go down the drain, okay, got it.

Anthony Marchetti: Contingent on the previous motion.

Dudley Patteson: Do I need to repeat that.

Frances Westbrook: No, I think we are good.

Anthony Marchetti: Second.

Frances Westbrook: We have a second, any questions? Discussion. All in favor?

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.

Frances Westbrook: All opposed?

Jackie Brown: Did everyone vote?

Frances Westbrook: Do you want a roll call on this? All right roll call, please, starting with Dudley.

VOTE
Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Jackie Brown, yes.
Bonnie Schaschek, yes.

Frances Westbrook: Motion carries

Motion (made by Dudley Patteson) to authorize the Interim Mayor to execute the RiskAware contract contingent on previous motion. Motion carries 5-0.

Frances Westbrook: Third and last motion, Dudley.

Dudley Patteson: Third and last motion is to authorize the HR Committee to develop the necessary policy and procedures in writing which will result in Irvington's compliance with the RiskAware contract and applicable law.

Frances Westbrook: And of course this will fall by the wayside too if we don't satisfy the indemnity....

Dudley Patteson: Correct.

Frances Westbrook: ....aspect...

Anthony Marchetti: Second.

Frances Westbrook: Questions, discussion? We will do a roll call on this too please, Dudley.

VOTE
Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Jackie Brown, yes.
Bonnie Schaschek, yes.

Frances Westbrook: Motion carries

Motion (made by Dudley Patteson) for HR Committee to develop policies and procedures in writing which will result in Irvington's compliance with RiskAware contract and applicable law. Motion carries 5-0.

Frances Westbrook: Thank you Dudley, is there anything else for HR?

Dudley Patteson: No, no thanks.

Frances Westbrook: Thank you sir. Planning Commission update.

- Planning Commission update – Chris Braly.

Chris Braly: The August 10th meeting was canceled and so the next meeting is scheduled to be September 7th, 6:30 p.m. at the Town office. An update on the survey/comprehensive plan RFP, 10 firms were contacted, seven firms replied that they intend to submit a proposal. Those firms include BFJ Planning, Stuart, Inc., Labra J Group, Berkley Group, EPRPC, Rethink Main Street and Quantisoft. Two firms declined to submit a proposal, Kimley Horn and Clarion Associates and one firm indicated that they will be used as a subcontractor of the Berkley Group and that is the Center for Research at the UVA Weldon Cooper Center for Public Service. No firms have responded through the public forums that the RFP was submitted to and the planning commission deadline for submission is August 30th, so by the September 7th meeting they should have received all proposals and begun their process of review.

Frances Westbrook: Very good. Any questions of Mr. Braly. Yes, Mr. Braly. Okay and your second part Chris.

Chris Braly: Yes, so the, I began to do some research on any items that had been implemented prior to the establishment of this select committee. What I did find out was that the minute books from January 2020 through May 2021 have been scanned into an electronic format and that was done by Sharon prior to her departure. Also, the annual appropriation of the general operating budget was passed on the June 10th meeting, so those were two items that were recommended that have been completed and have been implemented. However, we need to make sure that the new clerk picks up from where Sharon left off and continues indefinitely to scan the minute books and make the records electronic. So, I would like to make a motion to authorize the clerk to begin scanning the minute books from June 2021 and to continue this task as needed moving forward indefinitely.

Frances Westbrook: Do we need a motion to make that happen?

Chris Braly: Well, at the meeting where this, where I proposed the formation of this committee…

Frances Westbrook: Uh huh.

Chris Braly: …we decided that the committee was going to be formed it was made clear that I need authorization by the Town Council to implement any of the recommendations.

Frances Westbrook: Okay, alright.

Anthony Marchetti: Second.

Frances Westbrook: Questions or discussion. All in favor.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Motion carries

Motion (made by Chris Braly) to authorize the clerk to begin scanning the minute books from June 2021 and continue forward indefinitely. Motion passes 5-0.

Nancyellen Keane: Can I just mention one thing in reference to scanning the minute books. I just want that you all realize that the minute books themselves are the official record of the Town, scanning them into PDFs is a backup, just for security purposes and shouldn't be considered the official record of the Town, unless you all decide it is going to be the official record of the Town.

Frances Westbrook: But right now our minute books are our legal documents.

Nancyellen Keane: Yeah, they are the official records.

Bonnie Schaschek: Why do we have to rescan if we already have them in a PDF.

Frances Westbrook: No, scanning going forward.

Bonnie Schaschek: I understand that, but we have our minutes and then you are going to take and sign it, they will be scanned again and put into the books, I don't know why, why are we…

Nancyellen Keane: Well maybe I, I'm not sure I understand the question, but the way that the minute, the minute books are physical books….

Bonnie Schaschek: …up to 2017…

Frances Westbrook: I think what the investigation people recommended was that in addition to having the books, what's in the books needs to be scanned into a PDF because A, security purposes, you don't, if you have a fire then you have your official. What is on the website, like what is on the forms, the computer, you know when she was doing the minutes, those are not the official ones, they are not the signed ones.

Bonnie Schaschek: Well, that's what I'm saying if she signs after and it's signed by the Mayor and then it goes into the book and normally wouldn't you just scan it again.

Nancyellen Keane: That was never done, that was never done, it was always just a hard copy in the book. They had no scanned copy of the final with all the attachments. Everything that goes in the minute book has to have the minutes that are signed, all the ordinances and resolutions that are signed also. The go behind minutes of that meeting, those weren't being scanned ever.

Frances Westbrook: So, are we going to have a start date, I mean we are not going all the way back…

Bonnie Schaschek: No, I already scanned.

Frances Westbrook: I thought you had done some.

Bonnie Schaschek: 1955 forward.

Frances Westbrook: Okay.

Nancyellen Keane: If you look at those minutes, for the most part, some are there, there are some cases where a meeting might have an ordinance that is in there attached behind it.

Bonnie Schaschek: Ordinances are there, what's not there is resolutions. We always thought there had to be a separate book of resolutions somewhere.

Nancyellen Keane: No, they just didn't. And also, when you all were doing appropriations by the month last year, that piece of paper that was referred to as the list, when you read the minutes…

Frances Westbrook: Uh huh.

Nancyellen Keane: …that had to be put in the minute book or else nobody would know what they were, so, those are in there.

Frances Westbrook: Okay.

Nancyellen Keane: And were scanned in.

Frances Westbrook: Alright, so this will be an ongoing task.

Dudley Patteson: It will be an ongoing task for the clerk, yeah

Chris Braly: And moving forward, now if Council wants to look at, I guess Sharon did it starting January 2020 and if Council wants to look at going further back, it's up to the Council.

Frances Westbrook: Well Bonnie had done most of them going up from 1955 up to…

Nancyellen Keane: 2016 or something.

Frances Westbrook: 2017 or whatever, so, there is that gap moving forward.

Chris Braly: Right.

Bonnie Schaschek: That was the last set of books so from 2017 forward there were no books.

Frances Westbrook: Okay.

Chris Braly: So, moving forward, that's.

Bonnie Schaschek: …moving forward.

Jackie Brown: Mr. Braly is the only person on this committee that is going to review, is that true.

Frances Westbrook: Well, he's bringing stuff to us as, but I'm sure he'd welcome someone else being on the committee, would you like to serve?

Jackie Brown: I'd like to serve and I'd like to see some other people serve. I think this is very important some of these recommendations that were made by the lawyers, are very aggressive and I think we need to think long and hard about whether we want to change our charter, whether or not we want to increase the rights or responsibilities of the Mayor. I mean there are a lot of real serious things in there and I would even recommend that we might want to nominate someone like former Mayor David Cheek to be in on this kind of discussion because he is the one, he is someone who actually used the, our, the existing

charter to conduct meetings and has a lot of experience. I think it would be important to have other town council members. This is not a small thing that he has proposed and I think we need to handle it very carefully and I don't think that Mr. Braly made some comments that people on Town Council were tainted by the investigation therefore unfit to serve. I found that very offensive…

Chris Braly: I….

Jackie Brown: I think that people on Town Council are the most fit to serve because we were elected and chosen by the public, not someone who is just filling in for a short time.

Anthony Marchetti: Do you think our Mayor is in that same position?

Jackie Brown: Pardon me?

Chris Braly: Do you think our Mayor is in that same position? She wasn't elected to her position either.

Jackie Brown: I'm saying that you've never been elected to a position by the Town of Irvington. She has been elected multiple times, okay, so…

Chris Braly: I don't believe that I said that everyone was tainted, what I…..

Jackie Brown: I seem to….

Chris Braly: ….if I did…

Jackie Brown: …you did, you're the only one that was fit to lead this committee because everyone else had been tainted by the investigation.

Chris Braly: What I believe I said, let me pull out the statement and motion that was written, bear with me while I, as I stated earlier, I will do my best to serve all stakeholders of the Town of Irvington. I have reviewed the minutes from the previous Town Council meetings regarding Mr. Schaschek's unfounded allegations and the investigation that followed. Many residents and businesses and organizations expressed their full support for conducting an investigation once Mr. Schaschek made his allegations. I cannot find anyone who opposed conducting an investigation into Mr. Schaschek's allegations. At the conclusion of the investigation following the release of the public report, many residents spoke in favor of releasing the full O'Hagan Meyer report. Okay, I could not find a single resident who wanted the Town Council to keep the report from the public. Okay, let's see, what else did I say, I said I have, as a member of Town Council I have read the full report from O'Hagan Meyer presented to the Town of Irvington that is protected by attorney/client privileges and as you can imagine I was quite disappointed in what I read. While I am glad the public report concluded on pages 1 and 2 that there "was no misappropriating of the funds by any member of Town Council, the Town Attorney or Town Staff". "There was no criminal conduct or other conduct alleged by Mr. Schaschek for which the Town could be held civilly liable" and "the Schaschek allegations of December 10th, 2020 regarding any financial misappropriations are unfounded. The

detailed findings included in the report are embarrassing and disturbing. By happenstance I am the only person sitting here tonight who had zero involvement in the investigation. I was not a member of Town Council when the allegations presented by Mr. Schaschek occurred. I was not a member of Town Council when the investigation was launched. I was not interviewed by the investigators. I am not named in the report. In my opinion, I am the only person sitting here tonight who can objectively work to implement the recommendations presented in both the public and privileged reports". That is what I said. I did not say that I was untainted. I did not say that any member of Council was untainted. What I said is…

Jackie Brown: Is that you were the only one that should work on this….

Chris Braly: I'd like to make a motion that Ms. Brown is a member of this select committee to implement the recommendations.

Anthony Marchetti: Second.

Jackie Brown: Thank you but I'd like a larger committee than just two people.

Frances Westbrook: It probably would be good to have someone like David Cheek.

Chris Braly: I don't know…

Frances Westbrook: An outsider as a different set of hives.

Bonnie Schaschek: He is a previous mayor.

Jackie Brown: A long-standing mayor.

Chris Braly: Let's start with Council and if we need to, you know then we can do it.

Jackie Brown: Say that again.

Chris Braly: Start with you two….

Jackie Brown: Okay.

Chris Braly: …and then you guys can bring it to the table and present ideas on what…

Frances Westbrook: I think that sounds good, alright. We have a motion on the table to appoint Jackie Brown to this committee, this select committee. Are there any questions, do we have a second?

Dudley Patteson: We have a second.

Frances Westbrook: Who seconded? You did, I'm sorry. I didn't hear that. All in favor, please say aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.

Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Alright, Jackie Brown is added to the select committee.

Motion (made by Chris Braly) made to add Jackie Brown to the select committee. Motion passes 5-0.

M. Select Committee to Implement Investigation Recommendations, Chris Braly.

Frances Westbrook: These will be public meetings for you guys, you'll have to post notice a few days in advance, you can give that information to Laurel and she can get that posted for you.

Chris Braly: Okay. In part of my research I contacted a treasurer to get an understanding of what had been implemented regarding some of the long hanging fruit that the investigators recommended. Specifically regarding the balance sheet corrections, the CARES Act and he indicated that nothing had been done on that.

Frances Westbrook: That's right and we gave those all the financial aspects of that list to Budget & Finance to handle.

Chris Braly: So, what he proposes in regards to the CARES Act funding is to provide Budget & Finance with the general ledger for the year to review and indicate what expenses our CARES Act expenses. Now in some cases these expenditures will already match what was previously voted on to use as CARES Fund expenses, others may not and, so present Budget & Finance with this general ledger, have Budget & Finance present their findings at the September 8th Town Council meeting for a vote to proceed to make the changes and then have Mr. Sanudo implement the approved changes that then should reflect in his September 2021 Treasurer's Report to be presented in October 2021. So that's regarding the CARES Act. So I would like to make a motion that the Town Treasurer proceed with this change as outlined in the proposal above.

Frances Westbrook: Budget & Finance will have to meet first to deal with this.

Chris Braly: Well, no, the Treasurer is going to provide Budget & Finance with a general ledger report…

Frances Westbrook: Yes.

Chris Braly: …of all expenditures and then Budget & Finance will take that report and go item by item saying CARES, CARES, no CARES….

Frances Westbrook: Oh, so you are just working on the one item, the CARES Act….

Chris Braly: That's….

Frances Westbrook: ….because there are quite a few other things…

Chris Braly: ...yeah, yeah...

Frances Westbrook: ...it seems to me it would be more expedient to have Budget & Finance have all the financial stuff and start dealing with that and so that we don't drag this out.

Chris Braly: Well that was just one item in the....

Frances Westbrook: That's my point.

Chris Braly: ...investigation, well, because I was instructed that I can't do anything without the approval of Council, my...

Frances Westbrook: All I'm saying in dealing with that, that doesn't have anything in my opinion to do with the select committee, all of that falls on Budget & Finance.

Chris Braly: But it was a recommendation.

Frances Westbrook: And if we've already done that. Town Council voted to give that part of implementation process financials to Budget & Finance so I don't know necessarily...

Chris Braly: Okay, I was just working, working off of the individual bulleted recommendations...

Frances Westbrook: Understand, but, I don't think that the Select Committee needs to involve itself with the financial aspect of that. We gave that, we Town Council gave that to Budget & Finance to deal with.

Nancyellen Keane: Was that a motion?

Frances Westbrook: Yes it was.

Bonnie Schaschek: Yes it was.

Frances Westbrook: So, we can doublecheck that motion Chris, but...

Chris Braly: There have been, in my research I did find vague motions to, in fact, we did it last meeting, to have the Treasurer implement these changes, but, in my research I found that there has been no specific motion to identify the individual recommendations that were made. There have been generalized ones.

Frances Westbrook: Right.

Chris Braly: And then, number two, there's nothing that has happened and so, when I was given the authority to lead, to implement these recommendations, I thought the easiest thing would be to go down bullet by bullet each of the recommendations and see what's been done....

Frances Westbrook: Perhaps you and I should have talked first...

Chris Braly: ...see what's been done.

Frances Westbrook: ....and I would like for that to happen. So how about you and I sit down and let's go through this, what your expectations are, and what....

Chris Braly: ...and Ms. Brown will be there.

Frances Westbrook: Yes, I think that's a good idea. So, if you guys can come up with a meeting time, let's the three of us sit down and see exactly what your expectations are and how these are divided up, but I would have expected a conversation before this, so, let's make that happen, please.

Chris Braly: Sure.

Frances Westbrook: Alright, thank you sir.

Chris Braly: When are you available?

Frances Westbrook: Um, well we got to give 3 days' notice, so if we start notice....

Chris Braly: We have to have a notice for conversation?

Frances Westbrook: This is a meeting. If the two of you are there, then it is considered a meeting. If it's the entire Select Committee.

Chris Braly: Okay.

Frances Westbrook: And I'd be onboard simply as ex-officio, so....

Chris Braly: Okay, so when are you available?

Jackie Brown: We need 3 days' notice, so it has to be at the end of...

Frances Westbrook: Right, at the end of next week.

Bonnie Schaschek: 3 business days?

Jackie Brown: Yes.

Frances Westbrook: The day you notice it is the first day, second day, third day, the third day cannot be the actual meeting date is how it's, isn't that correct?

Nancyellen Keane: No, you start, if you notice tomorrow, it goes out tomorrow one...

Frances Westbrook: ....two....

Nancyellen Keane: ...two....

Frances Westbrook: ...three, but the third day cannot be the meeting date...

Nancyellen Keane: It can be, if its 72 hours, I mean if it's been three business days, yeah.

Frances Westbrook: I don't think so.

Nancyellen Keane: So, today is Thursday, Friday would be one day, Monday and Tuesday, then you'd have the meeting after the time, like if you notice at noon, the meeting has to be after noon.

Frances Westbrook: I think you have to have three clear days, one of the three days cannot be the meeting date is what I have read…

Nancyellen Keane: I have never read that ever.

Frances Westbrook: Really.

Bonnie Schaschek: Well, Jackie what day is good for you?

Jackie Brown: Well, I'm trying to figure out what the first day is?

Bonnie Schaschek: Tuesday….

Jackie Brown: Wednesday is an awful day for me, but mostly any day but Wednesday would be fine.

Frances Westbrook: How about the afternoon if either the 19th or the 23rd does that work.

Chris Braly: Why don't we do it on the 26th, you said you could be here any time after 3:30, we are already supposed to have the church…

Frances Westbrook: ..and that's blocked…

Chris Braly: …for the workshop, we can notice both on the same day, we can meet here at 4:00, 4:00 to 5:00 to that committee meeting and then go into the workshop.

Jackie Brown: That's fine with me, that's a good idea.

Frances Westbrook: Alright, let's do that then. So we'll meet at what time I'm sorry.

Jackie Brown: 4:00.

Frances Westbrook: At 4:00.

Laurel Taylor: Here at the church?

Frances Westbrook: Yeah, so when you talk to Hazel we'll need it at 4:00 instead of 5:00 if that is amenable. Let's see. My notes, my notes. Alright, at 4:00. Alright, very good. Thank you Chris, I appreciate that. Anything else you need to say.

Chris Braly: Well, no, I'll just wait until that committee meeting, there's no point in reporting anything else right now.

Frances Westbrook: Okay, very good, thank you. That completes, no there is one other item here, no we move into old business now, so here we go.

N. OLD BUSINESS

- Ordinance 2021-08, "Adopt Short-Term Rental Registry", Second Reading
- Ordinance 2021-07 "Repeal Reenact Town Code §34.02", Second Reading
- Town Council retreat, *F. Westbrook, Mayor*

Frances Westbrook: We have two ordinances 2021-08, Adopt Short-Term Rental Registry, do we need to read this Nancyellen or just the very beginning?

Nancyellen: No, that was the second reading. Just the title.
Frances Westbrook: Alright, just the title. Ordinance 2021-08, Adopt Short-Term Rental Registry, do we have a motion.

Bonnie Schaschek: So moved.

Frances Westbrook: Second.

Jackie Brown: Second.

Frances Westbrook: Roll call vote please.

VOTE
Dudley Patteson, yes.
Chris Braly, abstained.
Anthony Marchetti, yes.
Jackie Brown, yes.
Bonnie Schaschek, yes.

Motion Ordinance 2021-08, Adopt Short-Term Rental Registry. Motion passes 4-1-0.

Frances Westbrook: Second motion 2021-07, Repeal Reenact Town Code §34.02. May I have a motion?

Dudley Patteson: So moved.

Frances Westbrook: Second.

Bonnie Schaschek: Second.

Jackie Brown: Second.

Frances Westbrook: All in favor, roll call vote please.

VOTE

Dudley Patteson, yes.
Chris Braly, abstained.
Anthony Marchetti, yes.
Jackie Brown, yes.
Bonnie Schaschek, yes.

Motion Ordinance 2021-07, Repeal Reenact Town Code §34.02. Motion passes. 4-1-0.

Frances Westbrook: The next thing is Town Council Retreat. Actually this may be on your list Chris. We did talk about and Town Council agreed that we would do a retreat. I have reached out to BML for some recommendations as to a retreat leader. I received a name, Mr. Bill Whitley, who actually was a former County Manager at Gloucester County and has been retired for a while now and this is what he does. He would recommend that we would meet probably in Matthews County, get us on some neutral territory. He would like to speak with each Town Council member individually prior to. He'd like to know your thoughts, what your concerns are, where you think we might should go from here, so that he can address our needs collectively and he is looking at a cost of about $1,500. He thinks probably more than half a day but certainly not a whole day to do this. We are looking at a Monday based on his availability and there is a place that he has used in the past, a small meeting room a very nominal fee, so that would be an extra cost for us.

Chris Braly: I think we should table this until the committee meeting.

Frances Westbrook: Why?

Chris Braly: Well, first of all, there was no official vote authorizing you to go and do this work, second, the town body itself could look very different January 1 and it might make sense to work on planning the retreat for the new body and after January 1 and because the, this body could look different come then.

Frances Westbrook: This body needs to get its act together and start working now. We've got what four or five more months until a new mayor comes onboard, and yes, I agree with what you just said, but I think it would be detrimental for us to put this off. We've got issues, we need to address them, we need to have tools to deal with some of this stuff and it needs to get done now. I'm not, I'm not willing to accept that and, as Mayor I do believe I have the authority to go and talk to someone about something like this. This Council stated that they would like to do a retreat and I stated I would collect information and bring it back to you. So....

Chris Braly: I looked in the minutes, there was no vote and we have to vote on things. You can't just agree that it's a good idea and then, not vote. That's why.

Jackie Brown: We are voting now.

Frances Westbrook: No, I think, let's do, we'll do your meeting and we'll bring it back to Town Council in September. So, that's going to put this, that means October for this retreat.

Chris Braly: I mean, that's fine.

Frances Westbrook: Do you not want the retreat. Do you have an issue with that?

Chris Braly: I don't have an issue with the retreat, but, what I was trying to do was do work on implementing the recommendations and I was shut down and it was, and I was told it needs to be in a committee meeting that we are going to have and if this is one of the recommendations, then I also think it should be shut down until the committee meeting…

Frances Westbrook: This is one of the first things we talked about on that list was the idea of a retreat.

Chris Braly: And that, that's before…

Frances Westbrook: And I did not shut you down, what I told you was, I would have expected you to have come and talked to me about that before tonight as opposed to just bringing this out and as far as I'm concerned, I don't need that as Mayor.

Chris Braly: At the last meeting I was asked, or I was appointed to go work on these things and all I did was do research on what had been implemented prior to me being appointed to that committee.

Frances Westbrook: Okay Chris we will continue this conversation then when we have this meeting on the 26th at 4:00 here, is that okay with you?

Chris Braly: That's fine.

Frances Westbrook: That'd be great. Alright, next thing going forward is new business.

O. NEW BUSINESS

- Adopt CUP Rezoning Schedule

Frances Westbrook: We have the CUP schedule that we need to adopt.

Nancyellen Keane: Um…

Frances Westbrook: Yes ma'am.

Nancyellen Keane: Did you have anything you wanted to say.

Frances Westbrook: So what pertains to us as far as our schedule, we are looking at August 12th which is today, then we'll have September 7th as a meeting for Planning Commission, September 9th at our regular meeting. I don't believe this includes any additional meetings of our schedule Nancyellen, so this should fall right in sync with our regular monthly meetings.

Nancyellen Keane: We've got, if you notice at the top of the page two actions that are going in tandem so that we are not having to spend, we are not using more time doing this separately, so we should save time.

Frances Westbrook: Alright, any questions? May I have a motion please.

Bonnie Schaschek: So moved.

Frances Westbrook: Second.

Chris Braly: Second.

Frances Westbrook: All in favor please say aye.

Group: Aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: Opposed?

Motion (made by Bonnie Schaschek) To Accept Rezoning Schedule – Motion passes 5-0.

Laurel Taylor: Can I ask you something?

Frances Westbrook: Yes.

Laurel Taylor: I can ask, who seconded the motion?

Chris Braly: I did.

Frances Westbrook: Alright motion passes the CUP Schedule is adopted.

- Motion to authorize C. Braly, at the request of the Mayor, to assist staff as Council point person with AARPA funds.

Frances Westbrook: Alright, the second thing on new business is motion to authorize Chris Braly at the request of the Mayor to assist Council as point person with AARPA funds. He will keep the Town Council abreast of what's happening making sure that we are following the spending guidelines. We also have Jay Sanudo who is basically handling all of the

reporting that has to go to the government entities on an ongoing basis. Does that pretty much sum it up.

Chris Braly: That's pretty much what we discussed.

Frances Westbrook: Yep, any discussion?

Jackie Brown: So moved.

Frances Westbrook: We need a motion first.

Bonnie Schaschek: Can I ask a question?

Frances Westbrook: Yes.

Bonnie Schaschek: So, what exactly are you going to be doing?

Chris Braly: Well, the Mayor called me up and asked if I could help I guess…

Frances Westbrook: Help Town Council….

Chris Braly: …help Town Council oversee the program, make sure that the town staff, the treasurer is doing the reports, making sure that anything that we discuss if it can be used, make sure that people know what can be used, what can't be used….

Frances Westbrook: Basically he will be keeping Town Council up to day as opposed to each one of us individually coming to Town Council meetings asking a zillion questions, none of us seem to have a really good handle because we are all trying to keep up individually and we have one point person to stay on top of it. Now he won't be directing staff, he will probably be making phone calls to Sanudo, but someone needs to make sure we are staying in line with this process…

Bonnie Schaschek: But what are we doing? I don't think we have decided even how we are going to use the funds yet.

Frances Westbrook: No, we haven't yet, I mean we've accepted them, so now we are on the hook with all the Federal and State requirements, that's the concern.

Bonnie Schaschek: But that's reporting and that comes out of the Treasurer.

Frances Westbrook: He would be doing the reports that go to those agencies.

Chris Braly: I don't have to do it, I mean, I…

Bonnie Schaschek: I'm just kind of curious to what we're doing.

Chris Braly: Yeah, I mean I guess she wanted someone to serve as more like a single program manager for…

Frances Westbrook: No, not necessarily program, but we need a point person, yes ma'am.

Nancyellen Keane: I was just going to suggest that prior to June 30th….

Frances Westbrook: Right.

Nancyellen Keane: ...this kind of thing Sharon would have talked to the Treasurer and interface with him and have meetings and what Council wanted to do or vote on. The Treasurer doesn't have any information....

Frances Westbrook: Right.

Nancyellen Keane: So, somebody has to deal with him, I guess, I don't know if it works, but I think you talked to Chris to take it off the plate of the clerk.

Frances Westbrook: Of the clerk, because she's still got a lot of stuff that she is still working with.

Bonnie Schaschek: ...decides whether we are going to...

Chris Braly: No, no it would be more like regulatory....

Frances Westbrook: Just to make sure we are checking all the boxes appropriately.

Chris Braly: No one person can make decisions, so.

Frances Westbrook: Alright, so where are we with that. A motion. A motion to authorize Chris Braly....I need someone to make this motion.

Anthony Marchetti: So moved.

Frances Westbrook: Second?

Dudley Patteson: Second.

Frances Westbrook: All in favor, aye.

Group: Aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: Opposed? Alright.

Motion (made by Anthony Marchetti) to authorize C. Braly, at the request of the Mayor, to assist staff as Council point person with AARPA funds. Motion passes 5-0.

- Motion to authorize C. Braly to assist Town FOIA Officer with FOIA issues during transition for a period of 60 days to ensure all FOIA requirements are being met.

Frances Westbrook: Alright, we have a second motion to authorize Chris Braly, getting to your point Jackie. At the request of the Mayor since we will be without legal counsel to assist with FOIA information and issues for the next 60 days with our Town Clerk.

Dudley Patteson: So moved.

Bonnie Schaschek: I think this should be a function on the Human Relations, your committee.

Chris Braly: HR.

Bonnie Schaschek: HR. It makes sense for him to do the past function because you are now among the Budget & Finance Committee, but I think HR should be doing this.

Frances Westbrook: FOIA stuff.

Jackie Brown: Training.

Frances Westbrook: No, no, training....

Nancyellen Keane: No, not the substance of it, the reason is he knows FOIA.

Jackie Brown: We've all been trained in FOIA.

Frances Westbrook: Do you want to do it?

Bonnie Schaschek: No, I've got plenty to do, I'm just saying to me that it falls under that committee that's all.

Frances Westbrook: It is for s short period of time because we won't have legal for Laurel to turn to on a daily basis and Chris does have a really good handle on it.

Bonnie Schaschek: Okay.

Frances Westbrook: So.

Dudley Patteson: So moved.

Anthony Marchetti: Second.

Frances Westbrook: Lord, this is getting harder and harder as the night goes on. All in favor, please say aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Alright motion passes.

Motion (made by Dudley Patteson) to authorize C. Braly to assist Town FOIA Officer with FOIA issues – motion passes 5-0.

- Motion to accept Davenport Proposal, *Anthony Marchetti*

Frances Westbrook: Alright, now we come to the motion to accept the Davenport Proposal. We decided that we are going to schedule a work session on this, is that correct, no we did not, that's another one. Do we want to do a work session or do we want to this tonight.

Dudley Patteson: It's what this guy does for a living and he is more than competent and he's got an excellent track record and I think just turn it over to him.

Jackie Brown: I think it is a good idea to do it eventually, it is a timing issue with me, I think since it only takes him a little over 100 days....

Dudley Patteson: I have been sitting on this Council for over a year and I am tired of waiting for things to take place such as this, so we as Council can make decisions. He is saying that any survey, any comprehensive plan does not affect how he looks at this town compared to other towns, on a leverage basis, on a quitting basis. We need to do this now, if not, I have serious concerns about how this town is being governed. We need to do this. This is something that has been on the table and in the budget for over a year Jackie, no more postponements.

Frances Westbrook: Let's calm down. Let's...

Jackie Brown: I have a right to my opinion...

Dudley Patteson: You have a right.

Jackie Brown: ...and to voice my opinions...

Dudley Patteson: I'm sorry if I raised my voice.

Jackie Brown: You jumped right in there. We....

Dudley Patteson: Especially...

Frances Westbrook: Alright guys....

Dudley Patteson: I'm not fighting, just listen.

Jackie Brown: I think it's important for us to get public input and we were going to do that last May and it never got done and now it is going to be 2023, and I think it is important information, but I think it is more important when we are getting ready to actually make decisions. I don't think we are going to be making any decisions on....

Dudley Patteson: It is because Town Council has been indecisive the last few years because they don't do things like this, this is what needs to be done.

Chris Braly: I think this can be used as a tool to help with the survey, generate survey questions. It can be used....

Jackie Brown: That's probably very valid. I heard you say that before. But I also think that before we talk about big expenditures, we really need to have the community input and....

Chris Braly: We are not talking about expenditures....

Frances Westbrook: We are not talking about expenditures....

Chris Braly: ....it's about financial capability.

Frances Westbrook: This is just...

Chris Braly: ...financial health....

Frances Westbrook: I mean before you go build a great big house you would need to know what your financial situation is, how are you going to pay it back, what your projected income and that's what, that's all this is doing....

Jackie Brown: I understand that.

Frances Westbrook: Okay, I'm sorry.

Jackie Brown. I do understand that, but what I'm saying is 2 years from now when we are actually planning on making some of those decisions, things could change.

Chris Braly: So we just....

Frances Westbrook: We just do an update.

Chris Braly: ....update it. I think something, I really think that this, and I didn't think about it until it was presented at the meeting could be a very important tool in the survey to generate questions to help get information from the town.

Jackie Brown: I agree.

Chris Braly: Doing it now sets us up perfectly with the schedule of the Planning Commission and the proposal review once they determine a firm to then take the financial health assessment and let the firm whomever is going to help develop the survey use that as also a guiding tool to develop questions.

Jackie Brown: So you're saying to use his input to provide residents information about the survey...

Chris Braly: For example, if one of his results says that conservatively you have the ability to borrow x amount of dollars and pay it back in x amount of years, you know....

Bonnie Schaschek: Without raising your taxes.

Chris Braly: ....would you be in favor of a new this or new that or this or that, because if, if a town hall costs $10,000,000 and we can only afford $1,000,000 town hall then it, it,

you know it wouldn't be wise of us to ask the residents what they want and have 90% say a new town hall and then we can't afford anything, right.

Jackie Brown: I agree with you totally. If you are going to give the residents that kind of information so that they understand how it is going to impact their taxes and how potentially....

Dudley Patterson: Absolutely.

Jackie Brown: Then I'm totally in favor.

Chris Braly: And it just so happens that we are in the process to develop the survey, not after the survey has been developed and I think this could be a great tool for the Planning Commission to use as whatever firm they recommend.

Dudley Patteson: And I apologize if I raised my voice. I apologize if I raised my voice. Third time. I apologize if I....

Chris Braly: Raise your voice now.

Frances Westbrook: We'll send you a recording. Let me ask this, in the scope of services there is a phase 1 and phase 2, not that I really understand everything about this, but I don't know that we need the phase 2 at this point.

Chris Braly: I think the phase 2 was not, he said that would be if the Town chose....

Jackie Brown: Like a follow-up....

Frances Westbrook: Oh, I see.

Anthony Marchetti: If we chose to engage or if we say head we want to do this, additional services they can offer ongoing maybe...

Frances Westbrook: I missed that link.

Anthony Marchetti: But it is not included in the quote.

Dudley Patteson: And they did keep their fee at the same dollar amount that they did a year ago. They did not raise their fee.

Chris Braly: I'm just thinking...

Frances Westbrook: See the way it is worded with compensation.

Bonnie Schaschek: Yeah phase 1....

Frances Westbrook: Phase 2 is financial review, okay, I'm with you now....

Chris Braly: Phase 2 is at the bottom.

Frances Westbrook: ...is at the bottom.

Anthony Marchetti: When we did our last budget the capital budget was pretty big, I mean personally I'm not going to put anything on the capital budget until I know that the town can comfortably carry the debt for it or not, so I think....

Jackie Brown: ...is wanted...

Bonnie Schaschek: That's the big thing, do the residents want it.

Anthony Marchetti: Correct, I agree 100%. I think we should in a survey or say residents do you want this, if we can't afford it, or if you want this, here is what we have to do to afford it, a meals tax or...

Jackie Brown: I hope, do you want this but are you going to pay extra taxes for it.

Frances Westbrook: That's a whole different question.

Anthony Marchetti: I mean...

Bonnie Schaschek: Those are the questions you need to ask.

Anthony Marchetti: And if you want this, here is the options on how you can pay for it. To me the value of it now is it's going to look at historical and our current financial situation, like now if we do nothing different taxes don't go up, don't go down, what, kind of extras we should be carrying....

Frances Westbrook: I think we get that, so what's our pleasure on this, someone want to make a motion. We've had the discussion before we even had a second.

Anthony Marchetti: Motion to accept Davenport proposal.

Dudley Patteson: Second.

Frances Westbrook: Any discussion or questions? Let's have a roll call vote on this, please.

VOTE
Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Jackie Brown, yes.
Bonnie Schaschek, yes.

Motion (made by Anthony Marchetti) to accept the Davenport proposal passes. 5-0.

Frances Westbrook: Alright motion passes. The last is Resolution 2021-10, which is the Amended and Restated Banking Resolution. It looks like I don't have a copy. Thank you. Do we read this or....

- Resolution 2021-10 Amended and Restated Banking Resolution

Nancyellen Keane: You are supposed to read it, but the only change from the existing resolution is number two.

Frances Westbrook: Alright, may I state the title and number 2.

Nancyellen Keane: Yeah.

Frances Westbrook: Resolution 2021-10, Amended and Restated Banking Resolution. It has been noted this is the same as the previous except for the addition of item 2 and that item states that the Town Clerk may have information concerning and may receive bank statements for all accounts. May I have a motion.

Nancyellen Keane: That's just the first reading.
Frances Westbrook: That's just the first reading, I'm sorry. Any questions or discussions at this point why we are doing what we're doing. Thank you. This way Laurel can at least call and get a copy of the bank statement to send to Jay Sanudo if she needed to.

Chris Braly: Seems functional.

Frances Westbrook: So that's the first reading, so this needs to go in the next schedule also, the next Town Council meeting. Alright I think we are ready to go into, now we have Roundtable. Is there anything else that we need to address roundtable coming up.

P. ROUNDTABLE

Chris Braly: I'd like to say also express my thanks to Nancyellen for her service to the Town of Irvington. Since being appointed to the Planning Commission, and now being appointed to Town Council, she has helped me understand governance and the ins and outs of town government and for that I am personally grateful. Next, I would like to thank the Clerk and the Mayor for addressing my concerns that were voiced at the July 29th, meeting. I did notice that all of the materials that were distributed to the Town Council were posted to the website very expediently and I do appreciate that. There are still a few hiccups we have to work through....

Frances Westbrook: We are getting there.

Chris Braly: I appreciate you taking my comment to heart.

Frances Westbrook: you are very welcome.

Anthony Marchetti: I'd also like to say thanks to Nancyellen for all her dedication and service to the Town over the years in particular to this last year, when I joined Council she was instrumental in my training and providing me the tools to be successful, serving the Town. She was also very committed to making sure that Council's operating procedures

were by the book so that everything we did was in fact valid. She went above and beyond her hired scope and donated many hours to the Town. I believe she always advised of the Town's best interest in mind, I think she was incredibly knowledgeable and an incredibly knowledgeable resource for the Town and Staff, me personally. I know her experience helped us go through some difficult times. She certainly leaves big shoes to fill but I am very grateful for the time I did have working alongside her serving the Town. Thanks Nancyellen and best of luck with your future endeavors.

Frances Westbrook: Anyone else. I did have something to bring forward. At the last Town Council meeting it was pointed out that several Town Council members voted knowingly to go into an illegal closed session. That disturbed me greatly. I did question that. So I did, I went to the FOIA Council and talked to Alan Gernhardt, who is Executive Director and Legal there and he sent me to the State Code governing closed meetings. I think where we might have gotten off track is when we use the FOIA Manual in some of those areas they are paraphrased so to speak but the actual State Code says -- Public bodies may hold closed meetings only for the following purposes: One, discussion, consideration or interviews of perspective candidates for employment, assignment appointment, promotion, performance, demotion, salaries, disciplining or resignation of public officers. It does go on. That term is in there and he assured me that we could definitely have gone to closed session to discuss resignation. So, I just want to go on record and I would like the Rappahannock Record to include that, I will be reading it Wednesday when it hits the internet. So. That's it for me.

Dudley Patteson: Madam Mayor. I'd like to bring up some dirt.

Frances Westbrook: Some dirt.

Dudley Patteson: Some dirt. As you know, we are moving some dirt around on our property. I have some extra dirt.

Frances Westbrook: Are you giving dirt away?

Bonnie Schaschek: It's called soil, not dirt.

Dudley Patteson: Soil, and I would like at no cost to the Town to put it across the street on Tavern Road where the Commons is where there are some hole where people have parked and hopefully I can get rid of some dirt and the Town…

Frances Westbrook: The timing might be important, let's check the VIA is going to have a concert sometime in September. That' comes in announcements.

Jackie Brown: Are you going to seed it also?

Dudley Patteson: Pardon?

Jackie Brown: Are you going to seed it also?

Dudley Patteson: I will seed it.

Jackie Brown: And water it.

Bonnie Schaschek: You need to be careful though and check with VODT because they have that run off drench that goes down into the thing all the way at the end of Tavern Road....

Frances Westbrook: I tell you what, why don't you two talk.

Dudley Patteson: Okay.

Frances Westbrook: And you know more about that and I would make sure we don't interfere with the VIA activities.

Bonnie Schaschek: I'd like to see him put it where the new...

Dudley Patteson: It will make the North Commons look better. I mean than it does right now. Right now it is all pot holes.

Frances Westbrook: There is a drainage thing....

Bonnie Schaschek: and VDOT came...

Dudley Patteson: It drains on my side, so I wanted to....

Bonnie Schaschek: The other way...

Dudley Patteson: No, no.

Frances Westbrook: Anything else for roundtable. Our meeting is getting late. Alright, then the announcements.

Q. ANNOUNCEMENTS – Frances Westbrook.

- Next meeting – September 9, 2021
- VIA Concert on The Commons – September 2, 2021

Frances Westbrook: Our meeting is September 9th, here at the church and as I mentioned VIA has a concert on The Commons on September 2nd.

Bonnie Schaschek: Whose playing?

Jackie Brown: Bob Wilson.

Dudley Patteson: Who?

Jackie Brown: Bob Wilson.

Frances Westbrook: Alright, did I say that we are ready to go into closed session. Do you want to read us into it?

Anthony Marchetti: I Anthony Marchetti, move to go into closed session pursuant to State Code 2.2-3711A8 for purposes of legal advice from counsel regarding Fisher's Pit. Second?

Frances Westbrook: May we have a second?

Chris Braly: Second.

Dudley Patteson: Second.

Frances Westbrook: Any other questions? All in favor?

Group: Aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye.
Anthony Marchetti, aye.
Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Alright.

Motion (made by Anthony Marchetti) to go into Closed Session passes 5-0.

R. CLOSED SESSION

- Legal advice concerning Fisher-Pit under Virginia Code §2.2-3711 A 8

Chris Braly: Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act and whereas Section 2-2-3712 of the Code of Virginia requires the certification by the board that such closed session was conducted in conformity with Virginia Law now there be it resolved that the board hereby certifies that to the best of each members knowledge one, only public business matters lawfully exempted from open session required by Virginia Law were discussed in closed session to which this certification resolution applies and two, only such public business matters that were identified in the motion convening the closed session were heard, discussed, or

considered by the board. Is there any member who believes there was a departure from the motion to go into a closed session? If so, please state the departure. Roll call certification. Certification from each member.

I, Dudley Patteson, so certify.
I, Chris Braly, so certify.
I, Anthony Marchetti, so certify.
I, Frances Westbrook, so certify.
I, Jackie Brown, so certify.
I, Bonnie Schaschek, so certify.

Frances Westbrook: Alright, do we make a motion to go back into.

Nancyellen Keane: You're in open.

Jackie Brown: You're in open…

Frances Westbrook: Okay, very good. That's always confusing to me, that last bit.

Chris Braly: So there was a tabled motion that I made earlier in the meeting to table it until after the closed session. Would you like me to repeat the motion?

Frances Westbrook: If you would please.

Chris Braly: I would like to make a motion to have the HR Committee draft an engagement letter to retain Nancyellen Keane, LLC as special counsel to the Town of Irvington in a nonlitigation role for the purpose of working on the ongoing Fisher's Pit legal matter at the rate of $225 per hour capped at 5 hours per month until completed and authorize the agreement to be signed by the Mayor once drafted.

Dudley Patteson: Second.

Frances Westbrook: What happens if this drags on 6 or 9 months?

Chris Braly: I mean, I think it's….

Nancyellen Keane: You would have the authority….

Frances Westbrook: …says until completed.

Chris Braly: If the engagement letter, I mean the engagement letter could put in there that it will be determined….

Frances Westbrook: Like you've done for all the others.

Chris Braly: I just think right now it is prudent to keep her on this issue.

Bonnie Schaschek: On this issue only.

Frances Westbrook: I agree, we lost Lara and…

Anthony Marchetti: And it's also really expensive to catch somebody else up.

S. RETURN TO OPEN SESSION

- Action TBD

Frances Westbrook: Yeah.

Chris Braly: This is too important right now to make any transition.

Jackie Brown: Based on your estimate you think you can wrap this up in 2 months is that what you said?

Nancyellen Keane: I don't know, to be really honest with you Jackie, I don't know, I would say 2 months would be needed reasonably, just not knowing what the attorneys are going to tell me. I've given a bunch of stuff to review, I've talked to them several times, I haven't gotten feedback yet. They could come back to me next Monday and say I'm sorry we're not going to do anything - see ya - and that would be the end of that. Or, they could come back to me and say well we can't do anything but we think this is the way we can go with this or whatever. I would have to report to you and let you all know how it is going and so forth. I don't know, I mean, I just think we are at a stage right now where it's critical to have somebody they can talk to.

Jackie Brown: I agree with that.

Frances Westbrook: I do too. I think that would be prudent on our point.

Dudley Patteson: Motion has been seconded, shall we vote.

Frances Westbrook: Roll call vote please.

VOTE
Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Jackie Brown, yes.
Bonnie Schaschek, yes.

Frances Westbrook: Motion carries.

Motion (made by Chris Braly) to have HR Committee to draft an engagement letter to retain Nancyellen Keane as special counsel regarding Fisher's Pit. Motion passes 5-0.

Bonnie Schaschek: Now we need a motion for that burning thing.

Nancyellen Keane: Do you want to do it now, or do you want to do it in September.

Bonnie Schaschek: Let's get it done now.

Group talk.

Frances Westbrook: The tax map number.

Bonnie Schaschek: Let's do it now because if we have a hurricane and we don't meet then we are going to miss it.

Group talk.

Frances Westbrook: So we are banning all future burnings on these two tax parcels.

Nancyellen Keane: Yes, you can say they cannot burn without the written permission of the Town of Irvington if you wanted to look at it that way. That way you can give them permission if there is some reason.

Frances Westbrook: But if we say that and then they say, oh, I thought y'all gave us permission.

Group talk.

Frances Westbrook: Just say they can't burn at all and then there's no ambiguity or who talked with who or whatever.

Bonnie Schaschek: Were they trying to get an agency to come in and do a water test?

Nancyellen Keane: Lara went to this meeting after the fire and she had an onsite meeting in June, June 23rd, she met with Eric Fisher, DQ, ?, Lancaster County and Parcel. She in front of all of them asked can somebody do a water test. No, why would we do that. Because there is leaking…

Bonnie Schaschek: ….that goes around the creek….

Group talk.

Nancyellen Keane: Asked Council I guess they would find it fine. If we had information ourselves of what the conditions in the water are and we say we tested it and this stuff is in here.

Frances Westbrook: We can test it. Bonnie says she knows somebody that can do it.

Anthony Marchetti: …sanitation, they test regularly….

Frances Westbrook: They test for different stuff that would be detrimental for shellfish, so I think that might be.

Anthony Marchetti: That's what they, so that would probably be the quickest results. I don't know if you can contact….

Nancyellen Keane: I'll ask Lara who else she may have called and talked to about the testing issue, but she talked to them in the meeting and nobody was interested in….

Frances Westbrook: It's not that much money probably $100.

Nancyellen Keane: They all seemed to be shocked that there was money being paid, this was a business that, this was tires and stuff, but they didn't seem to be only worried about the water and Carter's Creek and when they said that the sand was contaminated and it was…

Bonnie Schaschek: They were going to come out here….

Frances Westbrook: They did come out here.

Bonnie Schaschek: Did we make a motion?

Frances Westbrook: And I got up and started those back up again.

Bonnie Schaschek: No, we just got the landowners.

Frances Westbrook: We've already made one motion, we are in public, we are in open session.

Chris Braly: So, I would like to make a motion to prevent any further burning on tax map IV28-207-A and 345 until further notice from the Town of Irvington in order to protect the

public health and safety and have the Town Attorney draft a notice to the property owner indicating this motion has passed.

Dudley Patteson: Second.

Frances Westbrook: Any questions? Roll call vote please.

Nancyellen Keane: Can I just say…

Frances Westbrook: Yes.

Nancyellen Keane: I may not be able to get it done by tomorrow, so can you say town attorney or special counsel.

Chris Braly: I amend the motion to include Town Attorney or special counsel.

Frances Westbrook: Alright roll call vote please.

VOTE
Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Jackie Brown, yes.
Bonnie Schaschek, yes.

Frances Westbrook: Motion passes.

Motion (made by Chris Braly) to have the Town Attorney or Special Counsel to draw up Letter preventing burning on above mentioned tax maps. Motion passes 5-0.

T. ADJOURN.

Frances Westbrook: Now I'll entertain a motion to adjourn.

Dudley Patteson: Where's Wayne.

Chris Braly: I'll.

Frances Westbrook: Second? All in favor.

Group: Aye.

VOTE
Dudley Patteson, aye.
Chris Braly, aye
Anthony Marchetti, aye.

Jackie Brown, aye.
Bonnie Schaschek, aye.

Frances Westbrook: All opposed? We're out of here.

Motion to adjourn passes – 5-0.

August 12, 2021 minutes were approved at Town Council Regular Called Meeting of September 9, 2021.

Vote:

Dudley Patteson	-Aye
Chris Braly	-Aye
Anthony Marchetti	-Aye
Bonnie Schaschek	-Aye
Jackie Brown	-Aye
Wayne Nunnally	-Aye (via phone)

Approved 6 – 0

Respectfully Submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer

Frances E. Westbrook
Frances Westbrook, Mayor

Attest:
Laurel S. Taylor

ORDINANCE 2021-07

REPEAL, REENACT TOWN CODE §34.02

WHEREAS, the Irvington Town Council ("Council") desires to amend the definition of "transient person" in Town Code §34.02; and

WHEREAS, Town Code §34.02 shall be repealed and re-enacted; and

WHEREAS, a notice of a public hearing about this Ordinance was advertised in the Rappahannock Record on July 29 and August 5, 2021; and

WHEREAS, the public had an opportunity to comment on this Ordinance at a public hearing held August 12, 2021; and

WHEREAS, this Ordinance was read twice before approval, at the June 10, 2021 and August 12, 2021 Council meetings; and

WHEREAS, a second reading and vote was initially and incorrectly held on July 15, 2021 prior to the public hearing, and

WHEREAS, the legislative process is hereby corrected via this August 12, 2021 seconding reading and vote taken following public hearing and two weeks of advertisements..

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

1. Council hereby repeals the second reading and vote taken on this Ordinance 2021-07 on July 15, 2021.
2. Council hereby repeals Town Code §34.02, Definitions.
3. Council hereby re-enacts Town Code §34.02, Definitions, per the attached legislation, incorporated herein by this reference..
4. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place Ordinance 2021-07 in the Minutes of its August 12, 2021 meeting.

Certification

I, Frances Westbrook, Interim Mayor, do hereby certify that Ordinance 2021-07 was adopted at the August 12, 2021 meeting at which a quorum was present and voting. The Vote was:

IN FAVOR - 4 OPPOSED - 0 ABSTAIN - 1

J. Christopher Braly		x
Jackie Brown	x	
R. Wayne Nunnally	absent	
Anthony Marchetti	x	
Dudley Patteson	x	
Bonnie Schaschek	x	

Motion passes 4-0-1

Frances E. Westbrook
Frances Westbrook, Interim Mayor

ATTEST:

Laurel S. Taylor
Laurel S. Taylor, Town Clerk

ATTACHMENT TO ORDINANCE 2021-07

"§34.02 DEFINITIONS.

"For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

"**TRANSIENT PERSON.** One who for a period of fewer than 30 consecutive days, either at his or her own expense or at the expense of another, lodges or obtains lodging at any hotel, motel, tourist home, inn, bed and breakfast or other facility."

ORDINANCE 2021-08

ADOPT SHORT TERM RENTAL REGISTRY

WHEREAS, the Irvington Town Council ("Council") proposes to adopt a Short Term Rental Registry requirement in the Town; and

WHEREAS, a notice of a public hearing about this Ordinance was advertised in the Rappahannock Record on July 29 and August 5, 2021; and

WHEREAS, the public had an opportunity to comment on this Ordinance at a public hearing held August 12, 2021; and

WHEREAS, this Ordinance was read twice before approval, at the June 10 and August 12, 2021 Council meetings.

WHEREAS, a second reading and vote was initially and incorrectly held on July 15, 2021 prior to the public hearing, and

WHEREAS, the legislative process is hereby corrected via this August 12, 2021 seconding reading and vote taken following public hearing and two weeks of advertisements..

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

1. Council hereby repeals the second reading and vote taken on this Ordinance 2021-08 on July 15, 2021.

2. Council hereby adopts the attached legislation as Town Code §34.40 *et seq*, incorporated herein by this reference, to establish a Short Term Rental Registry in the Town of Irvington.

3. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place Ordinance 2021-08 in the Minutes of its August 12, 2021 meeting.

Attachment – Town Code §34.40 *et seq*

Certification

I, Frances Westbrook, Interim Mayor, do hereby certify that Ordinance 2021-08 was adopted at the August 12, 2021 meeting at which a quorum was present and voting. The Vote was:

IN FAVOR - 4 OPPOSED - 0 ABSTAIN - 1

J. Christopher Braly	Y
Jackie Brown	X
R. Wayne Nunnally - absent	
Anthony Marchetti	X
Dudley Patteson	X
Bonnie Schaschek	X

Frances E. Westbrook

Frances Westbrook, Interim Mayor

ATTEST:

Laurel S. Taylor

Laurel S. Taylor, Town Clerk

SHORT TERM RENTAL REGISTRY

§34.40 DEFINITIONS.

For the purposes of this section, the following definitions apply:

OPERATOR. The proprietor of any dwelling, lodging or sleeping accommodation offered as a short term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

SHORT TERM RENTAL. The provision of a room or space that is suitable for, or is intended for, occupancy for dwelling, lodging, or sleeping purposes, for a period of fewer than thirty (30) consecutive days, in exchange for the charge for the occupancy.

§34.41 DUTY TO REGISTER.

There is hereby established a short term rental registry for property offered or used as short term rental within the Town. Prior to offering a short term rental, the operator shall register with the Town and disclose all such properties offered in the Town. The registration shall include the complete name of the operator, and the owner if different, their contact information, and the address of each property in the Town offered for short term rental by the operator. The Town may charge a reasonable fee for registration which may be set from time-to-time by the Council. After the initial registration, registration shall be renewed by January 15 of each year.

§34.42 EXEMPTIONS.

An operator is not required to register with the Town if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time Share Act (§55.1-2200 *et seq*); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments. If an exemption ceases to apply, and there is no other exemption, then the person shall promptly register for the Town's Short Term Rental Registry before continuing to offer such property for short term rental.

§34.43 PENALTIES.

A. Failure to Register. The penalty for failure to register shall not exceed $500 per violation. A penalty may be imposed when an operator who is required to register offers for short term rental a property that is not registered with the Town. A separate violation shall be deemed committed each day during or on which a property is offered or used as a short term rental without registration and after written notice of such violation. Unless and until an operator pays the penalty (if one is assessed) and registers such property, the operator may not continue to offer such property for short term rental. Upon repeated violations of this Ordinance as it relates to a specific

property, an operator may be prohibited from registering and offering that property for short term rental for a period of one year. Such prohibition, for good cause may be appealed to the Mayor.

B. Violations of Laws Relating to Short Term Rentals. The operator may be prohibited from offering a specific property for short term rental in the Town, if the operator has multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to short term rental or transient occupancy taxes.

§34.44 ENFORCEMENT.

It shall be the responsibility of the Town Clerk to administer, interpret and enforce the provisions of this section, including determining the penalty amount, and whether to assess a penalty. The Town shall send a written notice of violation to the operator, and property owner, if different, by mail to the mailing address listed in the registration, or, in the absence of a registration, then to the mailing address on the real estate record. The Town Clerk may seek assistance of the Town Attorney with respect to enforcement of this section, as needed.

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, AUGUST 12, 2021 6:30PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.		Irvington
2.	Julie Harris	1099 K. C. Drive
3.	Mary Cary Brady	991 King Carter Drive
4.	Jackie Keith	437 The Ln
5.	Jeff Evans of Carter del Rio	752 Chesapeake
6.	PETER PORTEOUS	222 STEAMBOAT RD
7.	SANDY PORTEOUS	222 STEAMBOAT RD
8.	Jimmie Carter	Box 300 Irvington / TRI Way Trail
9.	Steve Reiser	Irvington
10.	Gary Hooper	656 Glebe Rd.
11.	Michele Corion	334 King Carter
12.	Albert Pollard	48 Steamboat
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON TOWN OFFICE
THURSDAY JULY 29, 2021; 6:30 PM

AGENDA

A. CALL TO ORDER – Frances Westbrook

Frances Westbrook: I'd like to call to order the meeting of Irvington Town Council. This is a special called meeting held at the Town Office at 4203 Irvington Road. This is Thursday, July 29th, 2021, at 6:30 p.m. If I please will have a roll call.

B. ROLL CALL – Frances Westbrook

Wayne Nunnally, present.
Dudley Patteson, present.
Chris Braly, present.
Bonnie Schaschek, present.
Jackie Brown, present.
Frances Westbrook, present.
Anthony Marchetti, absent.

Staff Attending the Meeting
Nancyellen Keane, Esq. Town Attorney.
Laurel Taylor, Town Clerk & FOIA Officer

Frances Westbrook: Before we get into the agenda, I would just like to introduce Laurel Taylor to you all. She is our new town clerk, and we are so happy to have her here. Town Clerk, Clerk of the Council and FOIA Officer, so, thank you Laurel. We are pleased to have you.

Laurel Taylor: Thank you.

Frances Westbrook: Next item on the agenda, by way of explanation, we are having some issues trying to get the signatures done at the bank because of what the bank requires, and we haven't received the minutes as yet, which is what they asked for. Talking with Chris and Nancyellen, that they will accept a letter stating what we want to have done. I'll pass

one around for you to see what we have done. We will take that to Vickie at Chesapeake Bank tomorrow. She will have the paperwork ready Monday for Anthony and I to go by and sign and we are back in business, so that should work great.

Chris Braly: Madam Mayor.

Frances Westbrook: Yes sir.

Chris Braly: This agenda has not been posted on the website and we need to make sure that—

Frances Westbrook: Chris, yeah, told me he did--

Chris Braly: It is not on the website and so we need to make sure that the IT person helping us posts it on the website before…

Frances Westbrook: Did you look everywhere….

Nancyellen Keane: The original call cause there were two…

Chris Braly: The call was…

Frances Westbrook: Oh, the call was, yes.

Chris Braly: The agenda we are operating from was not on the website, so we need to make sure that we put stuff on the website.

Frances Westbrook: Well, what's necessary is the call be on there. It's not necessary to have the agenda although we have done that in the past.

Chris Braly: The agenda needs to be posted and distributed to the public body. We received the agenda 3 days ago. It needs to be on the website.

Frances Westbrook: Okay, so noted.

Chris Braly: Please, thank you.

Frances Westbrook: Thank you. Any other quick comments before we go into closed session.

C. CLOSED SESSION – Dudley Patteson

Dudley Patteson: Absolutely, I, Dudley Patteson move to go into closed session pursuant to 2.2-3711A1 for personnel matters concerning the Town Clerk.

Francis Westbrook: No, hiring zoning administrator.

Dudley Patteson: That's what it says. I'm just reading what it says here.

Francis Westbrook: Oh.

Dudley Patteson: Zoning administrator and pursuant to 2.2-3711A8 for legal....

Frances Westbrook: No, no, forget that, sorry. It's just the first one Dudley.

Dudley Patteson: I got it. Okay, may I start over?

Frances Westbrook: Yes, you may.

Dudley Patteson: And get it right.

Frances Westbrook. Yes sir.

Dudley Patteson: Pursuant to 2.2-3711A1 for personnel matters concerning the zoning administrator. Call for vote.

Chris Braly: Second.

Frances Westbrook: Roll call. We have a second.

Wayne Nunnally, yes.
Dudley Patteson, yes.
Chris Braly, yes.
Bonnie Schaschek, yes.
Jackie Brown, yes.

Frances Westbrook: And I don't get to vote, I remembered this time. Alright, we are now in closed session. We are going to have the attorney and the....

D. RETURN TO OPEN SESSION – Dudley Patteson

Dudley Patteson: Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act and whereas Section 2-2-3712 of the Code of Virginia requires the certification by the board that such closed session was conducted in conformity with Virginia Law. Now there be it resolved that the board hereby certifies to the best of each members knowledge only public business matters lawfully exempted from open session required by Virginia Law were discussed in closed session to which this certification resolution applies and only such public business matters were identified in the motion convening the closed session was heard, discussed or considered by the board. Is there any member who believes there is a departure from the motion to go into a closed session? If so, so state the departure. We need to take a vote.

Frances Westbrook: Roll call vote. We need to make a motion.

Bonnie Schaschek: You have to so certify.

Frances Westbrook: …say certify.

ROLL CALL VOTE

I, Wayne Nunnally, so certify.
I, Dudley Patteson, so certify.
I, Chris Braly, so certify.
I, Bonnie Schaschek, so certify.
I, Jackie Brown, so certify.
I, Frances Westbrook, so certify.

Frances Westbrook: Now, Mayor will entertain a motion.

Nancyellen Keane: You've got to come back in, oh, you're already in okay.

Frances Westbrook: Yeah.

Nancyellen Keane: I forgot you're talking about…

Dudley Patteson: Ready.

Frances Westbrook: Yeah.

Dudley Patteson: I'd like to make a motion to appoint Justin Nelson as Zoning Administrator, Building Official and Flood Plan Administrator for the Town using the existing job description effective August 1, 2021, to work during office hours 9:00 a.m. to 1:00 p.m. Monday through Friday, plus five floating hours per week, at a salary of $2,166.66 per month and conditioned upon a satisfactory background check.

Chris Braly: Second.

Frances Westbrook: Any discussion? All in favor, roll call vote, please.

ROLL CALL VOTE
Wayne Nunnally, Aye.
Dudley Patteson, Aye.
Chris Braly, yes.
Bonnie Schaschek, yes.
Jackie Brown, yes.

MOTION PASSES 5-0.

Dudley Patteson: Second motion?

Frances Westbrook: Please sir.

Dudley Patteson: Second motion is to authorize the mayor to execute an employment contract between the Town and Justin Nelson on the terms stated in the prior motion provided the condition has been satisfied.

Frances Westbrook: Any discussion?

Chris Braly: Second.

Frances Westbrook: I'm sorry, I jumped that too, didn't I. Roll call please.

ROLL CALL VOTE
Wayne Nunnally, yes.
Dudley Patteson, yes.
Chris Braly, yes.
Bonnie Schaschek, yes.
Jackie Brown, yes.

MOTION PASSES 5-0.

Frances Westbrook: Motion passes.

Wayne Nunnally: Now, is it my turn.

Frances Westbrook: Motion to adjourn.

E. ADJOURN

Wayne Nunnally: Motion to adjourn.

Chris Braly: Second.

Frances Westbrook: Any discussion. All in favor?

Group: Aye.

Frances Westbrook: Meeting is adjourned. Thank you very much.

Respectfully submitted,
Laurel S. Taylor
Town Clerk & FOIA Officer

Frances E. Westbrook
Frances Westbrook, Mayor

Minutes were approved during the September 9th, 2021 meeting:

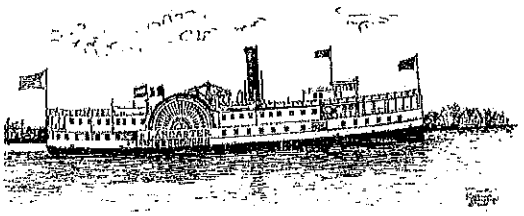
Passed 6-0

	Approved	Opposed	Abstain
LST. ~~Frances Westbrook~~	✓		
Wayne Nunnally (via phone)	✓		
Chris Braly	✓		
Anthony Marchetti	✓		
Dudley Patteson	✓		
Jackie Brown	✓		
Bonnie Schaschek			

TOWN OFFICIALS
Frances E. Westbrook
Interim Mayor
Nancyellen Keane, Esq.
Town Attorney
Lara M. Brown
Zoning Administrator
Laurel Taylor
Town Clerk
FOIA Officer

Robinson, Farmer, Cox
Interim Treasurer

Town of Irvington



TOWN COUNCIL
Anthony Marchetti
Vice Mayor
Jackie Brown
Bonnie Schaschek
R. Wayne Nunnally
Dudley Patteson
J. Christopher Braly

July 29, 2021

VIA HAND DELIVERY
Vicky Oliver, Branch Manager
Chesapeake Bank
98 King Carter Drive
Irvington, VA 22480:

Dear Vicky:

This letter is to authorize changes to the following accounts of the Town of Irvington:
General Operating Account *0653
Money Market *7771
CARES fund *4932

Effective immediately, please remove the following individuals:

Albert D. Bugg, III, Mayor
Frances E. Westbrook, Vice Mayor
Sharon Phillips, Treasurer

Effective immediately, please add the following individuals:

Frances E. Westbrook, Interim Mayor
Anthony Marchetti, Vice Mayor

Thank you for your assistance in this matter.

Sincerely,

Frances E. Westbrook

Frances E. Westbrook
Interim Mayor

Attest: Nancyellen Keane

Nancyellen Keane, Esq., Keane Law PLLC
Town Attorney

Telephone (804) 438-6230
4203 Irvington Road * Post Office Box 174 Irvington, Virginia 22480
www.town.irvington.va.us

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY, JULY 29 2021 6:30 PM
TOWN OFFICE

Sign In Sheet

	Name	Address
1.		
2.		
3.	No	
4.	one	
5.	came	
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY JULY 15, 2021; 6:30 PM

AGENDA

A. CALL TO ORDER – *Frances Westbrook*

Frances Westbrook: I am going to call this meeting to order please. This is a special called meeting of the Irvington Town Council being held on July 15th, 2021, at 6:30 p.m. at the Irvington Baptist Church. This is in order to conduct regular town business. Tonight's meeting was previously scheduled for July 8th, 2021, as our regular monthly meeting, but was canceled due to inclement weather and was thus rescheduled for tonight. There is a sign-up sheet in the very back of the room on your left, if you haven't already done so, please take care of that, that would be much appreciated. Alright, we'll move along to roll call please. Dudley will you please start.

B. ROLL CALL – *Frances Westbrook*

Dudley Patteson present.
Chris Braly present.
Anthony Marchetti present.
Wayne Nunnally present.
Bonnie Schaschek present.
Jackie Brown present.
Frances Westbrook present.

Staff Present: Nancyellen Keane, Esquire, Town Attorney.

C. APPROVE AGENDA

Frances Westbrook: The next item on the agenda is to approve the agenda. We have got a number of things dealing with the agenda because this is a special called meeting. There was an agenda published last week and then we have one for tonight but in talking with Mr. Braly and I today, we've got a few things that we need to take off and add on, so if you all will just bear with us, we'll get this taken care of as quickly as possible. Chris would you mind starting us, or would you like for me to start.

Chris Braly: If you want to, if you want to just go through.

Frances Westbrook: Okay, and then you can chime in wherever you'd like. On the regular monthly meeting agenda, under new business, Town Council Retreat.

Wayne Nunnally: We are going to do what?

Frances Westbrook: Are you looking at the right?

Wayne Nunnally: New business.

Frances Westbrook: No, if you are looking at the 15th, just leave it alone if you would please, okay.

Chris Braly: Under committee reports we need to make a change, for the human resources committee report.

Anthony Marchetti: Are you raising the original base is that correct?

Frances Westbrook: That is correct.

Anthony Marchetti: Okay, alright, so yes, just leave that as human resources, we'll strike off temporary employee. Next item.

Bonnie Schaschek: Can I ask a question, if we printed out the new agenda, along with what you are doing?

Frances Westbrook: Yes.

Bonnie Schaschek: Okay.

Frances Westbrook: Yes, the other agenda is what's on the back table too.

Anthony Marchetti: That's the one from last week.

Bonnie Schaschek: Yeah, I printed the new one, okay.

Frances Westbrook: Here a few more. Alright, to repeat, under committee reports, we are striking the line item under human resources and temporary office employee. Dudley will be addressing that during his committee report.

Chris Braly: Do we need to vote on each revision?

Bonnie Schaschek: All at one time.

Frances Westbrook: I think we can do it all at one time.

Chris Braly: Okay.

Frances Westbrook: Under K, new business, we are deleting Town Council Retreat. Under L, Old Business, we are deleting advertisement of town clerk position. Also under Old Business, we are deleting Town Office Signage at road frontage. Now to the additions, under New Business, we are adding an item, Motion to Add Vice Mayor as signatory at Chesapeake Bank and Blue Ridge Bank.

Nancyellen Keane: You don't need to do that.

Frances Westbrook: It wasn't on the old agenda.

Nancyellen Keane: But they are automatically signatories on all the accounts.

Frances Westbrook: Nah uh. When I took in the information to the bank, we did not make a motion at the June 15th to actually by name add Anthony on there, we just said we eluded to it, in the meetings with his name attached. We are also adding under new business a Motion to Enter a Contract with Cox Termite & Pest Control, we are adding Motion to Hire Williamson Movers to move boxes and file cabinets upstairs in the Town Office. We are adding also under New Business, Discussion of Cleaning Service of the Town Office.

Chris Braly: Item J, for the Committee Reports, adding the Town Clerk position, and addition of wages for the Zoning Administrator, those weren't on their previously.

Frances Westbrook: That's right, thank you. Did you all get that?

Anthony Marchetti: He has remove temporary office and adding Town Clerk, we just…

Frances Westbrook: Yes, okay.

Chris Braly: Can we, can I make a motion to approve all of that up to the closed session?

Frances Westbrook: Yes, doing it all at one time.

Chris Braly: I'd like to move that we approve all the changes that Mayor Westbrook just enumerated.

Wayne Nunnally: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: Opposed?

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION CARRIES 6-0.

Chris Braly: Now I believe there is a change to the closed session that I would like to accept.

Frances Westbrook: Okay, go right ahead.

Chris Braly: So, I think the first item would be to add the closed session to the clerk, the town clerk position as the second bullet point. So, the first bullet point would be closed session for legal matters, and then the second bullet point would be closed session for the Clerk.

Frances Westbrook: Okay.

Chris Braly: And then I think that we should remove the closed session for the town attorney.

Frances Westbrook: Is that in the form of a motion?

Chris Braly: Well, I was going to do all of the closed session at one time.

Frances Westbrook: Okay, one at a time, if you will make the…

Chris Braly: Do we need to add detail to the closed session, because I thought it was lacking a little bit of detail in…

Frances Westbrook: For, yes, we can do that, legal matters requiring legal advice from counsel concerning Fisher's Pit is what is being added there.

Chris Braly: Okay, I'd like to make a motion that we include that change to the agenda regarding legal matters requiring legal advice.

Wayne Nunnally: Just to add Fisher's Pit to it?

Frances Westbrook: Just to add Fisher's Pit to the description.

Anthony Marchetti: Second.

Frances Westbrook: Any discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed?

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.

Jackie Brown, Aye. MOTION CARRIES 6-0.

Chris Braly: Immediately following that, I'd like to make a motion that we add closed session for personnel matters concerning the town clerk position.

Female: I'm sorry what?

Chris Braly: The town clerk position.

Bonnie Schaschek: I second it.

Chris Braly: And, to delete the town attorney position.

Wayne Nunnally: That's one motion? Do you want to do that in two separate motions.

Chris Braly: One motion.

Frances Westbrook: You are going to have to explain what you mean.

Chris Braly: I'd like to add a closed session for personnel matters concerning the town clerk position and delete the closed session for personnel matters concerning the town attorney's position.

Frances Westbrook: Because we combined it, now you are separating them. Is that your intent?

Chris Braly: My intent is to delete, to only have a closed session for personnel matters concerning the town clerk.

Frances Westbrook: Okay, well let's vote on that part first, please.

Chris Braly: I made a motion to add the town clerk and delete the town attorney.

Frances Westbrook: Okay, do we have a second?

Anthony Marchetti: Second.

Frances Westbrook: Discussion?

Chris Braly: The reason why I want to delete the town attorney is because I don't think there is anything regarding the personnel matters in, as defined in the rules for closed session that we need to discuss. We have a town attorney, she is under contract, she has no performance issues, so I don't believe that there is anything that we need to discuss in closed session. Second, the town attorney has expressed to me personally, that any discussion of her position she would like to be in open session.

Frances Westbrook: Any other discussion?

Bonnie Schaschek: We always discuss personnel matters in closed session. I don't think that's a problem.

Chris Braly: Well, the rules for closed session, indicate that, that, there are only specific reasons why we can go into closed session. Is there a, is the personnel issue relating a disciplinary problem, performance issue? Are we conducting a performance review for the town attorney? Uh, well need to be specific in why we want it, and if it doesn't meet the guidelines, then we sh--, we are not allowed to go into closed session.

Wayne Nunnally: Recall the question.

Chris Braly: What did you say Wayne?

Wayne Nunnally: Call the question please.

Frances Westbrook: Any other discussion?

Anthony Marchetti: I'd like to know what it is that needs to be discussed in closed session? What is, not just....

Frances Westbrook: Well on June 15th, through Mayor Bugg, she announced her resignation, her upcoming resignation and we have not been advised differently about that, so that is the topic at hand.

Chris Braly: But, I don't think we need to go into closed session for that.

Anthony Marchetti: Mayor Bugg said she intends to resign, she herself has not resigned, so as of this moment, I don't think there is anything to discuss in closed session. If or when there is more detail and there is a specific course of action we need to take, then sure, let's have a closed session.

Dudley Patteson: I respect the transparency of the town attorney, and to be able to, it is appropriate based upon the past we need to be more transparent, and she is willing to be in open session. I think that is a credit to her and we should not have anything to fear unless we ourselves misspeak.

Wayne Nunnally: I think we invite her to the closed session and that solves the whole problem.

Anthony Marchetti: I still don't know what we need to talk about in closed session.

Chris Braly: Are we discussing considering or interviewing perspective candidates for employment regarding the town attorney, is that what the purpose is.

Frances Westbrook: No.

Chris Braly: Are we assigning promotion, performance, demotion, salaries, disciplining or accepting a resignation that has been made?

Wayne Nunnally: That's my understanding.

Chris Braly: Then she hasn't resigned. There has been no formal resignation.

Wayne Nunnally: Well, we need to discuss it in closed session. We don't need to continue doing this mess that I had hoped we were finished with.

Chris Braly: But....

Wayne Nunnally: Can we get on about the town's business?

Chris Braly: Mr. Nunn—

Wayne Nunnally: Instead of personalities. I like this person, you like this person, so I'm going to protect this person, you protect that person. That's not what we are here about. We are here to discuss business candidly and openly in closed session....

Group: Laughing.

Chris Braly: Mr. Nunnally, with all due respect, it is against the law to go into closed session for reasons that are not outlined in Section 2.2---

Wayne Nunnally: And that is one of the reasons outlined. Personnel matters.

Chris Braly: No, you have to be specific, okay. Section 2.2-3712 says "a general reference to the provisions of this chapter, the authorized exemptions from open meeting requirements or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting."

Wayne Nunnally: I tell you what, I'll bring it to a head, I move that we accept the resignation.

Frances Westbrook: We have got a motion on the floor that he has already made, so we can't go...

Wayne Nunnally: ....a motion.

Frances Westbrook: Alright, we have a motion on the floor, is there any other discussion?

Bonnie Schaschek: What is the motion on the floor now?

Chris Braly: The motion on the floor was to add the closed session for personnel matters concerning the town clerk and delete the closed session regarding personnel matters for the town attorney.

Wayne Nunnally: [inaudible].

Frances Westbrook: We'll have a roll call vote please.

Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Wayne Nunnally, no.
Bonnie Schaschek, no.
Jackie Brown, no.

Frances Westbrook, no.

Chris Braly: It has to be amended.

Dudley Patteson: It has to be amended.

Chris Braly: It has to be amended because it is a special called.

Frances Westbrook: No, it has to amended to change the agenda.

Chris Braly: That's what I made a motion to do is change the agenda. The agenda didn't get changed because it was....

Frances Westbrook: Alright. Okay. So, we will omit personnel matters concerning town attorney's resignation.

Wayne Nunnally: No.

Frances Westbrook: It didn't pass.

Chris Braly: My motion was to delete that.

Wayne Nunnally: Yeah.

Bonnie Schaschek: It didn't pass, so it can't be deleted.

Frances Westbrook: I beg your pardon, so it's still on there.

Bonnie Schaschek: I still think we need to add talking about the town clerk.

Frances Westbrook: Then, as we have it now, so that we are clear, closed session, Item 1 will be legal matters requiring advice and counsel concerning the Fisher's Pit. Item 2, is going to be personnel matters.

Bonnie Schaschek: Just the way it says....

Frances Westbrook: Just the way it says there. Two will be attorney's resignation. Three will be clerk's position.

Chris Braly: No, that was never....

Bonnie Schaschek: It stays the way it is. Personnel matters concerning town attorney and town clerk position.

Chris Braly: No, no.

Frances Westbrook: We are going to add that on there, if we get a vote.

Chris Braly: The basis is the July 8th agenda.

Frances Westbrook: Yes.

Chris Braly: We have to change the July 8th agenda.

Frances Westbrook: So, we want to add, we want to add in closed session Item 3, personnel matters concerning hiring a town clerk's position.

Chris Braly: Do we need a motion?

Frances Westbrook: Can I have a motion please.

Bonnie Schaschek: Second.

Frances Westbrook: All in favor say Aye?

Wayne Nunnally: I thought we already did that.

Frances Westbrook: All opposed?

Anthony Marchetti: Opposed.

Dudley Patteson: Opposed.

Wayne Nunnally: [inaudible].

Male: Yes.

Frances Westbrook: Then I vote yes.

Chris Braly: It's not unanimous.

Frances Westbrook: It's not unanimous, so, we do not add on, that's the one that stays. We will not have. We will just look at items 1 and 2 in closed session.

Wayne Nunnally: So we go back to July 8th agenda is that we do.

Chris Braly: No, just for the closed session. We approved all of the other changes up until the closed session.

Frances Westbrook: So, you should have in front of you an agenda from July 15th, which shows all those changes we just made. You can refer to that.

Wayne Nunnally: On the July agenda we have closed session and it says legal matters regarding legal advice of counsel. We have added Fisher's Pit to that I understand.

Chris Braly: Correct.

Wayne Nunnally: Alright, then the agenda then adds personnel matters concerning town attorney and town clerk, that's got to stay on.

Nancyellen Keane: It is on.

Frances Westbrook: It is on, but the town clerk is not a separate item is what we were trying to do, he was trying to do. It stays on and Item 2, combining those two personnel. That's the way it was on.

Chris Braly: That decision, that wasn't on the July 8th, only the attorney position was on the July 8th.

Wayne Nunnally: Yeah, so that's where we got.

Chris Braly: We cannot discuss the town clerk position in closed session. That is not on the agenda.

Frances Westbrook: Okay. Is that good, you got that. Alright.

Wayne Nunnally: We still go the closed session, the attorney in closed session.

Frances Westbrook: Alright, so, moving forward. Approval of minutes.

D. APPROVAL OF MINUTES AND ACCEPTANCE OF TREASURER'S REPORTS

1. June 15th, Special Called Meeting.

Frances Westbrook: We are looking at the June 15th Special Called Meeting, read those.

Bonnie Schaschek: Yep.

Frances Westbrook: Any corrections? I had one on page 5, about two-thirds of the way down it says in bold, Item E approval of minutes, D was approval of minutes, so E should say new business. So, we just need that to change new business. So, if I can have a motion please to approve these as amended.

Bonnie Schaschek: So moved.

Wayne Nunnally: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed?

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

E. TREASURER'S REPORT

Frances Westbrook: In talking with Jay Sanudo, he has, he's our accountant, he has sent a preliminary June financial report, but, I'd like to table that at tonight's meeting until our August meeting so that the year-end corrections can be made and completed with the aid

of Budget and Finance Committee and these are the corrections that were suggested and recommended in the investigation report and the audit we had done. I would like to tell you that we did in the June financials deposit the funds from the sale of the Town Office on Steamboat Road, in the amount of $81,841 and Virginia Is For Lover's Tourism Grant reimbursement. The first reimbursement has been received in the amount of $8,334. So if I might have a motion to table these to allow the accountant to make these recommended changes by the audit.

Wayne Nunnally: So moved.

Bonnie Schaschek: Second.

Frances Westbrook: Any discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Motion passes.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

F. PUBLIC COMMENT

Frances Westbrook: Next is public comment. If you please raise your hand and I'll call on you and you state your name and state your physical address here in town. Are there any comments? Sam.

Sam Van Saun: Sam Van Saun, 146 Virginia Road, I didn't have any comments coming in but, having observed what we've seen already so far, I have some comments now and I'd like to go on record pointing out that four people have outvoted against the legal permissible reasons for going into closed session. Jackie Brown, you voted in a way that was against the legal permissible reasons to go into closed session. Bonnie Schaschek you

voted against the legal reasons to go into closed session. Wayne Nunnally, you did and Fran Westbrook you did. This is how y'all got yourselves in trouble in the first place by doing illegal things. Just stop, just follow the rules okay.

Wayne Nunnally: Don't.

Frances Westbrook: No, we don't, don't respond.

Sam Van Saun: That's all we are asking you to do.

Wayne Nunnally: I do think it is legal. Her opinion.....

Sam Van Saun: Be transparent, be open. That's all we are asking you to do.

Frances Westbrook: Thank you Sam. Anybody else? Alright public comment is closed. Moving on is the town update from myself.

G. MAYOR'S REPORT

Frances Westbrook: I wanted to let town council know that in this period without someone manning the town office that the mail is being collected, bills are being forwarded and deposits are being made at the bank. Phones have been forwarded to Lara between 9:00 and 1:00 on most days, as she has been in and out of the office. All email addresses for the town have been updated and those that are no longer needed have been archived. We were having a little bit of problem with the computer. We weren't doing our nightly backups, but that has been taken care of and that's happening on a nightly basis again. I would also like to draw attention to the fact that we have a new outdoor US Flag that was donated to the town by the Interfaith Council and that was put up just in the nick of time for the 4th of July parade. The other thing I'd like to say is thank you to the Irvington Business Association and to the Village Improvement Association for a great parade. It is amazing what you all have accomplished in 3 short....

Group: Clapping.

Frances Westbrook: I have heard nothing but very glowing comments about the whole thing, so thank you guys very, very much. We appreciate it. Next on the agenda.

Chris Braly: Madam?

Frances Westbrook: I'm sorry.

Chris Braly: I just had a quick question, I don't know if it is the appropriate time regarding Ms. Brown's, is she still the zoning, I'm, I wasn't, I don't know, did she resign? Did she have an effective date, I'm just curious.

Frances Westbrook: Her effective date was June 30th, but she agreed to hang in there with us for awhile in July.

Chris Braly: Okay.

Frances Westbrook: So that is what she is doing.

Chris Braly: Okay.

Frances Westbrook: Back and forth to Richmond and she has been kind enough to…

Chris Braly: We need to create a new employment contract, for a new arrangement, because I don't know what the first one said, but my guess is that, it indicates that she was in the office and…

Frances Westbrook: Right.

Chris Braly: …for a certain amount of hours per week and if that has changed, do we need to review that?

Frances Westbrook: I think.

Female: Dudley can you speak to that?

Frances Westbrook: Dudley, when it comes time for your report.

Dudley Patteson: Sure.

Frances Westbrook: That would be great.

Chris Braly: Cause I didn' t know.

Frances Westbrook: Excellent.

Chris Braly: Sure, sure, thank you.

Frances Westbrook: Alright next is Item H which would be report from the town attorney, Nancyellen.

H. REPORT FROM THE TOWN ATTORNEY

Nancyellen Keane: Thank you Mayor Westbrook. First of all, the town council authorized the town attorney via resolution 2021-09 to file two petitions seeking special election for positions of mayor and town council member. Due to the resignation of Mayor Bugg and the appointment of council member Westbrook to the interim mayor position. The Lancaster County Circuit Court issued orders dated June 26, 2021 for remaining positions and order the Writ of Special Election. Special elections will be held on November 2nd, 2021 the same day as the general election and the candidate deadline is Friday, August 13, at 5:00 p.m. Candidates must be qualified voters who live within the town boundary. Application materials may be found and I'm hoping Mayor Westbrook you'll let me put them up on the website.

Frances Westbrook: Absolutely.

Nancyellen Keane: They will be found on the town website or on the Lancaster County Elections website page.

Secondly, during the recent investigation, I have remained silent, however, I now believe it is important for the town to know why I am resigning my position as town attorney effective on August 15, 2021. During the investigation and afterward, I have threatened and intimidated and subjected to false and derogatory allegations by some members of council, even after independent legal counsel retained by the town's insurance company advised them to cease. (For example, see the minutes of the February 25, 2021, meeting and the investigation report.)

The latest allegation is that the former mayor, a council member, and town attorney had no authority to inform the insurance company of claims that exposed the town to potential liability and therefore led to the investigation. The town attorney has been told that she is blamed for this investigation. The town has a contract of insurance with the insurance company that the council approved and funded. Its terms require that all claims be reported to the insurer as a condition of coverage. More importantly all of the town's elected and appointed officials have a fiduciary duty to protect the town by ensuring that such claims are reported as the contract requires. The minutes of council meeting in December 2020

and January 2021, confirm that numerous persons had asked for an independent audit. Council also voted on December 17, 2020 by a vote of 5-0 in favor, (Marchetti was absent) to authorize "a totally independent auditor to address the allegations by a resident and review the financials and town's financial practices and provide a report and findings". The town received just what it voted to receive a totally independent audit and review addressing all of these allegations and financial practices where they reported findings. Though some may not like the final results, they should understand that this entire unpleasant matter was caused by thoughtless and baseless allegations, not the filing of an insurance claim. The resulting investigation was a solution to the problem, not its cause. My client is the town, not the mayor, and not individual council members. I have always acted in the best interest of the town and this was no exception.

I have loved being the town attorney for Irvington, I did not undertake this assignment for money. I was trying to give something of value to the town. And I have donated legal services over 3 years totaling over $150,000 to Irvington. I want you all to know that I would be happy to consider assisting the town in the future when there is new leadership and I thank the members of council and the many others who have reached out to me with your kind words and support. Thank you.

Group: Clapping.

Frances Westbrook: Is that the end of your report? Is there anything from Fisher's Pit or is that all.

Nancyellen Keane: I think that Lara said that you were going to speak to her and use her report, small report.

Frances Westbrook: Okay, yes, thank you. So for, Lara's report. I believe all of you have got a copy of that from her.

I. REPORT FROM THE ZONING ADMINISTRATOR

Frances Westbrook: We Mr. Ben Burton with us tonight, who is here to answer any questions that we might have when we get to the North Commons update of this portion of Lara's report. Do you all need for me to read this to you verbatim or do you have any questions? Anything that you need to know from her? Alright, then the first item on here is in reference to Kelly Alexander, 26 Steamboat Road who is asking for an exception to

the town fire prevention act so that she can burn the abandoned trailer on the back of their property. This will be a controlled burn, supervised by the White Stone Fire Department Chief Dan Sanders. He intends to use this burn as a training exercise for his volunteer fireman. The appropriate neighbors have been contacted. It's Lara's understanding they do not have anything against this, they are happy to have the eyesore taken care of. A demolition permit has been obtained from the county, fees have been paid, so it is up to us to decide whether we will grant exceptions for town fire prevention code.

Wayne Nunnally: I move that we grant exception to fire prevention code so she can burn the trailer.

Bonnie Schaschek: I'll second. We need to get rid of it.

Frances Westbrook: Any discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Okay.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

Frances Westbrook: The exact date if not known. It is obviously very weather dependent. They will be notifying the town within about 48 hours or so when that is supposed to happen. We have a notice of violation update, this happens to be the ongoing issues that we have been having with getting some old trailers removed by the Ramsey Gunther property. That is still in the process. There has been a little bit of progress made. Hopefully they will be wrapping that up soon. Fisher's Pit, Lara wanted you to know that on June 24th, 2021, the Lancaster Board of Supervisors revoked a conditional use permit for a junk yard (dump key) for inner demolition debris and exception permit to operate a

stump/brush/scrap indoor chipping facility on tax map parcel 1347 located within the county's A2 agriculture. Any questions on that.
Wayne Nunnally: Did I see that another company had been granted a permit to do just that? I thought I saw in the paper where a local company had been granted a permit by them to dump. Nicholas Desanchez?

Frances Westbrook: Not that I'm aware of. The county.

Chris Braly: I think there is a pending sale.

Wayne Nunnally: For the same thing?

Chris Braly: That's what it was.

Frances Westbrook: Alright.

Chris Braly: That entire area there is two parcels in the Town of Irvington?

Frances Westbrook: In the town and one in the county and that is referenced here in what I just read. So, this is strictly what the county has just done. That's the update that Lara wished for you all to know. Alright, North Commons update, Ben Burton is here, thank you sir for coming over to be with us tonight. We do have a decision to make here. Lara put into the table for you all to take a look at the surfaces that have been agreed upon and the completion that has occurred so far. The next step is to start looking at the rest of the proposal that Bay Design Group gave us. It is my understanding from Lara that if we decide we want to go forward with this to make a reasonable and informed decision about whether or not that is going to be a lot where we can build a town office or actually can we build anything at all over there. She wants us to be sure to know that, what she heard us say at the last meeting was that we talked about moving the office closer to the road, we still want that. That the concept building plan itself as far as size, shape, crawl space, or slab, etc. are decisions that we need to make which will affect some of what they are going to tell us. Some level of contact with adjacent property owners have the willingness to dedicate drainage easement, building on that property absolutely hinges on the drainage that needs to take place there.

Chris Braly: Is one of those properties toward me?

Frances Westbrook: I think you are next door to the property.

Chris Braly: I'm directly behind North Commons. There is a lot next to where that natural, okay.

Anthony Marchetti: It was recently sold.

Chris Braly: Okay.

Frances Westbrook: Unimproved property.

Anthony Marchetti: Right now the back of that lot naturally drains through the other lot and then down.

Frances Westbrook: And some possibility of allowing smaller parking spaces 9 x 18 is regionally accepted versus our town code requires 10 x 10. So, Mr. Burton is here, questions, comments you want to make on these items, he's here to help us. What's your pleasure.

Wayne Nunnally: Let me ask you this. Can we really go forward with this until we get our surveys done and all of that?

Bonnie Schaschek: I don't see how.

Wayne Nunnally: I mean we are going to spend lots of money on surveys it looks like and once we know, don't we have to have that before we can really go forward in any other direction.

Chris Braly: Does moving forward with this process is it dependent on the survey? No, it's dependent on what the town council wants to do. Would it be appropriate to find out the opinion of the town before a big decision like this is made, yes, probably so. What I'm concerned with, what was decided upon by council and entered into contract with Bay Design earlier and you know, that's, do we need, do we need to complete what was agreed upon first and then stop at some point. Wait for the survey and then decide whether to proceed or not. That would be my only, I think it would be proper to proceed as far as what the town council previously decided upon and then hold, and wait for the survey to then decide how to proceed.

Wayne Nunnally: That's good wisdom. Where are we Mr. Burton on the contract? What is the one, what do you have to do to complete.

Frances Westbrook: Here are the items, do you have Lara's report in front of you?

Mr. Burton: Right now the contract with the town doing all surveys, the designs and getting it up to a point where you can go out for bid, totals $22,700. Of that, we have completed about 38% of it and billed $8,578, that is the outstanding bill to be paid, but right now we are at about just a little over a third complete. We reached a point where you need to make some decisions to give us some answers so that we are not, so that we are going in the right direction with the site plan. Which is what we have been outlining there. The other thing I think you need to take into consideration is even when we get to a point when the site plan is approved, you still are faced with about 9 to 12 months of construction. All that put together would mean you would be lucky to be into the building in December of 2022 if you told us to go right now. There is not, this is because I believe you have a lease limit on the present town hall, it may be extendable but I'm not sure about that. It is something you need to take into account that just when we finish the work, there is still a lot more facing you out there on the project to get into a town hall that is ready to occupy.

Anthony Marchetti: I also think that we need to through Bay Design we have to present enough information to the people in the town to decide if this is something they want.

Frances Westbrook: Even want.

Anthony Marchetti: Like right now, I don't think anybody, myself included knows exactly what it could look like or what it is going to cost. So, we have to get far enough along to say here is what it could look like and here is what it will cost to do it and then we can no, way too expensive or, nope don't want it, or whatever it is, but right now we are in that limbo and I think it is hard to.

Bonnie Schaschek: I agree with Anthony. I thought what we were doing was having them come in and do a master site plan so we knew what all of our options are. Could we do this, could we do this, where will this sit, what some of the costs would be.

Frances Westbrook: Is that not what we are doing?

Dudley Patteson: That's where we are.

Anthony Marchetti: He needs some feedback to keep moving forward.

Frances Westbrook: Doing the site plan so we know whether it would be feasible for us to build...

Bonnie Schaschek: Exactly and I think we should continue to do it to make sure that, I mean it may turn out that we can't build a town office there for some reason but we don't know that right

now and to stop it and then start over again. I thought we had voted on we need to have this to make decisions. I agree we do need to do a survey which we have to do before we start construction, but, I think we have to have all of our options in place.

Anthony Marchetti: To present here is option A, construction or, option B, existing building or something.

Bonnie Schaschek: I don't think we were going out and saying we are definitely going to do this, I think we need....

Frances Westbrook: No, we are trying to decide what our options are.

Mr. Burton: Madam Mayor. I apologize for, I had given some data to Lara which she should have put in writing, and probably would have gotten properly conveyed, it might just help the discussion. I was talking to Randall Kipp about this project and as we all know Randall can sometimes have champagne taste and I was talking to him about doing it on your budget, and he said definitely put it slab for ADA issues. So that was one of the questions and I just wanted to relay that. I relayed that to Lara and he was also saying that he would be willing to do and I think I am going to get this correct, preliminary design or that could then be put out to bid by independent contractors and to say that so that might help the town council find a path forward.

Wayne Nunnally: You say he is doing that....

Mr. Burton: He is going to do that. He is going to donate those services to the town, if he were to bid on it....

Frances Westbrook: Make up for it.

Mr. Burton: Not make up for it, he'd cut the price that, he'd like to be involved.

Frances Westbrook: Ahhh, okay, thank you.

Wayne Nunnally: So that would save another dime.

Dudley Patteson: Another point, we are looking for options as Bonnie said and options being what is the septic capability of a typical size building we need to understand what that is and is that building, regardless of the use, because we have to look at this as in the event we decide not to put the town office there for whatever reason, what can we do with that property and the resale of that property.

Bonnie Schaschek: That's exactly right.

Frances Westbrook: That's why we decided to go through and at least get the site plan done so we know what can and can't be done over there.

Dudley Patteson: And can locations be moved and adjusted and so we need the options and the maximum we can do with parking or building size so we can make an educated decision as to whether it fits our needs or not.

Chris Braly: Feedback tonight or?

Frances Westbrook: Wayne answer that please.

Mr. Burton: We are sitting still.

Frances Westbrook: Sitting still.

Dudley Patteson: Of the services that you have outlined here that you have agreed upon, they will get us to place we want to be as a council, we have to do all of this is that what you're saying?

Mr. Burton: To move forward, if you want to implement that concept plan that we presented that shows the 70 parking spaces and the larger building and that type of thing if Randall comes back with a smaller idea on the building or things like that, that changes slightly but I think, we work with Randall all the time, there is no problem from that standpoint. I think one of the hard things that Lara had in trying to give us some direction was what the building shape or size might be. You originally went out and asked for proposals for a 2,500 square foot building. You received those, that proposal from Chesapeake Homes, but I'm not sure that they gave you any shape, size, or anything like that, they just said hey, it's going to cost that much. We need to know if there is a big, small, in between. So the things we provided already just for comparison, like we talked about last week, this is roughly 3,000 square feet you are looking at. The White Stone Town Office is roughly 3,700 square feet with open space, storage, a couple of offices and that type of thing and it could be very inefficient. It does have open space, it gives you some idea of what, you are kind of in the ball park, but maybe not in the final ball park if we have a guesstimate on the size and Randall spends some time talking with people about what you want to see in the building and how you want to have it shaped, it is not something that can be done in an open meeting like this. There needs to be a subcommittee or directive

saying somebody needs to take the bull by the horns and say well here is what we are thinking of, you know four offices or this size meeting space or, whatever so that he can put some type level of plan together. He can direct you better in that, but we are willing to work hand in hand with him there because we don't do that side of things, we just don't want to get into details of the site plan and get down to 90% level of it and somebody comes back and says hold it, we are changing everything here. We are, we want smaller parking spaces, we want a much larger building, we can't get agreement from the owner, from the offsite people to do what we need to do. We need to have some of that input there until we get that type of directive, none of this other additional services comes into play. That is details when and if we, when we go forward with things. So, it is more important that we get some answers to those technical issues and inputs that we have outlined that you discuss Madam Mayor to give us some direction on where it is going to go so that we are not spinning our wheels and going in the wrong direction.

Wayne Nunnally: I suggest that we form a committee to meet with Randall and Mr. Burton and get this on.

Frances Westbrook: That would be our building and grounds type committee.

Chris Braly: I think we need to get through these four items to move forward with what is currently under contract.

Bonnie Schaschek: Can I ask a question. Right now, what is stopping you from finding the, it says two well abandoned permit renewals. Have we found the abandoned wells, do we know where they are?

Mr. Burton: What is stopping me from finding what?

Bonnie Schaschek: While continuing on, evidently we have two abandoned wells on that property, do we know where they are?

Mr. Burton: Do you have?

Frances Westbrook: Those are things that need to be done.

Bonnie Schaschek: Well it's still in there. That's what I mean, those are things that…

Mr. Burton: Do you know where the septic field needs to go.

A lot of small group talking. (Individual small group conversations).

Bonnie Schaschek: We know the offsite drainage already so…

Mr. Burton: We know where it has to go, there has been no discussion to our knowledge that there has been any contact from the town of this person of whether they are willing to work with the town or whether they are going to be obstinate and saying no.

Small group conversations still going on.

Frances Westbrook: Mr. Burton, I'm sorry go ahead, I'll ask that question.

Chris Braly: I think that was your question, that is what he was talking about drainage right.

Frances Westbrook: Yeah.

Chris Braly: Is this own whole plan contingent upon that property owner working with the town. Is there some other place, is there something else.

Mr. Burton: Swimming pool.

Frances Westbrook: So they don't, if we can't get the drainage down through there, the area that you have designated, are we dead in the water? No pun intended. I mean.

Mr. Burton: No, we just have to, if, if they say no, you can't do anything on my property….

Frances Westbrook: Uh huh.

Mr. Burton: …then we have got to limit what we do on this property which is going to raise this up because we can't do any grading down there to deepen this channel. We still can't put any more drainage on the property but if we can make that channel go a little deeper up to your line it helps….

Frances Westbrook: It's already draining in that direction right?

Mr. Burton: It is already draining in that direction. Very slowly, but it is draining.

Frances Westbrook: It is draining.

Mr. Burton: It is not the type of thing that we are talking about putting a pond in their backyard, we are talking about maybe having to clear that area down through there and do

a little grading on this easement, on this drainage so we get a little better connection up here. If we have to live with this elevation here, then this all has to be higher to drain to that elevation. If we can extend these elevations back up here.

Frances Westbrook: Will this help their property draining also or?

Mr. Burton: No.

Frances Westbrook: Not all all. So…

Dudley Patteson: Whether it will help us or not, we go forward with….

Frances Westbrook: Well no, the alternative is we just have to make the building area that we would chose higher and that's, yeah, so we would have to be bringing in loads of dirt.

Chris Braly: So would it be appropriate to have Lara reach out to the property owner for items #3 and have her start the conversations?

Frances Westbrook: I think that is a good thing to ask her. Well, I'm not going to speak for her.

Wayne Nunnally: Would you like to submit it to a budget?

Frances Westbrook: Let's, let me run this by Lara first if you don't mind and then um…

Bonnie Schaschek: Meaning you are going to talk to Lara or are we talk to the people.

Frances Westbrook: Let's not talk to the people just yet.

Chris Braly: And then regarding the one, you said that we are going to move the town office closer to the road, correct, I believe that was the comment.

Frances Westbrook: I think that was a comment some of us said. Was that?

Dudley Patteson: He's left out…

Chris Braly: If it is moved closer to the road, does that affect drainage into the…

Mr. Burton: Instead of draining everything, what it changes is how we get the sewage from there over to the drain field.

Chris Braly: Positively or negatively?

Mr. Burton: Easy maintenance.

Dudley Patteson: What was the discussion about moving it closer to the road, closer to Chesapeake Drive?

Chris Braly: I think the rationale was it would kind of feel like a town center where the parking would be hidden behind the building and the building would be itself the focus of that property not parking.

Dudley Patteson: Being the neighbor across the street, I certainly would prefer not looking at the side of a building as opposed to a parking lot.

Frances Westbrook: So then, are we saying we want to complete this particular process that we are in the midst of and get to the end of this and then we'll have the information that we need and at that point in time make a decision yay or nay but we still have to take all this stuff to the public and get the input from that. This is just preliminary knowledge to help us form some sort of decision on which way we are going. Correct?

Chris Braly: Yes. We need answers, Lara needs to provide them answers or she is requesting from us to provide answers, specific answers to these three, these four points here before we can move forward. We can't move forward any further if we don't answer these questions, is that a fair statement.

Frances Westbrook: Right, moving the office further to the road.

Chris Braly: That's what we want to do.

Frances Westbrook: The actual building plan, size, shape, crawl space, or slab I think we just heard from Mr. Pollard we were talking about probably a slab on grade, he was the conduit for Randall Kipp on that.

Chris Braly: I'm not an expert I don't know. Does it make a difference?

Mr. Burton: There are advantages to both things.

Chris Braly: What are the disadvantages?

Mr. Burton: Huh.

Chris Braly: What are the disadvantages.

Mr. Burton: With slab and grade?

Frances Westbrook: Slab.

Mr. Burton: All your plumbing is down under a concrete slab and you better have it right the first time.

Bonnie Schaschek: And hope to never have a problem.

Mr. Burton: It limits how your HVAC can go, it ends up in an attic. It is usually, a slab is nice but I generally don't do a slab right on grade, we recommend that it be at least a couple cinderblocks up and a concrete slab also that you get good drainage away from your building.

Dudley Patteson: Having a couple of cottages on a slab, we don't want a slab.

Bonnie Schaschek: I was going to say the same thing. I have had houses on a slab, never again.

Dudley Patteson: No. We need to plan for a crawl space. Raise it up. Crawl space for plumbing to....

Mr. Burton: If you said here is the shape of the building and then it is going to be on a slab and we design and then right at the last minute, nope we are going to put it up in the air.

Frances Westbrook: That's a problem.

Mr. Burton: Not really. All we have to do is figure out where we are going to add handicap access, how we are going to add a ramp so you can get in.

Frances Westbrook: Okay. Alright Item 3 on here, adjacent property owner, that is the item I want to talk to Lara about and then Item 4, input on possibly allowing smaller parking spaces and Anthony just pointed out probably a typo, it says 10 x 10, probably should be 10 x 20. The typo is.

Mr. Burton: Yeah, your current code requires 10 x 20.

Frances Westbrook: Right.

Mr. Burton: Every other county around here and every other town also has code that says 10 x 20. But they have also relaxed their rules in enforcing that and generally go with 9 x 18 as, it has been accepted in the bigger cities and that type of thing that in the whole region. Lara wanted and suggested that the council needed to make a decision on this specifically because if you allow it for your town hall, then essentially you are saying you are allowing it for anything else that happens within the town. It is an administrative issue that a zoning administrator would be concerned about, so.

Dudley Patteson: And that is that there is less parking. How much?

Bonnie Schaschek: Exceuse me Dudley, what did you say?

Dudley Patteson: The value of the smaller parking spaces is that there is less parking lot, you can.

Bonnie Schaschek: Same number of spaces but....

Mr. Burton: Smaller cars.

Frances Westbrook: Does this get us under that 1 acre disturbance if we make a subtle change in the size of a parking lot, parking space, there is not going to be any significant change on that.

Mr. Burton: That's the red line when we put together, to get under the 1 acre disturbance you will have to have a massive change in the size of the building and number of parking spaces you are putting on there.

Frances Westbrook: So that's a....

Mr. Burton: That would save you the $1,500 to $2,000 it is going to take for us to coordinate with DEQ.

Frances Westbrook: The disturbance.

Mr. Burton: That's in my opinion robbing Peter to save Paul.

Chris Braly: I would recommend not making any changes to the code, I mean essentially that is what we would be doing, we would be allowing an exception which we would then have to allow other people to do because we did it.

Frances Westbrook: That's a zoning issue....

Chris Braly: Yeah.

Frances Westbrook: ....it's got to go before the planning commission anyway.

Chris Braly: And it would come before us. We should leave the code as it is and plan for that if we decide we want to proceed with changing, we can change it.

Bonnie Schaschek: I wouldn't change the code, especially if you see the size of these trucks sometimes, not in these spaces.

Frances Westbrook: Alright, may I have a motion then for us to proceed with this project as it is outlined here on Lara's report.

Chris Braly: So.

Bonnie Schaschek: I'll second.

Frances Westbrook: Second.

Bonnie Schaschek: But we also need to get Lara to check on...

Frances Westbrook: That's correct, but that, yes.

Bonnie Schaschek: That's contingent on this, yeah.

Wayne Nunnally: Contingent on the drainage.

Frances Westbrook: Any other discussion? All in favor?

Group: Aye.

Frances Westbrook: Opposed?

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

Frances Westbrook: Mr. Burton, thank you very much.

Mr. Burton: Thank you, we'll wait to hear from somebody else.

Frances Westbrook: Alrighty.

Bonnie Schaschek: Do we get to keep these?

Frances Westbrook: Yes, you can keep those I think. Alright, next is our committee reports. First is human resources, Dudley.

J. Human Resource Report

Dudley Patteson: Okay, first off, is it okay, I need to comment on Nancyellen's decision tonight. Which is a shame that the words and actions of a few have precipitated this decision on your part Nancyellen. You have been tireless in your work. You have set the example and the bar high for anyone serving or considering serving in a position in town government. I have found your character and integrity to be exemplary. You have succeeded in making our town a better place and made us as council members, and I mean all of us better for it. We are grateful. Thank you. Now, I do have a business matter related to Nancyellen which I would like and it's an HR thing. I have been informed that there is a $3,000 bonus check for FY2021 which was given to our town attorney. I believe it was signed by our former Mayor Bugg, by you then Vice Mayor. This bonus was budgeted and appropriated, but this check was part of the investigation which determined there was no wrong doing. The party of the town attorney is sensitive to any possible inference of impropriety thus, I would like to make a motion that we have council approve the bonus so that there is a clean slate and that she can and have no fears of anything.

Frances Westbrook: Is that your motion?

Dudley Patteson: That's my motion too.

Frances Westbrook: Is there a second?

Anthony Marchetti: Second.

Frances Westbrook: Discussion?

Wayne Nunnally: The only problem I have, I read the letter, and it says that the bonus was for the year 2018/2019. That was the contract, but this bonus that we are talking about now is for 2021. So it is a different bonus.

Dudley Patteson: It is my understanding there was an oversight in not changing that to marry up with the contract itself.

Frances Westbrook: When we renewed that contract the dates did not get changed appropriately to reflect the new contract so that is a typo that is in there. That is the contract that we voted on.

Wayne Nunnally: Alright, so the July 2019, that is actually wrote on is a type.

Dudley Patteson: It is a typo.

Wayne Nunnally: Because I had been, I mean, I know that the $3,000 it was for the 2018/2019, that was already paid.

Frances Westbrook: That's right.

Wayne Nunnally: So we now want to approve it to be 2021?

Frances Westbrook: If you look at…

Dudley Patteson: So, so…

Wayne Nunnally: I just want to know the position I was coming from.

Dudley Patteson: I do, absolutely.

Wayne Nunnally: …get corrected. But those dates I was reading it correctly. Thank you.

Frances Westbrook: Any other discussion?

Bonnie Schaschek: What are we doing? Are we approving it?

Frances Westbrook: We are releasing the $3,000 bonus to her.

Bonnie Schaschek: I thought we already….

Nancyellen Keane: It was already handed to me....

Bonnie Schaschek: I thought she got it already.

Nancyellen Keane: Yeah, it was handed to me by the current mayor.

Anthony Marchetti: Because of the contract she was unable to cash it.

Nancyellen Keane: And it was already signed and I got it, but when I saw the contract language, I didn't deposit it.

Frances Westbrook: She's been holding it out.

Nancyellen Keane: I have been holding it in my drawer at my house.

Bonnie Schaschek: Is it still good?

Frances Westbrook: Yes.

Nancyellen Keane: It's only 2 weeks old, but I'm just saying. For this year.

Frances Westbrook: It's 2 weeks old.

Nancyellen Keane: Handed it to me 2 weeks ago.

Frances Westbrook: It was about a month ago. So any other discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Alright.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

Frances Westbrook: You may cash it Nancyellen.

Nancyellen Keane: Thank you.

Dudley Patteson: Everyone should know that the mayor and the HR committee including Bonnie Schaschek and myself have been actively seeking candidates to fill positions that we have open in our town office. With respect to the clerk's position, we have a couple of approaches that we have been taking. We have been interviewing a number of candidates to serve in the office as an interim administrative assistant, to answer phones, to speak with people that visit the town office. This has been a course that we have been taking. We have also been taking a course of trying to find someone to permanently fill this role and from the interviewing process the HR Committee has found a candidate that we feel is qualified and who is interested in serving in the role of the clerk. This candidate we will discuss later by our town council in closed session. As far as the zoning administrator, to my knowledge we have had....

Andrew Marchetti: Later, not tonight.

Dudley Patteson: Later, not tonight. We have had one application, Lara is officially being paid through June 30, she has graciously accepted to help us through the end of July, I think in light of Chris' comment we should somehow pull together an agreement with Lara with respect to July and all this is recent news like today and therefore HR Committee has not had a chance to come up with compensation for the role she is playing in the month of July which is posted her resignation date. We are going to be doing that and will present something at our August meeting which will if not sooner, to provide some compensation for Lara who has done an exemplary job to help us get through at least July. So, after July we need to have someone serving in some administrative role.

Wayne Nunnally: I was checking with White Stone, I understand that they do their zoning by independent contractors. Have we investigated that?

Dudley Patteson: We, we have talked about that, and we, are going to be pursing possibly consideration of sharing zoning administrators or people at least in order to fulfill that and like White Stone we might consider a compensation based upon hourly time and, it is not out of the question Wayne, we've got it on our plate.

Frances Westbrook: Nancyellen.

Nancyellen Keane: I think to protect the town and also Lara, you all should probably take a vote to make sure that she has got the authority to be the zoning administrator, because she resigned.

Frances Westbrook: Okay.

Nancyellen Keane: Because anything she is doing or if she is calling someone and saying I'm the zoning administrator and if she is signing something, you want her to be authorized.

Frances Westbrook: Yeah she did, she did offer to hang around in July if we needed her, but I think her date was June 30th.

Nancyellen Keane: Yeah because I think you wanted her to put the ad in the paper or something, you wanted a resignation because you wanted to place the ad.

Frances Westbrook: That could have been, but Dudley, yeah, I think that is probably a good idea. Dudley if you would make that motion then as HR chair.

Dudley Patteson: The motion to continue with Lara….

Bonnie Schaschek: Until the end of July….

Dudley Patteson: …basis to be determined by the HR Committee and of course you Madam Mayor.

Nancyellen Keane: As zoning administrator.

Frances Westbrook: That's the crux.

Dudley Patteson: Gotcha.

Frances Westbrook: Is that a motion.

Dudley Patteson: So moved.

Frances Westbrook: Alright second.

Bonnie Schaschek: What's the motion?

Frances Westbrook: That Lara….

Bonnie Schaschek: ….Lara continues as zoning administrator.

Frances Westbrook: Irvington zoning administrator until the end of July.

Bonnie Schaschek: I second it.

Frances Westbrook: Any other discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed?

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

Frances Westbrook: Anything else Dudley?

Dudley Patteson: Not a thing.

Frances Westbrook: Next, Planning Commission, Chris Braly.

K. PLANNING COMMISSION – Chris Braly

Chris Braly: So, I'd like to present a status report for, regarding the survey and comprehensive plan update. The planning commission met on Tuesday. They have completed an RFP, all of the discussed edits have been incorporated and it is ready for release. Commission member Lee Capps is investigating I believe some free open source type places where we can put it out for bid and once he receives the contact information for those organizations, the planning commission intends to release the RFP to the organizations that we have contacted ourselves as well as put it on the public sites. The goal of the planning commission is to conduct the survey beginning, begin data collection mid to late spring of 2022, and closing the data collection no later than September 7th, 2022. They feel that the best chance for getting the most response will be spring/summertime. So, that's their goal. Obviously, it will be dependent upon who the

final firm is when they are selected and what their schedule is, but their goal is going to be to conduct the survey spring and summer next year.

Frances Westbrook: We are about 9 months away from that.

Chris Braly: I've included a copy of the RFP with the incorporated changes as well as the status update that commission member Brian Forrester presented at the meeting, just for your reference. There are two outstanding items, I discussed one about Mr. Capps, the town council voted, at the genesis of this project, it was Ms. Brown was asked to go and search for organizations to perform the survey. I believe that and she did at the request of council. She found organizations I believe she only got a response from one organization, they submitted a proposal and on the March 11th meeting, there was a motion after a closed session, there was a motion to put $6,500 in the budget and, a motion to put $6,500 in the budget to accept the contract with Quantisoft.

Bonnie Schaschek: Can I, there was a motion to put the money in the budget. We did not approve the contract. The only thing we wanted to have after that was for the town attorney to review the contract. We never approved Quantisoft. We were just approving the dollars for the budget going forward.

Frances Westbrook: It wasn't a contract per se. It was information....

Chris Braly: Okay, as I read the motion in the minutes, it is unclear.

Bonnie Schaschek: That's why I was just saying. We put the dollars there because we had a dollar figure and then we had documents that we wanted the town attorney to review.

Chris Braly: Okay, so then that was purely for budget standpoint only.

Bonnie Schaschek: Yeah.

Chris Braly: It was not to accept the contract given to the attorney to review it and then have to make her sign it.

Dudley Patteson: It wasn't even reviewed.

Chris Braly: Okay. I just wanted to make that clear. I am removing it from my outstanding items now that it has been clarified. I appreciate that. I do not know when the RFP will be released again we are waiting on Mr. Capps to provide information and once that happens we can go ahead and release the RFP. Do you have any other questions for me.

Bonnie Schaschek: I appreciate all the hard work that you and Brian have done on this. It is very impressive to the extent and the thought and the care that you have put into this. However, I really have a problem with this timeline for the survey, 2023.

Male: 2.

Bonnie Schaschek: You know we have all these projects that we are looking at the town office, the North Commons, and as you saw tonight we are hobbled if we don't have the results of the survey. Being on the 2017 comprehensive plan, comprehensive plan committee, one of the main problems with the development of the comprehensive plan was that the survey and the plan were done by the same entity and that entity was very invested in having their, the citizen opinions match up with the roles that they had already put in place. I think it might be wise to have a separate entity to do the survey that would independently report the results to the planning commission and then you can apply the results to creating the goals.

Chris Braly: So the plan, currently what the RFP is asking for is, it is asking for a survey as one part and then the comprehensive plan development using the results of the survey as the second part. They are two specific items. We, the planning commission intends to keep them separate so when they come back with recommendation to the town council they will recommend probably proceeding, getting approval to proceed with conducting the survey first and then come back once the data collection has been completed and the reports have been received to then either proceed with moving with the firm to do the comprehensive plan or you know some other, some other mechanism for revising a comprehensive plan.

Bonnie Schaschek: I hear what you are saying but I still have a problem with this timeline, 2023 is a long time....

Frances Westbrook: 2..for the survey...

Chris Braly: 2022 is when data collection, the goal is to end it around Labor Day 2022 with the report being available by the end of the year. I understand the frustration of that

timeline however, the planning commission feels strongly that the process for selecting the firm, be proliferative in order to ensure the town council and most importantly the residents of the town are excited and happy with the results that are presented. If we rushed in selecting an organization to do the survey, if we rush to choose and get the survey done ASAP without careful thought on how the firm plans to develop questions, part of the reason why the timeline is such is because most firms that we contacted, part of developing the questions for the survey is to conduct meetings with residences of the town to get an understanding of where they want to see the town be in the future and it helps them graph their survey questions and helps them determine what to ask and what not to ask. So, they need to spend some time learning about the town, they need to spend some time learning what the vision is of the town council, the planning commission and of the residents, business owners in town, etc. So, that's why it is going to take so long to begin the surveys because there is a lot of work that takes time to develop and write the questions in a way that we can all feel comfortable that they are fair and independent questions, not leading questions or what not. It just takes time.

Wayne Nunnally: How close are you to picking a firm?

Chris Braly: We have not released an RFP, I believe there is a schedule in the RFP to respond, I believe it was 30 days to respond and once all, once that clock has ended, so the goal is to receive them all by August 30 and then review the ones that are received. The planning commission will probably whittle down the responses to the three best, present those to the town council, then probably work to conduct virtual interviews with each of the firms having present on their project and then make a recommendation to the town council for approval.

Wayne Nunnally: So we may get it before then.

Chris Braly: Yeah, it just depends on what the firm selected, may I allow Ms. Harris to chime in here.

Julie Harris: Julie Harris, Commission Chair. I just wanted to say that in the planning commission meeting on Tuesday, we did talk about this timeline being tentative, the upfront one with the deadline of August 30th and so forth, the planning commission decided. But the selection of the company would be in conjunction with town council and also once the company is selected, we would defer to them to help us guide the timelines

as their expertise is in surveys and the amount of time necessary. So, this is a tentative outline from the planning commission, but we want to get your commitment on the company we decide to go with.

Wayne Nunnally: Good job.

Frances Westbrook: Thank you.

L. NEW BUSINESS

1. Authorize the mayor to renew the insurance policy with VRSA.

Frances Westbrook: Next, new business is to authorize the mayor to renew the insurance policy with VRSA. I think you all have a copy that was sent to you all. I have talked with, I think his name is Mr. McMillen, and explained to him what is going on with us not being able to have two signatures on the checks. They are fine with that. If we vote on this tonight we can put that check in the mail as soon as we can get Anthony down to get added to the bank signatory cards.

Wayne Nunnally: So moved.

Dudley Patteson: Second.

Frances Westbrook: Any other discussion?

Chris Braly: One thing I noticed is that the total premium is higher than we budgeted right, so we are going to do an amended budget and that will include it in the amended budget?

Frances Westbrook: Yes.

Chris Braly: Okay.

Dudley Patteson: Is that amended budget coming up at our next meeting?

Frances Westbrook: That would be up to budget and finance to let us know.

Anthony Marchetti: It sounds like it is back up on the table.

Chris Braly: I just want to make sure.

Frances Westbrook: Yes, yes absolutely. Is there any further discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Alright.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

2. Virginia Department of Fire Prevention

Frances Westbrook: The Virginia Department of Fire Prevention has been giving us a grant for years in the amount of $10,000 and that is because we don't have our own fire department and we in turn have been giving that $10,000 to White Stone. We also built into our budget a donation to the Kilmarnock Volunteer Fire Department because both of those entities answer to fire prevention and volunteering and so anyway now that it has gone up $5,000, the question is would we want to give that $5,000 to Kilmarnock and that would alleviate the donation that we now show on the budget for Kilmarnock.

Bonnie Schaschek: I think that is a good idea but we also have to put the restrictions on it because the grant can only be used for certain things. The donation that we make today, we don't have any stipulation on, they can use it for anything.

Frances Westbrook: For anything, that's right.

Bonnie Schaschek: So they would have to fill out paperwork for this to let them know.

Frances Westbrook: They have to do an annual report.

Bonnie Schaschek: I think it would be a great idea just as long as Kilmarnock knows that they have to abide by.

Wayne Nunnally: Is that a motion to give them the $15,000.

Chris Braly: No the $10,000 goes to White Stone.

Frances Westbrook: As it always has.

Chris Braly: The motion, the extra $5,000 that we received, how do we present to them, what is the mechanism with presenting them with the $5,000 and the stipulations? What did we do for White Stone whenever we started it?

Frances Westbrook: That started so long ago, it has probably been in the makings for a couple of decades for White Stone. We could entertain a motion that says we'd like to give the $5,000 to Kilmarnock based on their knowledge and agreement to do the annual paperwork. I can't imagine they would turn it down. My guess is they are probably doing something like this already.

Bonnie Schaschek: Just so that they know there are unfortunately strings attached, where we never did that report.

Frances Westbrook: The reports can be filed online. It's, there are a number of things that they can use it for.
Bonnie Schaschek: I agree with it, I make a motion that we apportion the $5,000 for Kilmarnock.

Wayne Nunnally: Second.

Bonnie Schaschek: I don't think that they would object of filling the paperwork out but we do need to let them know.

Frances Westbrook: And you second it Wayne?

Wayne Nunnally: Yes ma'am.

Frances Westbrook: Alright any other discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed?

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

3. Public Comment Protocol

Frances Westbrook: Next is Anthony, public comment protocol.

Anthony Marchetti: I'll keep it quick and give you a paired down version and you know I guess the title of the agenda might be slightly misleading. I'll just kind of give a broad overview and give us an idea that hopefully president's and council and everyone can contribute to. But really, I guess the more appropriate title on the agenda should be Improved Agenda to Foster Productive, Efficient and Timely Engagement of Council and Residents. I think there is opportunity just with the structure of our agenda to have, make discussions and engage with residents more productive. I'll give a few examples and then try to keep the meeting moving on, I mean one overall idea is that from month to month we want to track and show progress on key issues. There are probably certain topics every month whether it is zoning or new business, old business that should probably be on the agenda. The town office is a big one. What is the progress. Just so that we as council and residents know that, or every other month that those topics get back on the agenda so like the no through truck that we talked about, all that stuff it just doesn't get buried, lost, forgotten, so this being calculated with things being on the agenda. One of my other ideas,

I guess suggestion might be that throughout the meeting on the agenda where appropriate where noted, that we have an opportunity under certain topics for public to comment on that topic. So, you get a public comment beginning, comments are all over the place, we can't address them until possibly if they are on the agenda you can address them during that conversation, but I feel so many times where we as council are forced to make decisions without having had a chance to hear from the residents. So the agenda would have a topic under it and then it would be council discussion, public comment, all that topic only, right, and then the next topic, and then have a chance to comment on it and that would allow us to engage in a conversation before and after hearing from you on that specific topic. I think that it would reduce and maybe moving toward the end of the meeting, I'll call it general public comment, where any topic that wasn't mentioned on the agenda where residents didn't have a chance to speak, could say, I, this is an issue of mine, I'd like to make a mention of it and it should potentially be on the next agenda as an item. The idea is that there is an opportunity we talked about that applies to workshops to where just a few chances I'd like to hear from council, for council to hear from the public when it matters and it is a lot of weight on our shoulders to make big decisions and I don't want to make them without hearing from everybody here so. I imagine the agenda might look different and it might be evolving might try and find out what worked and what didn't work. I'd love your feedback on it of course. Just a general idea where we can improve, increase, a meaningful engagement between us and the people out there when it matters and we don't have somebody saying well I didn't have a chance to talk on that or I don't want to be in a position to vote on something when I haven't heard what you have to say about it so.

Frances Westbrook: I have a question.

Anthony Marchetti: Sure.

Frances Westbrook: So, would this, you would predetermine which items on the agenda would have public comment?

Anthony Marchetti: Correct, not everything on the agenda needs public comment, so it would be on the agenda and you would see when you got there, maybe on each topic a line that says action, what is the action need to come of that discussion, a vote or, whatever it is, a better way to track our progress and progression through topics as we ultimately are

trying to get stuff done. I think it would be something, another measure, whether we are accomplishing anything so, it will start with us producing the agenda but, I just mentioned if you have feedback, please pass it along with you know, I'd love to see it start as soon as the next meeting where the agenda, the look of the agenda on paper starts to look different and where public comment is should be more frequent but in different places throughout the meeting, and it does mean if you want to talk about something off topic, you will have to endure a 2 hour meeting but, everybody is still sitting here, so....

Dudley Patteson: Super idea. That's great.

Wayne Nunnally: Anthony, my wife calls that a to do list.

Anthony Marchetti: Yep, anyway thank you, that's it.

Frances Westbrook: Any comments.

Bonnie Schaschek: It is something that has been talked about before. Usually, public comment has been in the beginning and what they are usually commenting on is something that happened last month. So we have often asked why we couldn't have public comment at the end so that you know once we have gone through the agenda items we get public comments and we can see where we go from there. I think having it at each step in the agenda is going to make for a very, very long meeting, but if you have it at the end maybe it would condense it.

Frances Westbrook: The issue with having it at the end and I struggled you know, I think everyone struggles, if it is at the end then town council has already taken an action on something before public gets a chance to comment. If they comment at the beginning then it may influence what we discuss but then the discussion goes on and they don't have the opportunity to comment on what we discussed so it's.....

Anthony Marchetti: My guess is a lot of topics there won't be public comments and then obviously the comment should only be specific to that topic. So like for example if we are on the budget, fee rate schedule, a reading of the fee rate schedule, public comment. Transient occupancy tax rate, reading of it, public comment, if you are opposed to it, want

to see it go up, down, whatever, you stand up and here is your chance, anybody else, you know real estate tax rate, comments, and then that allows us to, I mean, a lot of us might be listening but....

Frances Westbrook: Some of those items are covered in public hearings and that is...

Anthony Marchetti: That's an example...

Chris Braly: An example is our discussion about the town hall in Lara's report, it might have been appropriate to have a small comment section to you know to get feedback from that discussion about the town hall plan.

Frances Westbrook: That's kind of what Albert Pollard was trying to do and that was good information to hear him say.

Chris Braly: But if we put formal ones on top of where we think it is appropriate.

Bonnie Schaschek: Discussion...

Anthony Marchetti: To streamline meetings, not extend them and again, it might take some practice, and if that didn't work, then let's try it another way. Just to be more efficient and they can speak when it makes sense to speak and before we have to, and then we have a chance to respond when it makes sense. Somebody says something and it is not a topic on the agenda it is a month later before you have a chance to respond to it, anyway, just an idea, love input and thoughts.

Frances Westbrook: So are you all interested in maybe playing with the agenda for next meeting?

Dudley Patteson: Yes.

Frances Westbrook: Seeing if this will...

Anthony Marchetti: I'll be the first to admit I think if it doesn't work, then we can try it a different way or, you know, if it will increase the back and forth….

Frances Westbrook: For the August meeting… Alright item 4 under new business.

4. **Motion To Add Vice Mayor as Signatory at Chesapeake Bank and Blue Ridge Bank.**

Frances Westbrook: Motion to add vice mayor as signatory at Chesapeake Bank and Blue Ridge Bank and this is to include the CD's also at each bank.

Wayne Nunnally: So moved.

Dudley Patteson: Second.

Frances Westbrook: Any discussion?

Bonnie Schaschek: Do we have to name Anthony?

Frances Westbrook: Yes, they'd like the resolution but it just names officers on there, there is no specific name.

Bonnie Schaschek: You need to add his name to the motion.

Frances Westbrook: Yes, they want the name in the motion. They want a copy of the minutes that has the name.

Chris Braly: So the motion is to add Anthony Marchetti as signatory at Chesapeake Bank…

Bonnie Schaschek: As Vice Mayor.

Chris Braly: Vice Mayor.

Frances Westbrook: That's correct.

Chris Braly: As signatory at Chesapeake Bank and Blue Ridge Bank to include the CD's.

Frances Westbrook: That's correct. All in favor?

Nancyellen Keane: Question?

Frances Westbrook: Yes.

Nancyellen Keane: You've got a banking resolution or are you trying to amend the resolution or just....

Frances Westbrook: No ma'am. The resolution states the Mayor and Vice Mayor and the Town Clerk.

Nancyellen Keane: Okay.

Frances Westbrook: Both banks, this surprised me, both banks also want a copy of the minutes with the person's name, the office they hold.

Nancyellen Keane: Okay.

Frances Westbrook: So, all in favor?

Group: Aye.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

Frances Westbrook: Yeah. Item 5.

5. Motion to enter into contract with Cox Termite and Pest Control.

Frances Westbrook: Motion to enter into contract with Cox Termite and Pest Control. We've got a little bit of a critter problem going on over there at the town office. These are the same people that we had a contract with at the old town office, you can see there that the amount quoted to us, so the question is I'm looking for a motion to sign this contract and get this guy going, get rid of our problems.

Bonnie Schaschek: So moved.

Chris Braly: Where in the budget did this come from?

Bonnie Schaschek: Maintenance and repairs.

Frances Westbrook: Maintenance and repairs.

Bonnie Schaschek: It used to, we've always paid it out of there. That's why we never moved to the new office.

Frances Westbrook: Yeah, in those figures we never took it out of this current budget.

Male: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: Alright.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.

Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

6. **Motion to hire Williamson Movers to move boxes and file cabinets all the way upstairs in the existing town office.**

Frances Westbrook: Motion to hire Williamson Movers to move boxes and file cabinets all the way upstairs in the existing town office. These are the people who moved us from Steamboat over to Irvington. There is quite a few cabinets there, Lara and I went through that stuff, there is a lot of boxes downstairs that just needs to be taken upstairs and get that third room usable for the new people moving in. So they are looking at charging us $95.00 for two men collectively per hour and I think we are looking at a couple of hours, maybe 3 at the most.

Bonnie Schaschek: I make a motion to use Williamson Movers to move that stuff upstairs.

Dudley Patteson: Second.

Frances Westbrook: Any other questions? So, do you want to put a dollar limit on this?

Bonnie Schaschek: I would put a dollar limit of $500 on it.

Frances Westbrook: Alright motion to amend it to $500 limit.

Dudley Patteson: Second.

Frances Westbrook: All in favor?

Group: Aye.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.

Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

Bonnie Schaschek: Hopefully the exterminator will spray after the boxes are…

Frances Westbrook: Yes, yes. Alright, item 7.

7. **Planning Commission vacancy.**

Frances Westbrook: Item 7 on new business, planning commission vacancy. We do have a letter and resume from Mr. Pollard, quite impressive, thank you, and the question before us tonight, do we want to go ahead and appoint tonight or do we want to advertise the vacancy. We have done it both ways, most recently we did appoint, in fact it was for Mr. Braly, I believe…

Wayne Nunnally: Without advertising.

Frances Westbrook: Without advertising, so what's your pleasure.

Bonnie Schaschek: I move that we appoint.

Jackie Brown: Second.

Male: Second.

Frances Westbrook: Any more discussion? Or any discussion? All in favor.

Anthony Marchetti: Great asset to the planning commission.

Frances Westbrook: Alright, all in favor of appointing Albert Pollard to the planning commission say aye.

Group: Aye.

Frances Westbrook: All opposed? Congratulations Mr. Pollard and thank you very much.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

Albert Pollard: Thank you all very much.

8. Organization of Committees for fiscal year 2021/2022

Frances Westbrook: Alright the next thing, item 8 under new business is organization of committees for fiscal year 2021/2022. Traditionally the mayor presented a signup sheet to town council members at the beginning of each fiscal year in which town council members volunteered for a committee or two. I'd like to return to that tradition for several reasons. One, volunteering for a committee typically generates more enthusiasm for the work to be done, two, committees will probably be tasked with more projects in upcoming months to better facilitate the learning curve expected of the new town clerk and three, increase to some extent the ongoing overall work that committees may be called upon to do. The latter is cited in the handbook for Virginia Mayors and Council Members as published jointly by VML and the Weldon Cooper Center for Public Service. It does state that smaller towns that do not have a town manager, a committee structure may be used to oversee government administration. So…

Chris Braly: Since, I'm the newest one here.

Frances Westbrook: Uh huh.

Chris Braly: Does, why was it September?

Frances Westbrook: That used to be, when people were elected they came on board in September.

Chris Braly: Okay.

Frances Westbrook: So, now that that has been restructured elections are generally, well we won't have May elections anymore but people will take, the new structure now, when you are elected in November you'll take office in January, so this will slide a little bit again.

Chris Braly: So wouldn't we fill vacancies on the current committees and do it January 1, because there is going to be a special election this year....

Frances Westbrook: That's right.

Chris Braly: ...and then next year there'll be an election so why wouldn't you just do it on January 1.

Frances Westbrook: Because I prefer to go ahead and get this structured and going so that we can, I've got, there are some specific jobs that are coming up that we need to.

Chris Braly: Aren't you already on committees.

Wayne Nunnally: ...term....

Chris Braly: My point is the committees actually exist already, so why do we need to redo it now, why don't we just wait until January after the elections when new people, when the seats are elected to reorganize the committees. There is only one vacancy right now and that is the chair of the budget and finance. Why wouldn't we just fill the chair of budget and finance and then wait until January to do our restructuring.

Frances Westbrook: Because as Mayor I really would like to do this and get some, we need to have more than just two people on some of these committees, a lot of work on a couple of these and…

Anthony Marchetti: I think something of value might be, excuse me, to very deliberately define what each committee encompasses and covers, and then I think it would be. I don't know what all these mean, budget and finance because I'm on it, but I think being specific and deliberate about what each committee is expected to do, a scope. I think it is a good chance to redefine what committees do and what expectations are of the committees. I agree I think we need to get a lot out of committees.

Frances Westbrook: Uh huh.

Anthony Marchetti: It seems like a good, even the renaming, you know what does that mean Community Events and Tourism, what does that encompass so I think it is value in defining what each and try to do it so its evenly, right, I know personally how much budget and finance meetings and how much time it is, great happy to do it. I think it would be more productive to….

Frances Westbrook: Expand where we can.

Anthony Marchetti: …well also to your point, you'll get people signing up for things they want to sign up for, and you are going to get better participation and more productivity out of them. Again too, you can have a specific committee Events and Tourism workshop with the public, where public can comment and I think that's valuable and productive. So, I, you know, maybe a suggestion that we can work to define, scope and goals, objectives of each committee and then move into January 1st.

Dudley Patteson: The protocol associated with that is, the relationship with council needs to be, can't do without authorization of town council. I mean it is spelled out.

Frances Westbrook: That's right.

Wayne Nunnally: This is where it is done. It says in the charter that the mayor appoints committees, selection. I don't think we have any designated committees anywhere. I mean these four that we came up with, the mayor can make 10 more if she wanted.

Anthony Marchetti: That could be part of the processes, I mean do we need, do we need less, do we need more.

Wayne Nunnally: Well, it is to me at the mayor's discretion, whoever that may be.

Chris Braly: Again, my main point is that the committee's now exist, if we want to as Anthony suggested redefine the expectations of each committee, work over the next few months to do that, come January 1 when the seats are permanently filled after the election, that's when we do the reorganization with the defined, newly defined or redefined committees.

Anthony Marchetti: The existing committees can describe what they do and what they could do and want to do, or should do.

Frances Westbrook: We have the existing committees get together at their own…

Bonnie Schaschek: Can we just back up a little bit, normally when committees were assigned, they were assigned in each election year and you served for until the next election year. So, the committees existed for 2 years. Yeah. We don't have an election year this year. We have a special one because we are replacing somebody here and somebody there. But the committees that, and this is the way it used to, there also used to be 10 other committees and there was a long, and it got cut down. They served for the length of the 2 years until you get into the next election cycle. So, I think we need to.

Frances Westbrook: We are trying…

Dudley Patteson: What Anthony is suggesting is what you just said is not anywhere defined, there is no written….

Bonnie Schaschek: No, it's just the way it has always been.

Dudley Patteson: So, we need to put it in writing and put the role of each committee in writing so that whoever comes in at the next election year fully understands what being on budget and finance is going to entail. Because I know Anthony..

Bonnie Schaschek: It's never truly been defined.

Anthony Marchetti: It is hard to sign up for something you don't know what you are signing up for.

Dudley Patteson: Bonnie you and I can get together and do something with HR and then, as do the other council members with their respective committees and that's a start and then when we want another committee to…

Frances Westbrook: Alright how about this, the four existing committees which is basically what I sent you all, maybe I spend some time with each one of the existing committees and let's start flushing out so that we can bring this back in August, we'll have something to look at, talk about the committees and move from there.

Anthony Marchetti: That's great.

Frances Westbrook: That sound good, everybody onboard with that. Alright. Let's see.

9. CLEANING SERVICE FOR THE TOWN OFFICE

Frances Westbrook: We are adding cleaning service is #9 that we added. We want to have a motion to look into hiring a cleaning service for the town office. We did have one at the old, somehow that also got lost in the moving, because I don't think they've had anybody there. Do you remember Nancyellen? I don't think there has been anybody there cleaning has there?

Nancyellen Keane: I haven't seen anybody.

Bonnie Schaschek: Have we approached the cleaning company on why they didn't do it.

Frances Westbrook: I don't know. I have no idea. I'd like to have a motion to get that going again, maybe have them come every other week, twice a month. They don't need to be there weekly I don't think.

Wayne Nunnally: So moved.

Frances Westbrook: Alright, I'll look into that with that motion.

Bonnie Schaschek: Second.

Frances Westbrook: Any discussion? All in favor?

Group: Aye.

Dudley Patteson, Aye.

Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

Frances Westbrook: All in favor? Alright, I'll bring you back figures at the next meeting.

M. OLD BUSINESS

Frances Westbrook: Old business, second reading of ordinance.

Chris Braly: One second. Since we don't have, there's a couple things that, the ordinances that were provided in the last meeting had the wrong date July 8th.

Frances Westbrook: That's right, I've got that noted.

Chris Braly: And my name is not on there as town council and your name is not on there as mayor. So, I think Nancyellen.

Nancyellen Keane: I revised one of them and I thought I printed the other one and I didn't, so this is the 8, but it has been updated to include you and Braly and the clerk is blank.

Frances Westbrook: And that's all the changes.

Nancyellen Keane: Yeah, this one has been corrected, I'll have to bring you the other one tomorrow or something.

Frances Westbrook: Okay, very good.

Chris Braly: We also I think need to since the town clerk is the one typically who attests to the mayor signing it, we would need to allow the town attorney as the staff member to attest to the vote.

Frances Westbrook: Alright.

Chris Braly: So, I'd like to make a motion that the town attorney be the person who attests to the vote of these resolutions.

Nancyellen Keane: And it is really the signature of the mayor.

Chris Braly: Signature of the mayor, yes.

Anthony Marchetti: Second.

Frances Westbrook: Any other discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed?
Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

Frances Westbrook: Now onto the specific ordinances themselves, the first one on here is.

1. **2nd Reading Ordinance 2021-07 Repeal Reenact Town Code 34.02.**

Frances Westbrook: This has been read before, do we need to read it again? Just mentioning the ordinance number is sufficient?

Nancyellen Keane: The title is enough.

Frances Westbrook: Okay. Do I have a motion?

Wayne Nunnally: So moved.

Frances Westbrook: Second?

Anthony Marchetti: Second.

Frances Westbrook: Any discussion or questions? All in favor.

Group: Aye.

Frances Westbrook: All opposed?

Chris Braly: I am going to abstain since I was not part of this.

Frances Westbrook: Okay.

Dudley Patteson, Aye.
Chris Braly, Abstain.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 5-0, 1 abstain.

Chris Braly: Was that 08 or 07?

Frances Westbrook: That was 07.

2. 2nd Reading of Ordinance 2021-08 – Adopt Short Term Rental Registry

Frances Westbrook: Alright the second one, 2nd reading of ordinance 2021-08 – adopt short term rental registry. This is the same updates we have on the other one.

Wayne Nunnally: So moved.

Frances Westbrook: Second?

Bonnie Schaschek: Second.

Frances Westbrook: Any questions? All approved.

Group: Aye.

Chris Braly: I am going to abstain.

Frances Westbrook: Thank you. All opposed none.

Dudley Patteson, Aye.
Chris Braly, Abstain.

Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 5-0, 1 abstain.

3. ARPA Funds FW

Frances Westbrook: The ARPA Funds that is just an announcement where we did receive money, they are going to give us a total of $152,766. $76,383 has been received and it was wired into our checking account. I think we are going to have to transfer it to the CARES Fund, that's where town council decided it should live, so I would let the accountant know that. The balance, the other half of it will come to us in 12 equal monthly payments.

Anthony Marchetti: Do we get it for 12 months.

Frances Westbrook: It's monthly payments, I sent you this didn't I?

Anthony Marchetti: Yes, it is distributed in approximately 12 months.

Frances Westbrook: That's my understanding.

Anthony Marchetti: Just didn't clarify if it was monthly.

Wayne Nunnally: [inaudible].

Frances Westbrook: There are some and those are yet to come.

Anthony Marchetti: It reads in 12 months.

Bonnie Schaschek: And then in 12 months you get your second… .

Anthony Marchetti: Lump sum.

Bonnie Schaschek: That's the way I understood it at the meeting. Is that….

Nancyellen Keane: That's how I understood it.

Frances Westbrook: The other half in 12 months. For some reason, this isn't the only thing I've read. For some reason I was under the…

Male: [inaudible].

Frances Westbrook: Yeah, I see that, but I was under the impression it was going to be 12 months, alright we'll clarify that. Did you all, well I guess you didn't. There is a number in the letter we can click and look at additional information or whatever.

Bonnie Schaschek: Yeah.

Chris Braly: Can you forward me the electronic copy of the letter that has the links.

Frances Westbrook: I sure can.

Chris Braly: Thank you.

Frances Westbrook: If you don't hear from me in a day or two, remind me.

Bonnie Schaschek: Information so that you can get on the mailing list for some of this stuff.

4. HIRE A MUNICIPAL FIRM TO ADDRESS THE TOWN'S FINANCIAL POSITION.

Frances Westbrook: Alright, item 4, discussion about hiring a municipal finance firm to address the town's financial position. Dudley that's you.

Dudley Patteson: Well we've discussed the town office. We've got other topics that we as a council need to address pursuant to public water access to those who don't have the opportunity to split on the water but they are residents of Irvington and I don't think we as a council can make an informed decision about where to spend our money until someone advises us to, what our capabilities are and we have got a couple of proposals. I would recommend that we go with Davenport because they are involved with the county and they know our area. They being, they have skin in the game because they also can serve as the capital fundraiser for us should we need them and there is not really much you can say against them quite frankly based upon their proposal letter. This was put in the budget last year. I think we are negligent in not trying to get this number and done sooner. So, it is the intelligent approach to where we go.

Frances Westbrook: We have budgeted the funds to start with.

Dudley Patteson: Pardon?

Frances Westbrook: I said we have budgeted the funds to start this process.

Dudley Patteson: The only thing that I would add to their proposal which an item is that we would also ask them to give us their assessment of the impact of a meals tax to the bottom line of the town because through that meals tax we are hopefully able to accomplish some of the other things that we would like to see in our town and they have the ability to do that.

Frances Westbrook: Is this something that town council would like to have budget and finance get back with Davenport and see, and ask them the important questions and give us some firm numbers on what their services are going to actually cost us? Would council like to have budget and finance.....

Wayne Nunnally: Certainly looks like to me its budget and finance committee area....

Chris Braly: What was budgeted?

Frances Westbrook: I believe the budget was $10,000.

Dudley Patteson: That's what they said not to exceed $10,000.

Frances Westbrook: If we can get a formal outline of exactly what they are charging and what we are getting for that $10,000.

Dudley Patteson: And why don't we ask budget and finance to get with them between now and the August meeting so at the August meeting we have something concrete to....

Frances Westbrook: To go with.

Dudley Patteson: ...to hopefully....

Anthony Marchetti: Their proposal is now close to a year old.

Frances Westbrook: Yep.

Anthony Marchetti: Update current....

Frances Westbrook: Touch base....

Anthony Marchetti: …and know what we actually get for the money.

Jackie Brown: Information we just got from the planning commission we are not going to be able to move forward on anything until 2023, I don't see the purpose for this right now.

Dudley Patteson: The survey is going to help us and guide us into the right direction, but there are certain things that are, self-evident that we need to address as a town. We as a town cannot afford to have septic fields fail whether they be for residents or for businesses, and if septic fields fail we as a town are causing more harm than you can imagine. We need to like our towns on each side of us White Stone and Kilmarnock, we need to do the environmentally right thing to do and we need to do it to protect our town from.

Jackie Brown: I don't disagree with you, but I….

Chris Braly: It's almost like….

Jackie Brown: Excuse me, I'm speaking. I heard basically everyone at this table talk about that they wanted to resolve the survey before they made big decisions and now we are making big decisions without the result of the survey. I really think that we should have a committee to work on, to talk about these capital projects and to create a plan. I agree with that. We are spending money to implement something that we are not going to implement for 2 years doesn't make any sense to me.

Anthony Marchetti: This is different than, if the survey comes back and they want a million dollar whatever, if we can't afford it, then it doesn't matter. I mean, this is, this seems valuable to me as soon as we get our hands on it.

Chris Braly: It's almost like, it's the same concept as the building North Commons site plan, this is a financial site plan, doing it in parallel with the building site plan, doing it in parallel with the survey, that way when it comes time to begin data collection and publish the results you have an approved site plan of a potential town office that you know what you can do and how much it is going to cost. You have a financial site plan of what the town can afford to do and you have the results of the survey from the town expressing what they want to do and you have all of these things that we can then sit down and make big decisions on. I don't think, now the question would be if we proceeded with this, how out of date would it be come next year. Maybe it would be prudent to do it in some time to make sure that it is not out of date. What is their, what would they consider when they do

this? Do they look 5 years down the road, 10 years, like what is their calendar of giving us a report and analysis and then…

Frances Westbrook: How long is it good for, yeah.

Jackie Brown: Wouldn't it be good also to approach the banks and find out what it is they would give us.

Frances Westbrook: They are not going to do anything this extensive. They'll certainly talk with you about how they think we could probably finance the building and the town office, unless we went to them with a project on a list, I don't think they are going to provide the same service. They can talk about building the town office and how they might help us finance that, but to get the overall financial help that we are and have that as a tool for them talking about the other future projects. This is a piece of that puzzle.

Bonnie Schaschek: So are we going to guesstimate what the big projects are when we talk to Davenport.

Anthony Marchetti: That's what we can, the town's current revenue can handle, right, what our debt capacity is. If nothing changes here's how much debt the town can conservatively carry and keep conservative. I mean that is what they tell us.

Dudley Patteson: Correct.

Anthony Marchetti: I mean, if you add a meal tax, the debt you can comfortably carry and keep reserves and go from here to here, and I believe that that's what….

Dudley Patteson: Debt service is looking at several years and see if we are able to finance it, and then we can look at the projects we've got and determine if we have enough money to do one, or two, or none and, we need them to establish it so that the folks out here know that we are taking the right steps to.

Bonnie Schaschek: I didn't think we had a list of projects that we were going to give them and the way this was sounding was like….

Dudley Patteson: We don't necessarily give them a list of our projects but I think regardless of what our projects are, they are going to give us a dollar amount that we can afford.

Frances Westbrook: Alright so we are good with budget and finance giving us updated information and asking all the pertinent questions and bringing back the information to us. Do we need a motion? I guess if we are assigning something to a committee we should. Is there a second?

Bonnie Schaschek: Second.

Dudley Patteson: Second.

Frances Westbrook: Any other discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Motion passes.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.

Jackie Brown, Aye.

MOTION PASSES 6-0.

Dudley Patteson: Clarify, budget and finance, is she…

Frances Westbrook: Oh that's right I was I think.

Chris Braly: Well you're on the committee.

Frances Westbrook: I am on everything. Alright, we'll talk. Alright appropriations.

5. STEAMBOAT MUSEUM CRAB FESTIVAL SPONSORSHIP

Frances Westbrook: Steamboat Museum Crab Festival Sponsorship, we budgeted $1,200, we can do that if we are willing to go an extra $50.00. That's why I sent you the thing from the Steamboat Era Museum that if we are considered a print advertising sponsor then our name gets included in the ad. So that's the question do we want to make it $1,250 or keep it at $1,200.

Bonnie Schaschek: Make it $1,250.

Frances Westbrook: Have that in form of a motion.

Wayne Nunnally: So moved.

Dudley Patteson: Second.

Frances Westbrook: Second, any discussion? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Motion passes.

Dudley Patteson, Aye.
Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

6. White Stone Volunteer Fire Department $10,000 grant.

Frances Westbrook: White Stone Volunteer Fire Department the $10,000 grant, we need to have a motion to appropriate that $10,000.

Wayne Nunnally: So moved.

Frances Westbrook: Second?

Anthony Marchetti: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: No's. passes?

Dudley Patteson, Aye.

Chris Braly, Aye.
Anthony Marchetti, Aye.
Wayne Nunnally, Aye.
Bonnie Schaschek, Aye.
Jackie Brown, Aye.

MOTION PASSES 6-0.

N. ROUNDTABLE

Frances Westbrook: Round table. Anybody have anything for round table?

Chris Braly: May I.

Frances Westbrook: Yes.

Chris Braly: So this is my first meeting here so, bear with me. First I wanted to thank, to thank everybody here, I'm honored and humbled to be sitting up here tonight. I appreciate the confidence placed in me by the town council. I will do my best to serve all stakeholders of the Town of Irvington and will always strive to improve the quality of life of those living here. As a member of town council, I have read the full report from O'Hagen & Meyer presented to the Town of Irvington that is protected by attorney/client privilege. As you can imagine I was quite disappointed in what I read. Though I'm glad that the public report concluded on charges 1 and 2, there was no misappropriating of funds by any member of town council, the town attorney or town staff. There was no criminal conduct or other conduct alleged by Mr. Schaschek by which the town could be held civilly liable and the Schaschek allegations of December 10th, 2020, regarding any financial misappropriations are unfounded. The details included in the report, are embarrassing and disturbing. By happen stance, I am the only person sitting here tonight who has zero involvement in the investigation. I was not a member of town council when the allegations were presented by Mr. Schaschek occurred. I was not a member of town council when the investigation was conducted. I was not interviewed by the investigators. I am not named in the report. In my opinion, I am the only person sitting here, who can objectively work to implement the recommendations presented in both the public and privileged reports. As such, I'd like to make the motion that the town council form a select committee led by myself to work with town staff to implement all recommendations made by O'Hagen & Meyer in both the

public report of the investigation into allegations of financial mismanagement, asserted against the Town of Irvington, Virginia and resulting audit, as well as the full report provided to the Town of Irvington that is protected by attorney/client privilege.

Anthony Marchetti: Second.

Frances Westbrook: Discussion?

Jackie Brown: I think we need to look back at our charter and find out how the town was formed and the motives of self, self-direction that resulted in the kind of charter that we have. I don't think we need two layers of lawyers to tell us how to run a town and I would be, I would object to changing the charter because it is kind of the perfect plan of organization for a town of this size. We are not Richmond. We are not even Kilmarnock. We are a very small community, and our charter allows for no one person to be in charge of the town. It doesn't give that power to mayor or any certain council member. It is our operating as a group to make decisions for the town. I'm not saying that I think there have been no mistakes, but I think that our charter is a strong one for an independent self-directed community and it shouldn't be messed with.

Chris Braly: I don't believe I was trying to change the charter. What I was wanting to do was form a select committee similar to....

Jackie Brown: You said to enact all of the recommendations, and one of the recommendations was to change the charter.

Chris Braly: Well, I think, the charter needs to be updated anyway because of the election change by the state legislature, so that's one of the items, then the committee will work, maybe not do it tomorrow but you know work to go through, look at all the recommendations, work to implement. I know that there has been public comment indicating the desire for the town to implement the recommendations and there has been no public comment presented to not do anything. So, all I'm saying is that I would like to lead a committee to work to implement all of the recommendations and the timetable is not, the timetable is what it is and if I'm not here in 6 months then someone else takes over the committee or it is disbanded and put away, but while I'm here, that's what I would like to do.

Wayne Nunnally: I think it would be better to say to look at the recommendations and decide which ones we want to follow as to say that we want to follow them all. There may

be ones you look at some of them closely, there may be some you don't want to follow. I don't want to lock us in to absolute decisions.

Frances Westbrook: How about if you put down that list and draw back up to how you do what we do. Would that be helpful to any of y'all?

Wayne Nunnally: …a law in everything, that could get us in trouble.

Chris Braly: May I amend my motion?

Wayne Nunnally: To say what?

Chris Braly: I'd like to make the motion that the town council form a select committee led by myself to work with town staff to implement recommendations as deemed appropriate by town council made by O'Hagen & Meyer made by both the public report as well as the full report provided to the Town of Irvington that is protected by attorney/client privilege.

Dudley Patteson: Second.

Wayne Nunnally: You will have to work with the rest of town council too.

Frances Westbrook: Well, if we determine which ones on there we are going to pursue, which I would assume would be the majority of them, then they can move forward, I think once town council decides.

Chris Braly: There is no action of this committee. There is no action that can be taken by this committee without the approval of town council, so I recognize that, but what I'm saying is that I would like to be, I would like the mayor to form a new committee, I would like to lead that committee and, to work on implementing the recommendations as the town council deems appropriate.

Dudley Patteson: I seconded that amended motion.

Frances Westbrook: Any other questions, discussions?

Jackie Brown: Is this aside from the planning commission for a comprehensive plan.

Chris Braly: I am no longer a planning commissioner.

Frances Westbrook: He vacated that once he became…

Chris Braly: Liason to the planning commission so, my involvement in the survey is guidance and listening, but, I have no authority to make decisions to recommend to council on how to move forward with that. I am not a member of the planning commission.

Jackie Brown: I just wanted to make sure you understood that.

Chris Braly: I have only communicated with the planning commission regarding this project sincce I became a member of town council.

Dudley Patteson: [inaudible].

Frances Westbrook: Alright, so we have the motion on the floor, any other comments? All in favor?

Group: Aye.

Frances Westbrook: All opposed? Motion passes.

Female: Roll call.

Frances Westbrook: Yeah, let's do a roll call vote.

Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.

Dudley Patteson: Why wouldn't you Wayne, it's the right thing to do.

Wayne Nunnally: One of the things that always amazes me is you know how we look at things differently, and everybody wants the best for the town, I think we gotta believe that. It is how we go about it is my problem. What my hesitancy is this, we have just gone through this ordeal where we have said ugly things to each other, we have all gotten mad at one another, we have displayed horrible presence to the public. I just don't want to open up another thing that is going to cause fighting. That's what I'm worried about. We have got so much business to do right now for the town and we have so many options to follow, I don't know if we need to open up another committee that to me looks like we were right committee and you were wrong committee. I don't want us to get into that, so I am going to vote no.

Frances Westbrook: Wayne Nunnally votes no.

Bonnie Schaschek: I think there is items in the recommendations that I think that we do need to make some changes. There are some that are questionable, but that is what the committee has to decide. There are some things that they stated that for a town this size is just not an option. But there are many things that they recommended that I personally agree with. So, I voted yes.

Bonnie Schaschek, yes.
Jackie Brown, I vote yes.
Frances Westbrook: Jackie Brown votes yes.

Jackie Brown: Cautiously.

Bonnie Schaschek: Like I said there are many things that they've recommended that I think are very appropriate so.

Frances Westbrook: Motion passes.

Motion passes 5-1.

Frances Westbrook: Chris we need to get together and come up with a name and a scope. Anything else for round table?

O. ANNOUNCEMENTS

1. Next Town Council Meeting – August 12, 2021, right here 6:30.

Frances Westbrook: Next town council meeting, August 12, 2021, right here 6:30. Anything else.

Chris Braly: I'd like to make a motion to modify the agenda to table the, I'd like to vote to table moving into closed session for personnel matters regarding the town attorney since she has offered her resignation effective August 15th, I don't think at this moment there is anything to discuss. It involves closed session about that, the town attorney's position. I would like to vote to table that part of the closed session.

Frances Westbrook: Is there a second?

Bonnie Schaschek: Wait, I'm not sure what the motion was. You wanted....

Chris Braly: I'd like to, there's two parts to the closed session that we are getting ready to vote on. One is for legal matters and one is for the town attorney and since the town attorney previously offered her resignation in her report effective August 15th, I don't believe there is anything to discuss in closed session.

Bonnie Schaschek: Did you give a date?

Nancyellen Keane: Yes I did, August 15, 2021. If you need a resignation, I'll give it to you.

Bonnie Schaschek: No, I just didn't hear a date.

Chris Braly: And so because of that I don't think there is anything that we need to discuss in closed session so I would move to table that.

Wayne Nunnally: Chris before we do that, we move that, we have to discuss whether or not we want to accept her resignation.

Nancyellen Keane: You don't need to, I resigned.

Frances Westbrook: She's resigned.

Nancyellen Keane: I resigned.

Chris Braly: And, there's a second part to my motion.

Frances Westbrook: Do we need to vote on the first part?

Chris Braly: No, I'm doing this one long motion. I would like to table the discussion of the town attorney in closed session and I would like to add discussion about the town clerk's position in closed session.

Wayne Nunnally: Oh, I see what you're saying.

Bonnie Schaschek: Okay, I'll second that.

Frances Westbrook: We need a unanimous vote to carry this motion. Let's do a roll call vote.

Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Wayne Nunnally, yes.
Bonnie Schaschek, yes.
Jackie Brown, yes.

MOTION PASSES 6-0.

Frances Westbrook: The agenda is amended as the motion states. Alright, yes sir, if you will read that opening.

P. CLOSED SESSION

Anthony Marchetti: Anthony Marchetti move that we go into closed session pursuant to state code 2.2-3711A8 for purposes of legal matters requiring legal advice from counsel regarding Fisher's Pit and then pursuant to state code 2.2-3711A1 for purposes of personnel matters regarding the town clerk's position.

Frances Westbrook: Is there a second?

Wayne Nunnally: Second.

Frances Westbrook: All in favor?

Group: Aye.

Frances Westbrook: All opposed? We are in closed session.

Town Attorney, Nancyellen Keane left after first closed session on Fisher's Pit.
Zoning administrator Lara Brown is in attendance of first closed session concerning Fishter's Pit via phone.

Q. RETURN TO OPEN SESSION

1. Action to be Determined

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY JULY 15, 2021; 6:30 PM

Anthony Marchetti: Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act and whereas Section 2-2-3712 of the Code of Virginia requires the certification by the board that such closed session was conducted in conformity with Virginia Law now there be it resolved that the board hereby certifies that to the best of each members knowledge one, only public business matters lawfully exempted from open session required by Virginia Law were discussed in closed session to which this certification resolution applies and two, only such public business matters were identified in the motion convening the closed session were heard, discussed, or considered by the board. Is there any member who believes there was a departure from the motion to go into a closed session. If so, please state the departure. Roll call certification of each member.

I, Dudley Patterson, so certify.
I, Chris Braly, so certify.
I, Anthony Marchetti, so certify.
I, Frances Westbrook, so certify.
I, Wayne Nunnally, so certify.
I, Bonnie Schaschek, so certify.
I, Jackie Brown, so certify.

Frances Westbrook: Are there any motions to be made after the closed session? Yes Mr. Patteson.

Dudley Patteson: I would like to make a motion that council make an offer to Laurel Taylor to serve as the Town Clerk and FOIA officer for our town included in this motion would be the drafting of the contract, similar to that of the previous town clerk. The hours would be 9:00 to 1:00, the pay would be hourly at $15.00 an hour and I would also like to include a motion that we authorize the mayor to sign the contract when completed.

Wayne Nunnally: Second.

Frances Westbrook: Any discussion? Roll call vote please.

Dudley Patteson, yes.

Chris Braly, yes.
Anthony Marchetti, yes.
Wayne Nunnally, yes.
Bonnie Schaschek, yes.
Jackie Brown, yes.

MOTION PASSES 6-0.

Chris Braly: I would like to make a motion to declare 2 parcels: Tax map 28-207A and, 34-5 a nuisance.

Wayne Nunnally: Second.

Frances Westbrook: Any discussion? Roll call please.

Dudley Patteson, yes.
Chris Braly, yes.
Anthony Marchetti, yes.
Wayne Nunnally, yes.
Bonnie Schaschek, yes.
Jackie Brown, yes.

MOTION PASSES 6-0.

Chris Braly: Motion to adjourn.

Frances Westbrook: Alright.

Wayne Nunnally: Motion to adjourn.

Chris Braly: I'm learning, I'm learning.

Motion to approve July 15, 2021 minutes was done at Sept. 9, 2021 Town Council Regular Called Meeting.

Vote:
Dudley Patteson -Aye
Chris Braly -Aye
Anthony Marchetti -Aye
Jackie Brown -Aye
Bonnie Schaschek -Aye
Wayne Nunnally -via phone -Aye

Motion passes 6-0

R. ADJOURN

Frances Westbrook: We are adjourned.

Respectfully submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer

Frances E. Westbrook
Frances Westbrook, Interim Mayor

ORDINANCE 2021-07

REPEAL, REENACT TOWN CODE §34.02

WHEREAS, the Irvington Town Council ("Council") desires to amend the definition of "transient person" in Town Code §34.02; and

WHEREAS, Town Code §34.02 shall be repealed and re-enacted; and

WHEREAS, a notice of a public hearing about this Ordinance was advertised in the Rappahannock Record on July 29 and August 5, 2021; and

WHEREAS, the public had an opportunity to comment on this Ordinance at a public hearing held August 12, 2021; and

WHEREAS, this Ordinance was read twice before approval, at the June 10, 2021 and August 12, 2021 Council meetings; and

WHEREAS, a second reading and vote was initially and incorrectly held on July 15, 2021 prior to the public hearing, and

WHEREAS, the legislative process is hereby corrected via this August 12, 2021 seconding reading and vote taken following public hearing and two weeks of advertisements..

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

1. Council hereby repeals the second reading and vote taken on this Ordinance 2021-07 on July 15, 2021.
2. Council hereby repeals Town Code §34.02, Definitions.
3. Council hereby re-enacts Town Code §34.02, Definitions, per the attached legislation, incorporated herein by this reference..
4. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place Ordinance 2021-07 in the Minutes of its August 12, 2021 meeting.

Certification

I, Fran Westbrook, Interim Mayor, do hereby certify that Ordinance 2021-07 was adopted at the August 12, 2021 meeting at which a quorum was present and voting. The Vote was: 5-0-1

	IN FAVOR	OPPOSED	ABSTAIN
J. Christopher Braly	✓		
Jackie Brown	✓		
R. Wayne Nunnally	✓		
Anthony Marchetti	✓		
Dudley M. Patteson	✓		
Bonnie Schaschek	✓		

Frances E. Westbrook

Fran Westbrook, Interim Mayor

ATTEST:

Nancyellen Keane

Nancyellen Keane, Keane Law PLLC, Town Attorney

ATTACHMENT TO ORDINANCE 2021-07

"§34.02 DEFINITIONS.

"For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

"**TRANSIENT PERSON.** One who for a period of fewer than 30 consecutive days, either at his or her own expense or at the expense of another, lodges or obtains lodging at any hotel, motel, tourist home, inn, bed and breakfast or other facility."

ORDINANCE 2021-08

ADOPT SHORT TERM RENTAL REGISTRY

WHEREAS, the Irvington Town Council ("Council") proposes to adopt a Short Term Rental Registry requirement in the Town; and

WHEREAS, a notice of a public hearing about this Ordinance was advertised in the Rappahannock Record on July 29 and August 5, 2021; and

WHEREAS, the public had an opportunity to comment on this Ordinance at a public hearing held August 12, 2021; and

WHEREAS, this Ordinance was read twice before approval, at the June 10 and August 12, 2021 Council meetings.

WHEREAS, a second reading and vote was initially and incorrectly held on July 15, 2021 prior to the public hearing, and

WHEREAS, the legislative process is hereby corrected via this August 12, 2021 seconding reading and vote taken following public hearing and two weeks of advertisements..

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

1. Council hereby repeals the second reading and vote taken on this Ordinance 2021-08 on July 15, 2021.

2. Council hereby adopts the attached legislation as Town Code §34.40 *et seq*, incorporated herein by this reference, to establish a Short Term Rental Registry in the Town of Irvington.

3. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place Ordinance 2021-08 in the Minutes of its August 12, 2021 meeting.

Attachment – Town Code §34.40 *et seq*

Certification

I, Fran Westbrook, Interim Mayor, do hereby certify that Ordinance 2021-08 was adopted at the August 12, 2021 meeting at which a quorum was present and voting. The Vote was: 5-0-1

	IN FAVOR	OPPOSED	ABSTAIN
J. Christopher Braly			✓
Jackie Brown	✓		
R. Wayne Nunnally	✓		
Anthony Marchetti	✓		
Dudley M. Patteson	✓		
Bonnie Schaschek	✓		

Frances E. Westbrook
Fran Westbrook, Interim Mayor

ATTEST:

Nancyellen Keane
Nancyellen Keane, Keane Law PLLC, Town Attorney

SHORT TERM RENTAL REGISTRY

§34.40 DEFINITIONS.

For the purposes of this section, the following definitions apply:

OPERATOR. The proprietor of any dwelling, lodging or sleeping accommodation offered as a short term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

SHORT TERM RENTAL. The provision of a room or space that is suitable for, or is intended for, occupancy for dwelling, lodging, or sleeping purposes, for a period of fewer than thirty (30) consecutive days, in exchange for the charge for the occupancy.

§34.41 DUTY TO REGISTER.

There is hereby established a short term rental registry for property offered or used as short term rental within the Town. Prior to offering a short term rental, the operator shall register with the Town and disclose all such properties offered in the Town. The registration shall include the complete name of the operator, and the owner if different, their contact information, and the address of each property in the Town offered for short term rental by the operator. The Town may charge a reasonable fee for registration which may be set from time-to-time by the Council. After the initial registration, registration shall be renewed by January 15 of each year.

§34.42 EXEMPTIONS.

An operator is not required to register with the Town if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time Share Act (§55.1-2200 *et seq*); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments. If an exemption ceases to apply, and there is no other exemption, then the person shall promptly register for the Town's Short Term Rental Registry before continuing to offer such property for short term rental.

§34.43 PENALTIES.

A. Failure to Register. The penalty for failure to register shall not exceed $500 per violation. A penalty may be imposed when an operator who is required to register offers for short term rental a property that is not registered with the Town. A separate violation shall be deemed committed each day during or on which a property is offered or used as a short term rental without registration and after written notice of such violation. Unless and until an operator pays the penalty (if one is assessed) and registers such property, the operator may not continue to offer such property for short term rental. Upon repeated violations of this Ordinance as it relates to a specific

property, an operator may be prohibited from registering and offering that property for short term rental for a period of one year. Such prohibition, for good cause may be appealed to the Mayor.

B. Violations of Laws Relating to Short Term Rentals. The operator may be prohibited from offering a specific property for short term rental in the Town, if the operator has multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to short term rental or transient occupancy taxes.

§34.44 ENFORCEMENT.

It shall be the responsibility of the Town Clerk to administer, interpret and enforce the provisions of this section, including determining the penalty amount, and whether to assess a penalty. The Town shall send a written notice of violation to the operator, and property owner, if different, by mail to the mailing address listed in the registration, or, in the absence of a registration, then to the mailing address on the real estate record. The Town Clerk may seek assistance of the Town Attorney with respect to enforcement of this section, as needed.

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
TUESDAY JUNE 15, 2021; 6:00 PM (amended at the table July 15, 2021 meeting)

NOTICE: The Irvington Town Council Special Called Meeting on Tuesday, June 15, 2021, 6:00 pm; Irvington Baptist Church.

AGENDA

A. CALL TO ORDER – Frances Westbrook

Frances Westbrook: This is the Irvington Town Council Special Called Meeting, today is Tuesday, June 15, 2021, 6:00 p.m. at Irvington Baptist Church. First if you haven't signed in, please if you would do so, the signup sheet is in its usual place at that very back table next to the piano.

B. ROLL CALL – Frances Westbrook

Frances Westbrook: Roll call starting with you Anthony if you would.

Anthony Marchetti present.
Dudley Patteson present.
Jackie Brown present
Frances Westbrook present.
Wayne Nunnally present.
Bonnie Schaschek present.

C. PUBLIC COMMENT

Frances Westbrook: Alright, we are going to move into public comment. I'd like to please give some guidance points if you would. First, we are limiting tonight's comments to 2-3 minutes each and to the items that are on the agenda. Secondly, I'd like to remind town council that we are to listen politely, and not respond, and thirdly, I expect the public and town council members to behave in a respectful and civil manner with each other throughout this entire meeting. Alright, now who would like to speak from public comment.

Wayne Nunnally: I'm going to ask if we do the approval of the minutes first.

Frances Westbrook: No, not for a special called meeting. Anyone for public comment? Alright, seeing or hearing none, we will move to the approval of the minutes.

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
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D. APPROVAL OF MINUTES

Frances Westbrook: Do I have a motion to approve the minutes as presented yesterday afternoon?

Wayne Nunnally: I just got them, actually I didn't get them until today, so I move to table it.

Bonnie Schaschek: I'll second that, I didn't get a chance to read them, I just got them today as well.

Frances Westbrook: Alright we have a motion to second. Discussion?

Dudley Patteson: I think if we table minutes and don't get them approved tonight we jeopardize our opportunity to take advantage of the ARPA money.

Frances Westbrook: What?

Dudley Patteson: As part of the minutes.

Frances Westbrook: Um….

Dudley Patteson: …and the timeline and…

Frances Westbrook: …well that was voted on and approved that night. I don't know, I mean Nancyellen, that's a done deal at this point.

Wayne Nunnally: I talked to Tripp and he said he signed the paperwork and had sent it off.

Frances Westbrook: It hasn't been sent off. It's waiting for us to have…

Nancyellen Keane: I'll just mention that you have the budget appropriations, of annual…

Frances Westbrook: Uh huh….

Nancyellen Keane: …and general operating and the ARPA, I can't remember what the other stuff was.

Dudley Patteson: The taxes.

Nancyellen Keane: Oh, taxes and fees right, so a lot of things were passed and that would be a reason to approve.

Frances Westbrook: Well, we did approve with the motion to allow the mayor to sign these documents.

Nancyellen Keane: Right, and when we get to the item on the agenda, we are going to talk about the other signature.

Frances Westbrook: Okay, does this ask for a copy of our minutes to be submitted with this application?

Nancyellen Keane: No, but I think the treasurer would feel more comfortable if he knew that the minutes were approved before he submits this.

Frances Westbrook: Um....

Nancyellen Keane: He is going to be submitting them tonight if you approve that before midnight.

Anthony Marchetti: I've read the minutes and I'm comfortable approving them.

Dudley Patteson: I agree with Mr. Marchetti.

Wayne Nunnally: Well, I haven't read them and so I'm not comfortable approving them.

Bonnie Schaschek: Actually, I didn't see where the minutes were supposed to be sent in with the paperwork.

Frances Westbrook: I just asked that question.

Nancyellen Keane: They're not, it's just that the treasurer would feel more comfortable submitting this if he knew it was authorized and it was approved, that's all. He doesn't have anything....

Frances Westbrook: ...to....

Bonnie Schaschek: Well he can get a draft up on the table.

Wayne Nunnally: [inaudible].

Frances Westbrook: Would a draft work Nancyellen of these minutes.

Nancyellen Keane: I think he has the draft.

Frances Westbrook: I mean typically we approve minutes at regular monthly meetings, what's your....

Jackie Brown: I read them, I don't have a strong opinion one way or the other.

Anthony Marchetti: They are verbatim minutes.

Frances Westbrook: Yeah. I'm okay with passing them given the fact that we've got this ARPA thing going on. We'll call a vote. We'll do roll call. Anthony?

Anthony Marchetti: The motion was to…

Frances Westbrook: Approve the minutes.

Wayne Nunnally: To table…

Frances Westbrook: Oh, I'm sorry, to table the minutes.

MOTION: To table June 10, 2021 minutes.

Wayne Nunnally: Yes.
Anthony Marchetti: No.
Dudley Patteson: No.
Jackie Brown: No.
Frances Westbrook: No.
Bonnie Schaschek: Abstain.
Defeated 4-1-1.

Anthony Marchetti: No.

Frances Westbrook: Dudley?

Dudley Patteson: No.

Frances Westbrook: Jackie?

Jackie Brown: No.

Frances Westbrook: Fran, no.

Wayne Nunnally: Yes.

Bonnie Schaschek: Whatever you want to do is fine.

Frances Westbrook: Is that a yes or no?

Bonnie Schaschek: I'll abstain.

Frances Westbrook: Okay.

Anthony Marchetti: So, approve the minutes?

Frances Westbrook: So, do we have a motion on the floor to…

Dudley Patteson: Second.

Frances Westbrook: ....approve and a second, any discussion? Roll call vote please starting with Anthony.

MOTION: To approve June 10, 2021 minutes.

Anthony Marchetti yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Wayne Nunnally no.
Bonnie Schaschek: Abstain.
Approved 4-1-1

Bonnie Schaschek ---

Frances Westbrook: You're abstaining.

Bonnie Schaschek: It doesn't matter it passed. I had other things, I had other commitments, I'm sorry, I didn't get a chance to read them so.

Frances Westbrook: Okay, these pass with 4 – yes, 1 – no, 1 abstain. Alright we'll move on to new business.

E. APPROVAL OF MINUTES NEW BUSINESS (amended at the table)

Frances Westbrook: We'll move on to new business which is appointments to mayor and council. Entertain a motion for appointment to mayor.

Wayne Nunnally: May I move that we appoint Fran Westbrook as interim mayor.

Bonnie Schaschek: Second.

MOTION: To appoint Fran Westbrook interim mayor.

Frances Westbrook: Discussion? Call for the vote. Start with you Anthony please.

Anthony Marchetti no.
Dudley Patteson no.
Jackie Brown yes.
Frances Westbrook yes.

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Wayne Nunnally yes.
Bonnie Schaschek yes.
Approved 4-2.

Frances Westbrook: Motion passes. Fran Westbrook is interim mayor.

Dudley Patteson: Madam Mayor.

Frances Westbrook: Okay.

Dudley Patteson: I'd like to make a motion that we appoint Chris Braley to the vacated council seat.

Frances Westbrook: Is there a second?

Anthony Marchetti: Second.

Frances Westbrook: Discussion?

Bonnie Schaschek: I think we should wait on this and call a special meeting around the 29th of June because the seat just became open today and I know he kind of jumped the gun and put the application in and I think he is very well suited for it, but in case there are any other people that are interested I think we need to give them the 15 days to come forward. I think we have 5 days to tell the circuit court and then 15 days to appoint somebody.

Nancyellen Keane: No, we have to petition the circuit court within 15 days for the vacancy, but, what is the significance of the 29th, if you don't mind me asking.

Bonnie Schaschek: That would be 15 days.

Nancyellen Keane: Oh, okay, that's a different issue, so, the point is whether you all want to appoint somebody now or later, I didn't understand the 29th.

Dudley Patteson: When is the notice sent out that anyone interested in being on council, when was that sent out?

Nancyellen Keane: Ten days ago, 2 weeks ago.

Dudley Patteson: It's, it's been awhile.

Nancyellen Keane: It was right after the meeting where the mayor said that he was going to, I don't know it was either the May or June meeting.

Frances Westbrook: It has been known to me that there is a person out there, and they talked to me yesterday and I asked them, please, please, please get an application in pronto, so I think if we could just have a few days maybe it will allow that to happen. I agree with you, I think Chris Brawley is well qualified and would like to have him on board but if we were to do that at the, we could do that at the July meeting.

Nancyellen Keane: You can do that at the July meeting.

Anthony Marchetti: Can also do it now, Chris received the next highest amount of votes at the recent election, he served on the planning commission, he sent a letter in when nobody else did, let's not cause any more disruption to the town, let's start the next meeting with 6 council members, a new mayor and get some business done.

Frances Westbrook: Okay, Dudley.

Dudley Patteson: I agree with Anthony. I made the motion and he seconded it, so we have a motion on the floor.

Frances Westbrook: Second, and now we are in discussion.

Jackie Brown: Has this been advertised? I haven't seen anything.

Nancyellen Keane: It's been on the website and it was advertised the same way the mayor one was, it was advertised, posting on the post office door and the website because you are only looking for qualified voters. It has to be people within the town boundary that are voters.

Wayne Nunally: Here's my problem. Chris, I think you are wonderful, you know…

Frances Westbrook: Where is Chris?

Wayne Nunnally: I can't say who I voted for, but you are definitely qualified but nobody knew Fran was going to resign tonight, and so anybody who may want to board this has not had an opportunity until the resignation to submit an application. They probably could be holding back for that very reason, so I don't think it is, I think we have, we want to be responsible, we are charged with being responsible in exercising our fiduciary duties and I think it would be irresponsible if we don't allow sometime since this resignation was only done tonight….

Frances Westbrook: Oh you mean, my council seat?

Wayne Nunnally: Right.

Frances Westbrook: Oh, okay.

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Wayne Nunnally: Done tonight and we give them until the next meeting to get letters in and if there is no letters in or nobody submits then we vote on it at the next regularly called meeting.

Anthony Marchetti: The mayor seat has only been open an hour.

Frances Westbrook: That's the point he's making.

Wayne Nunnally: That's the point I'm making.

Anthony Marchetti: But you were running for mayor, so….

Frances Westbrook: But I still had my letter….

Wayne Nunnally: I'm not going to err into that depths of discussion.

Anthony Marchetti: If Chris knew that there was a possibility that everyone had the same equal opportunity.

Wayne Nunnally: Withdraw the question.

Frances Westbrook: Bonnie, do you have anything you'd like to say first. Alright, so the motion is…

Dudley Patteson: Everyone has admitted he is qualified, and I don't think we….

Wayne Nunnally: Let's vote.

Frances Westbrook: I would like to say that I think because of another interest out there, I'd like to see us postpone it, if not but only a week.

Dudley Patteson: But that person has…

Frances Westbrook: Excuse me, excuse me please, and if that person, we call a special meeting next week and get the deed done, but I'd like to see at least the opportunity for this person to submit paperwork if they are so inclined.

Nancyellen Keane: Fran, may I….

Frances Westbrook: Yes ma'am.

Nancyellen Keane: …information, the reason that this was put up on the website a couple of weeks ago was for this purpose. If you waited until the July meeting there will probably be no special election for this position.

Frances Westbrook: Well when do you submit the paperwork to the judge?

Nancyellen Keane: I will submit the paperwork to the judge for Tripp's vacancy probably tomorrow or the next day. But, my point is there is a deadline cutoff by which the judge will or will not give a writ of special election for a vacancy.

Frances Westbrook: Do you know when that deadline is?

Nancyellen Keane: I do not know the exact day, but I know that you are getting quite close to that when you get to July 8th because there is an election in November….

Frances Westbrook: Uh huh.

Nancyellen Keane: …and there has to be candidates that have to be able to apply for that election in November and so, I'm just telling you….

Frances Westbrook: But I think it has to have a minimum of 45 days prior to the election, is that correct? As a cutoff time?

Nancyellen Keane: I'm saying there is a cutoff, but I don't know, I can't read the judge's mind, but I'm telling you, you need that, if you wait until July that will probably eliminate that.

Anthony Marchetti: …to the people of Irvington since Chris had the highest amount of votes.

Frances Westbrook: Thank you.

Bonnie Schaschek: Can I ask the lawyer a question?

Frances Westbrook: Certain.

Bonnie Schaschek: So, Nancyellen, if we do an assigned, if the council assigns a council person now, is that council person taking the entire length of Fran's current or….

Frances Westbrook: It's just until November.

Nancyellen Keane: If you do it now, it's until November because there needs to be a special election then.

Bonnie Schaschek: Oh, so it's not for a permanent, it's going all the way through.

Nancyellen Keane: It's only for 6 months. It's only for a person to be an interim council member…

Anthony Marchetti: The same thing as Fran….

Nancyellen Keane: The same thing that Fran is doing.

Frances Westbrook: Right. Four months plus the election time and I guess…

Bonnie Schaschek: I misunderstood what it was for.

Nancyellen Keane: The other thing, the distinction is, the reason I am talking about the date you actually take the vote is because later in the year, the judge has a certain window, he doesn't want to give the election board information too late for them to do the election stuff….

Bonnie Schaschek: Okay.

Nancyellen Keane: So that is why I'm saying if you don't do it tonight, you would need to call a special meeting within a week. I mean you should not wait until July if you seriously want the person to only serve 6 months and then have a special election to fill that seat for the rest of that term which is a considerable length by the way because I think you were elected…

Anthony Marchetti: Three years.

Nancyellen Keane: Three years yeah.

Frances Westbrook: The, until December tacked on the end since the General Assembly changed the whole election.

Nancyellen Keane: It will be 3 years, yeah.

Frances Westbrook: Three and half almost.

Bonnie Schaschek: I thought this was for the whole thing, not.

Frances Westbrook: Does everybody understand that, we are only talking about an interim appointment.

Anthony Marchetti: Correct.

Frances Westbrook: We are only talking about 4 months plus the election and certification.

Anthony Marchetti: Correct.

Nancyellen Keane: The person would get sworn in probably after January 1 or something like that…

Bonnie Schaschek: From the general election?

Nancyellen Keane: From the November, if it is in November, if we meet the deadline and get in there for the November special election, then, and someone wins that....

Frances Westbrook: Uh huh.

Nancyellen Keane: ....then they would take office January 1 and that's what we did.

Frances Westbrook: But that's the 6 months year....

Nancyellen Keane: ... we are talking about yes.

Bonnie Schaschek: I don't think that's what we did in the past was it?

Frances Westbrook: Well, these rules have changed somewhat, so, I guess that is where some of the confusion is. Alright so, there has been a motion, a second, we'll do a vote, roll call vote. Please Anthony starting with you.

MOTION: To appoint Chris Braly to council.

Anthony Marchetti yes.
Dudley Patteson yes.
Jackie Brown: This is for Chris Braly?

Jackie Brown: Yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.

Approved 5-0.

Frances Westbrook: Congratulations. Alright. Yes ma'am.

Nancyellen Keane: May I just ask you, would you allow Diane Mumford to swear you all in now so she can go....

Frances Westbrook: Absolutely.

Nancyellen Keane: Would that be okay?

Frances Westbrook: Chris.

Nancyellen Keane: Chris you need to come forward.

Frances Westbrook: Would you like to come forward.

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Dudley Patteson: Madam Mayor, while we are on the subject, I think we also need to appoint a vice mayor and I would like to appoint Anthony….

Frances Westbrook: Alright, hold on, we are going to do this swearing in real quick so she can be on her way.

Dudley Patteson: Well….

Frances Westbrook: Is the vice mayor sworn in also. I don't think so.

Dudley Patteson: Okay, just wanted to be certain.

Diane Mumford: Madam Mayor if you will raise your right hand please. I, Frances Westbrook.

Frances Westbrook: I Frances Westbrook.

Diane Mumford: Do solemnly swear and affirm.

Frances Westbrook: Do solemnly wear and affirm.

Diane Mumford: That I will support the Constitution of the United States.

Frances Westbrook: That I will support the Constitution of the United States.

Diane Mumford: And the Constitution of the Commonwealth of Virginia.

Frances Westbrook: And the Constitution of the Commonwealth of Virginia.

Diane Mumford: And that I will faithfully and impartially discharge.

Frances Westbrook: And that I will faithfully and impartially discharge.

Diane Mumford: All the duties incumbent upon me.

Frances Westbrook: All the duties incumbent upon me.

Diane Mumford: As Interim Mayor for the Town of Irvington.

Frances Westbrook: As Interim Mayor for the Town of Irvington.

Diane Mumford: Beginning June 15, 2021.

Frances Westbrook: Beginning June 15, 2021.

Diane Mumford: And ending when a successor is elected and qualified from the special election.

Frances Westbrook: ---

Diane Mumford: And ending…

Frances Westbrook: And ending…

Diane Mumford: When a successor is elected.

Frances Westbrook: A successor is elected.

Diane Mumford: And qualified from the special election.

Frances Westbrook: And qualified from the special election.

Diane Mumford: According to the best of my ability.

Frances Westbrook: According to the best of my ability.

Diane Mumford: So help me God.

Frances Westbrook: So help me God. Alright.

Diane Mumford: Raise your right hand please. I, John C. Braly.

Chris Braly: I John C. Braly.

Diane Mumford: Do solemnly swear and affirm.

Chris Braly: Do solemnly wear and affirm.

Diane Mumford: That I will support the Constitution of the United States.

Chris Braly: That I will support the Constitution of the United States.

Diane Mumford: And the Constitution of the Commonwealth of Virginia.

Chris Braly: And the Constitution of the Commonwealth of Virginia.

Diane Mumford: And that I will faithfully and impartially discharge.

Chris Braly: And that I will faithfully and impartially discharge.

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
TUESDAY JUNE 15, 2021; 6:00 PM (amended at the table July 15, 2021 meeting)

Diane Mumford: All the duties incumbent upon me.

Chris Braly: All the duties incumbent upon me.

Diane Mumford: As council member for the Town of Irvington.

Chris Braly: As Interim Council Member.

Diane Mumford: For the Town of Irvington.

Chris Braly: For the Town of Irvington.

Diane Mumford: Beginning June 15, 2021.

Chris Braly: Beginning June 15, 2021.

Diane Mumford: And ending when a successor is elected.

Chris Braly: And ending when a successor is elected.

Diane Mumford: And qualified from the special election.

Chris Braly: And qualified from the special election.

Diane Mumford: According to the best of my ability so help me God.

Chris Braly: According to the best of my ability so help me God.

Frances Westbrook: Thank you Ms. Mumford.

Nancyellen Keane: This is where we were talking about.

Frances Westbrook: Exactly, so at this point we do need to appoint a vice mayor.

Dudley Patteson: I'd like to make a motion to appoint Anthony Marchetti for vice mayor.

Anthony Marchetti: Second.

Frances Westbrook: Second, uh, discussion. Anthony do you want to start, I would say you can be the last if yo like.

Anthony Marchetti: I'm happy to do it if that's what the council members so desire.

Frances Westbrook: And Dudley I know you nominated him, do you have anything else to say.

Dudley Patteson: I just think Anthony has, is truly exemplary of a true good town council person and could not think of a better person to serve in the capacity of vice mayor.

Frances Westbrook: Thank you. Chris you're official, do you have any comments?

Chris Braly: Uh, no, I agree with what Dudley has said, I think it's important to have a vice mayor and move a motion to appoint Anthony, I think it should be seconded, he would be very good town representative in the capacity.

Frances Westbrook: Thank you. Jackie.

Jackie Brown: I think this wasn't on the agenda for tonight.

Frances Westbrook: Well, it was brought to our attention that we have got to have a vice mayor because that is what the resolution, not just because....

Nancyellen Keane: For signing checks....

Frances Westbrook: Signing checks, resolution...

Nancyellen Keane: To sign checks.

Jackie Brown: Okay.

Bonnie Schaschek: I'm fine.

Frances Westbrook: I'm sorry Wayne?

Wayne Nunnally: Well I know one thing, I know his company has a fabulous teacher.

Anthony Marchetti: I was gonna say about the teacher.

Wayne Nunnally: And I know that Anthony loves this town and I know that he is concerned about it and like me and the rest of us on council he wants to do and see the town grow appropriately and give our business, so it is without hesitancy I endorse you.

Anthony Marchetti: Thank you Wayne.

Frances Westbrook: Well I can't get more flowery than that, but I do have great confidence in you Anthony, I had the pleasure of working with you on town council and I too would be happy for you to be vice mayor, so, shall we call, roll call vote and I do believe you are allowed to vote for yourself, anybody?

MOTION: To appoint Anthony Marchetti as Vice Mayor.

Anthony Marchetti yes.
Dudley Patteson yes.
Chris Braly yes.
Jackie Brown yes.
Wayne Nunnally yes, resoundingly.
Bonnie Schaschek yes.

Approved 6-0.

Nancyellen Keane: Madam Mayor you can't vote.

Frances Westbrook: Oh.

Anthony Marchetti: Old habits.

Frances Westbrook: I retract my vote. But the vote does pass 5-0.

Nancyellen Keane: 6-0.

Frances Westbrook: One, two, three, four, five, thank you 6-0. Congratulations Anthony. So we'll move on now, I think we finished with that part, are we going now to the ARPA funds and I am going to turn this over to Nancyellen because I think we are going to have a few questions, the documents are rather complicated, I believe we have all read it and we may have some questions after you give a little bit of a briefing.

Nancyellen Keane: I'm sorry Chris, I'll send you the documents.

Frances Westbrook: Actually Chris, here take mine.

Nancyellen Keane: I want to just let you know that all the council, most of the council members responded to us that they are in favor of having this submitted. It will be submitted provided the meeting supports this, what we do now supports this, it will be submitted tonight by the deadline by the treasurer, Jay Sanudo at Robinson, Farmer, Cox. There are a couple of issues that I just want to make sure that everybody was aware of. One, he has to, the treasurer has to sign this application. When we met last Thursday I was unaware that he had to sign it, only that the mayor had to sign it and he has signed the copy now but he wants a vote from you all that it is okay for him to sign and be the financial contact and I would appreciate it, after you all are finished that you would do a motion that authorizes Robinson, Farmer, Cox to be the, a signatory on the application and the financial contact. See, once he submits it, they will be communicating with him and so that makes most sense. The other thing that I wanted to mention to you all is on the application, it is a one page application, it is very simple to fill out, but it does, as these forms,

these Federal forms all often do, in the small print, it says that it incorporates terms from appendices C, D and E which is in the package and I want to make sure that everybody understands that is a cost of doing business associated with agreeing to these kinds of terms. These are the kinds of terms that a Federal government contractor would have to agree to. You have to agree to comply with the Civil Rights Act, you have to agree to make a report to the Federal Government if there is any Civil Rights complaints at the office, you know after this is submitted, you have to agree to put these terms in people's contracts that are relevant to these funds. There is a lot of things that would need, whoever is going to manage this at the town, would need to be trained and understand how to do this. I'm not saying it is overwhelming, I'm just saying larger jurisdictions do this all the time but you all are not even subject to some of these laws because of the number of employees you have or because you are not doing purchasing and so forth of significant amounts of money all the time. You are not complying with the procurement act and all those kinds of terms, so I just want to draw your attention to this, if you have any questions about what this means, you probably should talk to Jay Sanudo at Robinson, Farmer, Cox and I also wanted to answer, one council member had a question regarding the money that comes in and what bank account it will go into and I put that question to Robinson, Farmer, Cox and they say it can go in the CARES account. Now if you want further….

Wayne Nunnally: Wait Nancyellen, it can go where?

Nancyellen Keane: It can go into the bank account that has been set aside for CARES funds by the town, I believe Chesapeake Bank. I was asked, the question came back saying that they didn't think it could be it may need its own account. According to Robinson, Farmer, Cox it doesn't, but if you want to pursue that, that's his information, I'm not giving you that advice, I'm just passing that along to you just as an answer.

Frances Westbrook: So they would be comfortable with those two different funds in one account and then….

Nancyellen Keane: Yeas, on the books you would keep it separately, on the budget or whatever, and on QuickBooks and so forth but he said physically he believes it can go into the same account you already have opened for CARES funds.

Frances Westbrook: Okay.

Nancyellen Keane: That's from him, does anybody have any other questions about this, we have to submit this by midnight, he will do so. If you are still interested in submitting this application

then I think that the thing to do would be to have a motion to authorize Robinson, Farmer, Cox to be the financial contact, and a signatory on the application.

Wayne Nunnally: I so move.

Frances Westbrook: Okay, a second?

Jackie Brown: Second.

Frances Westbrook: Alright, any discussion. I do want to say one thing and make sure that we are all perfectly clear about this aspect of it. Because of the complications of dealing with the funds and the Federal Government, I think it would be very prudent of us to hire someone at Robinson, Cox, probably whomever to manage this and make sure reports are done in a timely manner, whenever they occur and yes ma'am.

Nancyellen Keane: I was going to say, you just modify your agreement with them and just, this is a line item of what he is going to handle for you.

Frances Westbrook: Yeah, but my point is we are going to have to pay him to do that or pay the person to do that, but the funds can be used to pay a person to manage it so, as long as everybody is aware of that, that fact, some of the funds will have to be earmarked to pay this person.

Nancyellen Keane: Yeah.

Wayne Nunnally: Final question.

Bonnie Schaschek: Can I just…

Frances Westbrook: Yes ma'am.

Bonnie Schaschek: Um, when you were saying that all of these things, these are only things in use of the funds not our general operating.

Nancyellen Keane: Correct, you can confirm that with the treasurer….

Bonnie Schaschek: Okay.

Nancyellen Keane: …because he is going to be more familiar with how that might bleed over into your other operations and your other funds.

Bonnie Schaschek: Okay, sorry, I just wanted to….

Frances Westbrook: So we are calling for the vote, Anthony.

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
TUESDAY JUNE 15, 2021; 6:00 PM (amended at the table July 15, 2021 meeting)

MOTION: To authorize Robinson, Farmer, Cox to be the financial contact and a signatory on the ARAPA application.

Anthony Marchetti yes.
Dudley Patteson yes.
Chris Braly abstain.
Jackie Brown yes.
Wayne Nunnally yes,
Bonnie Schaschek yes.

Aproved 5-0-1.

Fran Westbrook: Alright so we have four yes, five yes and one abstain. The motion passes. Alright so moving on to round table.

F. ROUND TABLE

Fran Westbrook: Do we have any comments or anything you wish to bring up.

Wayne Nunnally: I simply say I'm looking forward to the future.

Anthony Marchetti: Second.

Frances Westbrook: I'd like to say a couple of things first. Welcome as our vice mayor, I look forward to working with you and Chris I'm very glad to have you on board too. But more so a different thing, I thought about many things that were said at last Thursday's meeting, actually I spent quite a lot of time doing that, I believe that each town council member absolutely shares three common traits, one that we each chose to live here, two that we love our region, and three we truly want the best for our town and I believe each and every one of you believe the same thing also. Consequently, I am not going to give up on this body. I feel we can rise above the current situation if we are willing to grab the opportunity and learn from it enabling us to move forward in a positive manner. That would mean that every one of us would have to commit to doing the perspective work necessary to move forward as a team. So in order to implement one of the corrective measures outlined in the report from Hagan Meyer, I am asking that we move ahead in planning a retreat as soon as possible with the Town Council's endorsement I will gladly research the aspects of making that happen and bring it back to you at the July meeting. Thank you.

Wayne Nunnally: Move we adjourn.

Bonnie Schaschek: Don't you want to agree with Fran.

Wayne Nunnally: Do we want to agree, oh yes, absolutely I agree.

Frances Westbrook: Anthony, did you…

Dudley Patteson: I'm sorry.

Frances Westbrook: I'm just asking for any comments. None.

Jackie Brown: Okay with me.

Chris Braly: One thing I'd like to say, I know in my letter of interest, I indicated that I would like to serve as the town council liaison on the planning commission specifically to complete the comprehensive plan update and survey project that the planning commission is working on, so at a minimum I'd like to at least see that through….

Frances Westbrook: Uh huh.

Chris Braly: ….but I do believe that having a member of town council serve as liaison on the planning commission is an important position and would like to volunteer to do that if it is okay with the rest of council.

Jackie Brown: I have something to say about that.

Frances Westbrook: Okay.

Jackie Brown: The way, the way it was set up for the town council liaison to work with the planning commission was that you were to attend the meetings but not say a word to observe and then report back to council, you would not be participating on the planning commission.

Chris Braly: I thought it was, and again I didn't research this.

Jackie Brown: I'm not saying that can't change but that's the way it is set up right now.

Chris Braly: Okay, because I was under the impression that I could participate in discussion but not vote.

Nancyellen Keane: I don't know where that came from. You are non-voting but you don't.

Jackie Brown: Right, I was the liaison for several years and I was told by council that I could not participate in any discussion unless someone asked me a question.

Nancyellen Keane: I never heard of this.

Jackie Brown: I specifically came back to council and asked them whether that was really what they wanted to have happen and I was told that I was not supposed to not say anything. I was also told that I was chosen because of the history I have of serving on the planning commission for 10 to 12 years but then I wasn't allowed to share any of that expertise.

Nancyellen Keane: On the documents that you have that form the planning commission and all the by-laws they don't say any of that so you could participate, you can't vote.

Chris Braly: Yeah, I understand that.

Frances Westbrook: And I would like to think that, I mean if you didn't want anyone, I mean this is my person opinion, jump in, if the zoning administrator almost serves that function, you go up, you give your report, you answer questions, you sit down and you don't participate other than that, and you only answer questions, so we already have that function so to speak as far as a zoning administrator, so to me a liaison would function as joining a conversation, answering questions….

Anthony Marchetti: Contributing.

Frances Westbrook: And could be contributing.

Chris Braly: It would also allow me to voice the opinion of the town council….

Frances Westbrook: Perhaps to clarify some things….

Chris Braly: To help either expedite things or clarify a position that the planning commission needs to look at prior to….

Wayne Nunnally: Madam Mayor I move that allow the council representative from the planning commission to participate freely by asking questions, giving knowledge, making suggestions and have a free open discussion within the planning commission but can't vote.

Frances Westbrook: I don't think we need that but.

Dudley Patteson: Let's get it going.

Bonnie Schaschek: Yes we do because I was also in the same position which is why I say I won't do it again.

Jackie Brown: No it was terrible.

Wayne Nunnally: We have a motion.

Bonnie Schaschek: I second the motion.

Frances Westbrook: Second motion, roll call vote please.

MOTION: To appoint Chris Braly as council liaison to planning commission.

Anthony Marchetti yes.
Dudley Patteson yes.
Chris Brawley yes.
Jackie Brown yes.
Frances Westbrook yes, I can't, I'm sorry.
Wayne Nunnally yes.
Bonnie Schaschek yes.

Approved 6-0.

Nancyellen Keane: So now are you going to appoint him to the planning commission as the liaison.

Frances Westbrook: Yes, it's passed so now you are appointed to the planning commission as the town council's liaison.

Nancyellen Keane: And you are vacating your planning commission seat.

Chris Braly: Yes.

Wayne Nunnally: So at the next meeting.

Frances Westbrook: Anything else we need to bring up at round table.

G. ADJOURN

Wayne Nunnally: Move we adjourn.

Frances Westbrook: Second?

Anthony Marchetti: Second.

Frances Westbrook: Meeting is adjourned.

Dudley Patteson - Aye
Chris Braly - Aye
Anthony Marchetti - Aye
Wayne Nunnally - Aye
Bonnie Schaschek - Aye
Jackie Brown - Aye
Motion to approve June 15, 2021 minutes passes 6-0 during July 15, 2021 Town Council Special Called Meeting.

Respectfully submitted,

Frances E. Westbrook

Frances Westbrook, Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, JUNE 15 2021 6PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Jaclyn Fourte	437 The Lane
2.	Brian "	" " "
3.	Jane + Henry Wells	358 Quinby Trail
4.	Ruth Fuller + Richard Schuld	361 The Cove
5.	Mary Burgess	22 VA RD
6.	Michele Covin	
7.	Ann Arnold	
8.	Julie Harris	1099 K.C. Dr.
9.	Spencer Kemmyer	4736 IRV RD
10.	Lee Taylor	4504 Irv Rd
11.	Sam Van Sam	146 Virginia Rd
12.	Susan Kirkland	364 Chesapeake Dr
13.	Gage Kuper	Hayden Rd

14. Chris Brady 298 Chesapeake Dr.
15. Ann Deskins 69 Chennis Lane
16. Robin Kimmeth 10 Cedar Circle
17. Steve Kimmeth 10 Cedar Circle
18. Cary Schneider 303 Quails Trail
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TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY JUNE 10, 2021 6:30PM
IRVINGTON BAPTIST CHURCH

NOTICE: the Irvington Town Council will hold a Regular Monthly Meeting on Thursday June 10, 2021 6:30 pm; Irvington Baptist Church.

AGENDA

A. CALL TO ORDER – *Mayor Bugg*

Mayor Bugg: Let's go ahead and call this meeting to order. This is the Town of Irvington Town Council Regular Monthly Meeting at the Irvington Baptist Church, Thursday, June 10th, 2021, at 6:30 p.m. Notice is hereby given. I'd like to start with a moment of silence. Thank you. Public and Town Council thank you for being here tonight. This will be my last meeting as Mayor of the Town of Irvington and I appreciate all of your attendance tonight. Let's start with roll call.

B. ROLL CALL – *Mayor Bugg*

Mayor:	Mayor Bugg present.
Members of Council Present:	Frances Westbrook present. Bonnie Schaschek present. Wayne Nunnally here. Anthony Marchetti present. Dudley Patteson present. Jackie Brown present.
Staff Present:	Nancyellen Keane, Esq., Town Attorney Lara Brown, Zoning Administrator Sharon Phillips, Town Clerk, FOIA Officer
Guests:	See attached sign in sheet

C. APPROVE AGENDA

Mayor Bugg: Next up we have the agenda. Has everyone had a chance to review that agenda?

Sharon Phillips: There are of course amendments in yellow.

Mayor Bugg: Yeah, under old business I see Item 7 through 10.

Frances Westbrook: That would be appropriation.

Mayor Bugg: Yeah, as amendments.

Frances Westbrook: Mr. Mayor, I move that we approve the agenda as amended under old business.

Dudley Patteson: Second.

Mayor Bugg: Any discussion council? All in favor?

Group: Aye.

Vote:		
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

Mayor Bugg: Opposed? The amended agenda is approved.

THE MOTION TO APPROVE THE AMENDA AS AMENDED IS PASSED 6-0.

D. APPROVAL OF MINUTES AND ACCEPTANCE OF TREASURER'S REPORTS

1. May 13 Meeting Minutes, Public Hearing
2. May 13 Meeting Minutes, Regular Monthly
3. May 20 Meeting Minutes, Special Called
4. May Treasurer's Reports (4)

Mayor Bugg: The next item will be the approval of minutes and acceptance of the Treasurer's Reports. Looks like we have the May 13th meeting minutes from the public hearing. Has everyone had a chance to review those? Is there a motion to approve?

Dudley Patteson: So moved.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? Those are approved.

Vote:		
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO APPROVE THE MAY 13 PUBLIC HEARING MEETING MINTUES IS PASSED 6-0.

The May 13 meeting minutes, regular monthly meeting. Has everyone had a chance to review those and if so, is there a motion to approve?

Frances Westbrook: I had one correction, please.

Mayor Bugg: Yeah.

Frances Westbrook: The heading it says Town Council Public Hearing, it should be corrected to say regular monthly meeting.

Mayor Bugg: Any comments about that. Opposed to amend it?

Wayne Nunnally: Move to approve as amended.

Mayor Bugg: Second?

Bonnie Schaschek: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? Those minutes are approved.

Vote:		
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO APPROVE THE MAY 13 REGULAR MONTHLY MEETING MINTUES IS PASSED 6-0.

Third item is the May 20 meeting minutes. That's a special called meeting, I believe there was an amendment to this notice to include that counsel from O'Hagan Meyer was present, has everyone had a chance to review that? Is there a motion to approve as amended?

Bonnie Schaschek: So moved.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO APPROVE THE MAY 20 MEETING MINUTES IS PASSED 6-0.

Last item will be the May Treasurer's Reports. Any comments about any of those?

Frances Westbrook: What are you on, the financials?

Mayor Bugg: Yeah, the financials.

Frances Westbrook: I'm sorry, I missed that intro. I beg your pardon. A couple of comments on my part. The P&L that they supplied us is a year-to-date as opposed to just specifically for the month of May, so I'd like to see us get a P&L for the month of May as opposed a year-to-date. We see the year-to-date selected on the profit and loss budget performance, so I think it is more valuable to us if we see the current month at hand. Also, on the check register itself, typically that is done in date order, but this time it's not, I'm not sure why not, but, I'd like to see us return to that order, but I don't know, who makes that happen, who do we tell this to? We call Jay?

Mayor Bugg: Yeah, I think we would. Yeah.

Frances Westbrook: Call Jay, okay.

Mayor Bugg: That should be easy to accomplish.

Wayne Nunnally: So, what are we doing?

Mayor Bugg: Any other comments?

Frances Westbrook: And I assume we are filing these as information only, is that correct?

Mayor Bugg: Correct, so we don't need a motion to approve.

Frances Westbrook: Thank you.

Mayor Bugg: Okay.

Bonnie Schaschek: Would it be appropriate if the finance committee talk to Jay about the format of the reports to also have them look at correcting some of the entries so we get…

Frances Westbrook: To the current year....

Bonnie Schaschek: ....for the current year for next month so that we can put them to bed finally.

Mayor Bugg: That makes sense.

Bonnie Schaschek: So, I'd like to make a motion that they work with the accountant to make the adjusting entries.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed?

Frances Westbrook: Thank you.

Mayor Bugg: Thank you, passes.

THE MOTION THAT THEY WORK WITH THE ACCOUNTANT TO MAKE THE ADJUSTING ENTRIES IS PASSED 6-0.

E. PUBLIC COMMENT

Mayor Bugg: Public, this time is now yours. I, we have a number of topics to discuss tonight and I'm going to take them, break them down and take them in order and, I would like to start with the North Commons, can I see a show of hands concerning how many people want to speak about the North Commons. One back there, yes sir, could you please stand up and state your name and address.

Albert Pollard: Thank you, Albert Pollard, I just glanced at the drawing as I came in, I think it is fabulous, a lot of work has gone into it, if you put the building actually so that it is at the end of the Tavern Street so it's a focal point and you put the parking behind it in a lot of small towns and you know the way they used to build things, the building is on the street, it will create more of a town feel. That's the thought. I think you can go without losing any parking or any of that type of stuff. Thank you.

Mayor Bugg: Thank you. Anyone else from the public who would like to speak about the North Commons.

Gabe Del Rio: Second Albert's comment. That's a smart comment, building toward the front and not look at a parking lot.

Mayor Bugg: Next up would be the Short-Term Rental Registry Ordinance, would anyone like to speak about that? Alright, moving on. The budget, would anyone like to speak about that? Yes, Cay.

MaryCary Bradley: I think I have something sort of related to the budget so bear with me. MaryCary Bradley representing the Steamboat Era Museum, which is 156 King Carter Drive. I can't remember, whatever, y'all know where it is. So, I want to confirm that you all saw the email that I sent regarding the sponsorship activity, the sponsorship opportunities for the 2021 Crab Festival which by the way is Saturday, September 18th, okay, put it in your calendars now please people, if we, at this point we are planning to do the traditional crab festival with the big tent on the Commons, so put it in your calendar people. Back to council, sorry for my little ad for ourselves. I wanted to make sure you all saw that in my cover letter and on the sponsorship opportunities, there are two new opportunities this year that are $50.00 more than what you currently have in the 2021/22 budget, they are $1,250.00 a piece as opposed to $1,200.00 which is what you currently have. One of them is to be a print advertising sponsor which includes being noted in every printed ad that we would note that the Town of Irvington was a print advertising sponsor, the second option is to be a social media sponsor, so again, the Town would be called out on every electronic advertisement that we did, and we hope that the Town will indicate their preferred sponsorship level on the form included in the email.

Mayor Bugg: Thank you. Anyone else who would like to speak about the budget? How about taxes? Anyone want to discuss some taxes? Alright, next up would be the investigation report. Can I see a show of hands from anyone who would like to speak about the report? Alright, I'll start with you Ms. Meekins.

Ann Meekins: Due to not having the full report, it's hard to make the necessary recommendations on how to move forward. It is obvious to me that we cannot continue to operate as usual. I hope that a plan is in works to show the Town of Irvington that we are ready to make some changes. I want to thank since the Mayor is leaving, the Mayor and the staff for all of their hard work. The staff has been very professional, Roy Kime, Sharon Phillips, Lara Brown and Nancyellen arrived and I want to take this opportunity to thank them for making my job easier and much more efficient.

Group: Clapping.

Mayor Bugg: Thank you, who would like to speak next if you could just state your name and address. Yes Gabe.

Gabe Del Rio: Gabe Del Rio, 732 Chesapeake Drive. So, it's not at all surprising to see that the staff and the town attorney did nothing wrong, and were completely vindicated from Mr. Schaschek ill informed accusations, when I read that report. What was concerning in the report, however, is what they have to say about Town Council. The report highlighted the need for training on procedural rules, employment and contract law as well as HR. It also noted the need for a retreat to improve conduct and orderly meetings. It sadly documented poor and derogatory behavior toward staff and residents. I was also disappointed to see that basic internal controls for finances were not followed. Making votes here about what this label should be or what I'd like that report to see, but very basic internal controls around the money that you steward for this town were not understood or followed. There is clearly a

lack of understanding of executive controls and stewardship of public funds. Not only did these actions result in a banker losing their job, but additional events lacking due judgement have opened the town to further liability. As a fiscal conservative myself I am very concerned about the pending litigation quote that is noted on page 1, footnote 1 of the report. Where it notes there are more findings that are not shared publicly. What else don't we know, and what will that cost us? This investigation has been very expensive. Over 4,000 documents were reviewed, over 13 interviewees by CPAs and attorneys. Our future insurance costs are likely to increase. We may be limited to our deductible right now, our premium in the future will likely go up. This is really a financial disaster, and the aftermath is going to last for years to come. Returning to the topic of staff, the ones who did nothing wrong I would remind you, we are about to not have any, we've got Lara's resignation on file, Sharon's departure immediately following Tripp's last day or with Tripp's last day, and all while this report underscores our need for yet a third staff member in order to properly support internal controls and this town's responsibilities. We can only hope that we don't lose our town attorney who works hard to keep actions that you take legal, who doesn't bill us for all of her hours spent, and who receives high praise from Kilmarnock serving in the same role. This is an embarrassing position for our town and we have a great deal of work to do to regain function. This report only highlights the inadequacies of our town government and the dysfunction that you all have fostered. I'm still here, I'm deeply committed to our town, I am not a party to any of this, I have a 20-year track record of perfect audits literally, and I've hired and employed hundreds of professionals. I'm ready to serve and I am ready to do the work of the people. Thank you.

Group: Clapping.

Mayor Bugg: Thank you. Who would like to speak next?

Greg Kirkbride: Greg Kirkbride, 364 Chesapeake Drive, Irvington. First of all, I am under no delusion that the individual who made the allegations of financial misappropriation and mismanagement was alone in conjuring them up. There seems to be a group of persons in this town who are bent on obstruction at best and to the destruction and dismantling of our town, worse, it's difficult to speculate on motives. These allegations and a requirement to answer them exacted considerable cost in the funding of this audit and the disruptions of the town governance and business during this critical time and crucially to the lives and service of dedicated town employees. A prime indicator of the scope of a larger problem is the reference to incidents of lacking civility, the use of "language that could be construed as derogatory or defamatory" perhaps I'm in that category right now. The only good that may come from this sad chapter are a clear exposure of destructive elements in our community and the ability to implement the recommendations to improve our government. My hope is that we can use this unfortunate episode to chart a better course for Irvington. Thank you.

Mayor Bugg: Thank you.

Group: Clapping.

Brian Forester: Brian Forester: 437 The Lane. I'm gonna read this slowly so it's clear. I have three main concerns arising from the report generated by Brown Edwards. One, the genesis of this report, erroneous claims including misappropriation of funds which is a pretty severe claim to be making, among others made by one citizen Klaus Schaschek. There have been multiple attempts by Klaus and members of this town council to belittle and ultimately remove Sharon and Nancyellen over the past year. These claims made towards the town staff have all been smoke, no fire, a witch hunt. So I ask what is really going on here? Why are some of our elected town council members trying to force out talented tenured town staff like Sharon and Nancyellen who by the claim, by the reports own admission have done nothing wrong and if anything are overworked and under compensated. Sharon and Nancyellen personally I thank you for all the hard work that you have done for this town.

Group: Clapping.

Brian Forrester: Two, these completely baseless claims and its pursuit to remove the town staff has distracted the town council from doing the meaningful work for which we voted you in to do. Instead citizens have been watching this pathetic bickering, name calling and infighting. Small topics like verbatim minutes turn into hour long debates, it is as though this group within the town council, and you know who you are, would rather filibuster than govern. What are you doing to improve the quality of life for the citizens of this town? Irvington deserves better. Three, there is a reference to several HR related claims in this report which Gabe and Mr. Kirkbride have also referenced. I witnessed several firsthand and others were recorded in public minutes. The lack of professionalism here is appalling. Are you not embarrassed by your conduct? I understand that the version released to the public of the Brown Edwards report does not include all the findings, so I am requesting due to the dysfunction and seemingly malicious intent of some town council members that the full report be made public immediately. I am tired of the vocal minority in this town fearmongering, gossiping, manipulating, filibustering and when all else fails, downright lying to push forth their own agenda. The people of Irvington spoke in the last election. It is clear some of you didn't like what they had to say, well I will paraphrase it for you, we need positive change in this town immediately. Thank you.

Group: Clapping.

Mayor Bugg: Yes.

Sam Van Saun: Sam Van Saun, 146 Virginia Road. The portion of the investigation report which has been released to the public this far shows dysfunctional governing body and a lack of professionalism. This report proves that Mr. Schaschek's accusations against town staff were completely baseless. It is clear from this report that certain town council members do not understand their role and purpose and have overstepped their authority time and time again. Not to mention the documented lack of human decency in the way staff and residents, and residents have been treated by town council members. This is not okay people. Tonight I have three calls to action, number one, first I call for and expect the entire report to be released to the residents of Irvington. Redact the personal identifying information, fine,

but we deserve to know what has gone on behind the scenes. If any one town council member does not want the full report to be released that tells me they have something to hide. Second, I call for and expect town council to institute every single one of the recommendations made in pages 18 to 22 of the report. If you are not willing to learn what your job as town council member is supposed to be and what the limits of your authority are, then perhaps it's time to resign. Finally, we need someone in the interim mayor position who can navigate the town through this mess. We are losing two staff members whom the town has come to rely on and without them I'm afraid it is all going to fall apart very quickly, as if it hasn't already. The town does not even have job descriptions or hiring procedures and policies in place. Thankfully we have someone who has tons of HR and hiring experience who is willing to help the town through this difficult time. I reinforce my support for Gabe Del Rio for interim mayor.

Group: Clapping.

Mayor Bugg: Who would like to speak next? Yes.

Mary Burgess: I'll go next. My name is Mary Burgess and I live at 22 Virginia Road. I am saddened to spend my afternoon going over this partial report rather than working on selling real estate and bringing new interesting and engaged people to our area. The place that we love to live. First, I would like to say that the allegations against town staff and the town attorney are completely unfounded. Second, I believe the town residents should see the entire report. We deserve that as town residents and we elected you to do your job and we expect you to do it to give it back to us. What is perfectly clear is that our town council cannot continue to move forward status quo. The company hired to do the investigation believes the entire town council needs a retreat in order to learn how to work together. You need HR training and to gain a true understanding in what your roles as town council truly are. There is an immense amount of dysfunction here clearly highlighted by this investigation and there is much work to do in order to overcome this dysfunction and it is an embarrassing situation for our town to be in. I believe in order to become a fully functioning town council again, the interim mayor should be someone who has experience leading groups, has a clear vision for our town and someone who does not currently sit on the ill-functioning town council. You have a willing, highly capable and engaged individual sitting right here. Appoint Gabe Del Rio as our interim mayor.

Group: Clapping.

Mayor Bugg: Who would like to speak next? Yes. Cay.

MaryCary Bradley: So I have to speak again. MaryCary Bradley, speaking first as the President of Steamboat Era Museum. It was a surprise to find the Museum listed in the audit report. I request guidance from the town on the type of "third party support" needed to support town recordkeeping. I saw there were three instances in Schedule B of Exhibit A of the investigation report where the museum did not provide "third party support". We do not typically invoice sponsors of the crab festival or donors. I would like to ensure the museum is providing the town with enough documentation so I would emplore to written guidance as to what is required. Second, as a resident who lives at 991 King

Carter Drive, I am glad the investigation is concluded and that the council and mayor chose to make the public report available to the public. I thank the 13 individuals who participated in the interviews and the town staff who provided over 4,000 documents related to this investigation. I know that the report available to the town council and mayor is much longer. I hope that any findings or recommendations included only in that report will be seriously considered by council and mayor, and by the way I support all the other people who recommended that be released to all of us because as a representive of an organization that was listed in it, I'd like to be sure the museum isn't listed somewhere else, please. I was relieved to learn that there was no evidence of misappropriation of funds nor there was criminal conduct or other conduct for which the town could be held civilly liable. I hope that the town may learn from the investigation and report. As residents perhaps we should raise concerns with council or the mayor in a timely manner about using language that is accusatory or disrespectful. I hope that Mr. Schaschek will consider a public apology to the staff and contractor who he accused publicly. I hope council and any interim or incoming mayor will use the report as a foundation from which to build policies and procedures to support conducting the business of the town in a manner that will hopefully not result in lengthy investigations or more upheaval and contention. I look forward to any communication from candidates regarding their votes for improving how the town conducts its business including supporting an environment for the verbatim minutes are used to recall motions and discussions and all people can feel respected and valued. Finally, thank you to Mr., Mayor Bugg for having served as the mayor particularly through this very contentious period in our history. May you and yours enjoy the wilds of the county.

Group: Clapping.

Mayor Bugg: Who would like to speak next? Yes ma'am.

Ruth Fuller: Ruth Fuller, 341 The Lane. My comments are much briefer than others. I wanted to speak as a newer resident to the town and this is towards the end of the saga for me that I'm coming in and it is rather shocking and a bad look. If I had any idea of what was going on as we were looking to move here, not saying I wouldn't move here, but simply would be paused about the residents here. This talk of fighting and bickering is not professional. I read the report, it is shocking, and I hope that no matter what happens moving forward the status quo is not kept, the recommendations are followed and also moving forward that you have that as a requirement for any job for the town council. Any new town council member should go through those types of training, whether they were a part of this saga or not. So, I hope that will be considered in the future.

Group: Clapping.

Mayor Bugg: Thank you. Who would like to speak next? Yes.

George Kuper: Mayor and council, George Kuper, Haden Hall. I did not plan on speaking this evening, except I am distressed by the manner in which my fellow residents have brought to your attention their concerns and their interest. The report was very clear that civility was lacking and civility needs to be

reintroduced. And perhaps the Mayor might have interrupted some of these presentations because they lack civility. The ability of a member of the community to raise concerns is absolutely essential to the way we govern. There are a number of other governing issues that I presented to you in a private paper memo that I sent to you on the 12 of May. We have a governance crisis and it is reflected by a group of people getting very well organized to address that problem. Whether or not they have the ability to fix those government problems is another question entirely, but this is not an election campaign and we should not be pursing election type rhetoric in this council meeting. Thank you.

Mayor Bugg: Thank you. Who would like to speak next? Yes, Mr. Schaschek.

Klaus Schaschek: Klaus Schaschek, 394 King Carter Drive. So, I'm the [inaudible] here. Let me just tell you that first of all, I never accused anybody of criminal history. That is, was never the case. If I thought there was a criminal mischief I wouldn't have talked to you. I would have informed law enforcement, so that is what. I have a lot of items here which were omitted from that report. One, I trust and would like to share, on the issue of the balance sheet. The investigators agree with me that is incorrect that, they declare it was a clerical error that mentioned the potential consequences. If this would have been publicly traded company, the chief financial officer would have been in deep deep trouble. In fact, if the CPA would have signed off on this balance sheet, I think he would have been in trouble too. Also, if you take this balance sheet and you give it to the bank, they are going to check it because of the erroneous financials showing a profit of about at that time $50,000, while in reality we had a loss of $15,000 and totally overstating our retained earnings. I don't want to go any further with this, I will just only say let's fix them and put the process in place to work with them in the future. Thank you.

Wayne Nunnally clapped.

Mayor Bugg: Thank you.

Mayor Bugg: Who would like to speak next? Yes.

Lee Taylor: 4504 Irvington Road. As a resident and a business owner here I was a little discouraged to read the investigation report and basically that town council members, elected officials would move beyond this period of contentiousness for the betterment of our community. It is unfortunate previous negative comments and adversarial relationship between some town councilmembers have reflected poorly on our town and caused an unhealthy work environment for staff which has been mentioned by several people here. This investigation could have been avoided but it could prove valuable if the recommendations stated at the end of the report are taken and followed. The suggestion that I clearly recognize is that members of council should not use derogatory language. This is something that requires no funding, it requires only a little effort in action on the town council members and can be done by all council members and everyone concerning the town.

Group: Clapping.

Mayor Bugg: Thank you. Who would like to speak, yes ma'am.

Carol Biscontinni: I'm Carol Biscontinni, I live in the Pony Pasture. I read the report and I was certainly gratified to see that the staff and some of the new people on council were given a clean slate. You kind of might say that they are now certifiably in pretty good shape, but there were all kinds of instructions where council as a whole that I also think is going to be really important to follow. One thing that concerned me was the departure of the staff and I certainly hope that the staff, the town staff knows that they are appreciated by many of us, and I hope that in the future they will stay and I hope they are fairly compensated. But, I really can't understand why you would not release it to the public given that it is a public report and paid for with the taxpayers money. I understand that some redaction might be needed, but it seems to me that that is a pretty basic part of communicating with the public, showing responsibility. Thank you.

Mayor Bugg: Thank you.

Group: Clapping.

Mayor Bugg: Who would like to speak next? Thank you public for all those comments. Next item I have for public comment would be vacancies, appointments, and elections. Would anyone like to speak in regards to that? Yes.

Sharon Phillips: I have three, if you would like for me to read those.

Mayor Bugg: Yes, you can go ahead and read those.

Sharon Phillips: Ruth Fuller, I wanted to write to express my support of Gabe Delrio for interim mayor of Irvington as Tripp Bugg departs. As a newer resident of Irvington I find the initiatives Gabe cares about to be vital to Irvington blossoming to its full potential. Gabe is a wonderful example of an ideal Irvington resident seeks the knowledge and love to give back to the community that raised him. The town would only benefit from someone with Gabe's talent and knowledge of how as the world opens up from a trying year. Best, Ruth Fuller. One from Jacqueline Forester, I support Gabe Del Rio serving as interim mayor, I believe his dedication to serve the property owners of Irvington. His decades of experience serving boards, working with feasibility studies and being an integral part of those studies coming to fruition, his timing and volunteering in his role seems fruitions, sorry about that. Gabe also being from Irvington realizes the importance of keeping the small town charm. The balance of these two coupled with his experience and stewardship make him well suited for this role. I am grateful for him stepping up to serve as we all know the role is going to take a lot of time. With a lot of support and gratitude, thank you Gabe, Jacqueline. Bill Harris, dear mayor and members of council, I would like to express my support for Fran Westbrook as interim mayor of Irvington. During her tenure on town council she has proven her support for business and for residents. Her strong stand against the PUD demonstrated her desire to maintain Irvington as the quaint town we all enjoy. We need her experience and knowledge moving forward. Thank you, William Harris. I have one more mayor. This

is from Judy Penneman. The report discussed tonight has good news and bad. The allegations brought forward by Mr. Schaschek were found to be without merit or foundation. The report more importantly describes the toxic atmosphere that has enveloped the town council to the point where it can no longer function nor serve the residents of Irvington properly. The town council should be ashamed of themselves. As a result of this report I am endorsing Gabe Del Rio for interim mayor. June Pennman, 1108 King Carter Drive. There was one letter Mr. Mayor of interest regarding the potential vacancy on council, Chris Braly has placed his letter of interest.

Mayor Bugg: Do you want to read that or.

Sharon Phillips: I can. Chris Braly, please accept this letter and the attached resume in consideration for the possible vacancy on the Town of Irvington Town Council. I am a qualified voter and have been in Irvington as a resident since 2007. I believe my experiences on the planning commission have prepared me to serve the citizens of Irvington on the town council. I also feel my background as a small business owner would help guide me make decisions that benefit both businesses and residents as Irvington grows. If I have the privilege of being appointed to the town council, I understand I will need to vacate my position as a planning commission member, however I would like to continue my work regarding the upcoming town survey and update to the comprehensive plan by serving as the town council liaison to the planning commission. J. Chris Braly. Thank you.

Mayor Bugg: Thank you. Anyone else like to speak from the public? Thanks again public, your comments are all appreciated. Next item on the agenda would be the mayor's report.

F. MAYOR'S REPORT

Mayor Bugg: As promised I will give my resignation date at the announcement portion of this agenda. Accordingly, the next item I would like to discuss is the ARPA Funds, Nancyellen would you like to speak about those?

Nancyellen Keane: Just briefly, we, today, yesterday actually we received information from the state regarding ARPA funds that will come to the town meets the deadline of June 15th to file the application to receive those funds. There is an application form and so forth, getting the materials were they forwarded to the town council?

Sharon Phillips: I'll have to doublecheck.

Nancyellen Keane: Well, we'll forward it to everyone. What will be needed tonight probably is a motion to authorize the mayor to sign the application, it is a one page form, application. You either have to apply to receive the funds or you have to fill out the application to reject the funds. You have to do one or the other. It says in the report that I got yesterday that the Town of Irvington could be eligible for as much as something like $415,000 in two installments of $206,000 or $207,000 a piece. The first payment is supposed to be coming shortly like in the next 2 weeks or so, and then there is another payment that is going to come next year. It is not going to be given out like the CARES money

was, the CARES money was several months apart, this is going to be like 12 months apart. The other thing is there is a limitation on the amount you can receive while the formula in the attachments shows that Irvington could be eligible for as much as $415,000 if you can't, you cannot, the amount you receive cannot exceed 75% of the town operating budget that was in effect January 27, 2020. That is in the law and so in doing that calculation on the back of a napkin, would tell me that we are only going to get $150,000, but that is something that you will need to you know figure out later, but the more important thing is the deadline of June 15th which is Tuesday for getting in this one page form. So the mayor needs a motion here to allow him to sign the application and I would also put in that motion that you all will accept the funds that are given to you and designate that they go into the same bank account as the CARES money.

Frances Westbrook: I do have a question.

Mayor Bugg: Yeah.

Frances Westbrook: So, you are saying that we may receive these funds in a couple of weeks possibly before the end of our current fiscal year.

Nancyellen Keane: It's possible.

Frances Westbrook: Does that mean we need to amend our budget we are getting ready to adopt tonight.

Nancyellen Keane: No, well you will in the fall, I think we talked about this, we had a conference call you were on with the treasurer, I believe it was a month ago maybe, I'm trying to remember the date but, this was when you were working on the budget synopsis for…

Frances Westbrook: I'm sorry, I, if we get that in June, it's on the current budget which is not reflected.

Sharon Phillips: But you don't have to amend your budget for income.

Nancyellen Keane: It's not for income, it's for expenses. So, if you don't spend the money….

Frances Westbrook: So this money is going to be electronically deposited….

Nancyellne Keane: You don't have to spend any of it.

Frances Westbrook: Yeah we don't have a budget for it.

Nancyellen Keane: You will amend your budget.

Frances Westbrook: But we'll do it later.

Nancyellen Keane: In the fall.

Frances Westbrook: Okay.

Nancyellen Keane: Remember we talked about the fact that you will amend it in the fall so that you would have line items for this particular....

Frances Westbrook: Right.

Nancyellen Keane: Which is similar to the line items you would have had for CARES....

Frances Westbrook: Yeah.

Nancyellen Keane: ....remember that.

Frances Westbrook: Yeah, but my concern was for that we have 2½ more weeks left in this and if we get it in that time frame, what does that do to us, but you are saying....

Sharon Phillips: One percent applies to expenses.

Frances Westbrook: One percent?

Nancyellen Keane: Uh huh.

Sharon Phillips: Applies to expenses not to income.

Frances Westbrook: Not to income, okay.

Wayne Nunnally: Do we have to use it for a particular purpose?

Nancyellen Keane: There are some limitations on it, you all will have to read it, the literature will come to you and it is a little different than CARES, there's some other things you can spend the money on, but tonight it probably not the time to go into that. These, the need right now is to get a motion to make sure that you all fill out the application, submit it on time, accept the funds and make sure that they go into the account that you designated at the bank for the CARES Funds so that those funds are all in one account.

Frances Westbrook: Okay.

Mayor Bugg: Anyone like to make that motion?

Dudley Patteson: So moved.

Bonnie Schaschek: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye

Anthony Marchetti	Aye
Dudley Patteson	Aye
Jackie Brown	Aye

THE MOTION TO AUTHORIZE THE MAYOR TO SIGN THE ARPA APPLICATION, ACCEPT THE FUNDS AND DEPOSIT THE ARPA FUNDS INTO THE EXISTING CARES FUNDS ACCOUNT IS PASSED 6-0.

Mayor Bugg: Opposed? That motion passes. Nancyellen do we also need to deal with the funds being deposited in a separate bank account of CARES Funds.

Nancyellen Keane: I think that was included in the motion.

Mayor Bugg: It was. You're right.

Nancyellen Keane: ...intended that, so....

Mayor Bugg: Good.

Sharon Phillips: So the motion was to allow the mayor to sign or execute, to accept and approve the document, to accept the money and for that money to go into the CARES Fund account.

Mayor Bugg: Excellent. Thank you. Investigation results. Now I want to move to the topic of the investigation report from the law firm of O'Hagan Meyer. Since the investigation is now completed, this is the first public town council meeting that it has been appropriate for me to speak about the report. The following are my takeaways. The whole experience was avoidable. Virtually all of the allegations lacked merit according to the investigators. The town clerk and town attorney were cleared by the investigation report which was not surprising. Specifically, and I quote from page 1 of the report "following its investigation of Mr. Schaschek's allegations, the firm has concluded that there was no misappropriation of funds by any member of town council, the town attorney or the town staff. The firm has also concluded that there was no criminal conduct or other conduct alleged by Mr. Schaschek for which the town could be held civilly liable. The investigation did uncover several instances of clerical and booking errors, most of which had been corrected but the investigation into these did not reveal any instances of intentional wrongdoing or malfeasances for which the town could be held liable. Specifically, our investigation concluded that the Schaschek allegations of December 10th, 2020 regarding any financial misappropriations were unfounded." I remain very disturbed about the manner in which these accusations occurred. Many accusations were made without even asking questions first. The accusations were made very publicly with the perceived intent of running off the staff resulting in embarrassment to this town. I want to personally thank the staff for being so professional and for staying throughout the investigation. No one should have had to endure this experience, least of all, the people who did nothing wrong. This was embarrassing and unprofessional. During my tenure as mayor, I have witnessed numerous examples of unacceptable behavior by some members of council in the form of gratuitous threatening and derogatory comments and actions towards staff. Therefore, I

am not surprised that the investigators concluded as outlined on page 20 of the report that derogatory statements made about staff are false and defamatory and it was strongly recommended that council stop this behavior. A significant driving force behind my decision to run for mayor were the repeated comments in the community that the town government was dysfunctional. After taking office, this was stated several times in town meetings during public comment. I fully agree. The town government is dysfunctional, but this is still a town with a great future ahead. But that future requires much work to ensure that this town has a functioning government that it deserves. Residents please take note of all of this. Nothing will change in the town's government until you take action. As mayor it has been my duty to protect the town. That is why I reported the litany of allegations to the insurance company for investigation. This is just one aspect. The town needs to take action to correct what has occurred and that action needs to begin now. As I stated during my opening comments at my first meeting as mayor, members of council should make each and every decision based on the best interest of Irvington and its residents. That is council's fiduciary responsibility. As mayor, I do not condone these actions and derogatory statements by members of council and request that they cease immediately. No elected official should be allowed to act as these individuals have done. As you have seen or will see in the investigation report there are numerous recommendations made by the investigators throughout this report and summarized at the end of this report. I believe that these recommendations contained in this report are critical to the future of this town and the long-term improvement of its government. As this report indicates you the residents of Irvington deserve much better. Thank you.

Group: Clapping.

Mayor Bugg: Next item on the agenda will be the town attorney report.

REPORT FROM THE TOWN ATTORNEY

Nancyellen Keane: I don't have one.

Mayor Bugg: Lara, zoning administrator report.

G. REPORT FROM THE ZONING ADMINISTRATOR

1. North Commons Update
    - Presentation from Bay Design Group

Lara Brown: Thank you. I have a couple of items I want to address before we see the Bay Design Group presentation. First on the zoning administrator report, we did have one application for a conditional use permit. You will address this later in the agenda for the proposed CUP schedule. This is for 73 Seafood Lane, tax map 33-379, it is the current Quarles Petroleum parcel that is under contract for purchase right now by Mr. Albert Pollard, Jr., he has put in a CUP application to have a boat storage business and, what I am going to ask of you Council tonight, is to amend the old CUP. There is an existing CUP on this parcel for storage of propane tanks down there. I am requesting that we remove that language from the CUP of the storage of propane tanks and add storage of boats. He would like to

have a boat storage facility down there much like what's already down there on Mr. Friday's parcel just next door. The storage of boats is a less industrial use on the property. No improvements are being made by the applicant. He is not changing the footprint. He is not changing the existing gravel pad that's there, the chain link fence that's there is staying, nothing is being changed to that aspect. If you would consider allowing the zoning administrator to grant administrative approval of this CUP request based on the fact that you don't need to impose any conditions, having a boat storage business doesn't affect hours of operation like say maybe a restaurant where like we did for some other applications you know, you might impose certain hours of time, you might impose a noise ordinance, no noise past this point, anyway if you decide not to grant me the administrative approval to do that, then we will look at the schedule, the proposed CUP schedule and hear it as we would normally hear a CUP, public hearing and so forth, but that is just for you to take under consideration when we look at the schedule later on in the agenda tonight. Do you have any questions about the proposed use that the applicant is requesting for the boat storage use?

Frances Westbrook: So if you do the administrative approval, then you'll remove the language from existing propane tanks and add in the use of boat storage?

Lara Brown: Of boat storage, it is an allowable use in M1.

Bonnie Schaschek: Already in use….

Frances Westbrook: But not enough for that particular CUP.

Bonnie Schaschek: It's already an available use, so…

Lara Brown: It's just language.

Frances Westbrook: I'm fine with administrative approval.

Nancyellen Keane: I think we should just take a vote on to allow her to use administrative approval for it, rather than go through the process.

Wayne Nunnally: I move that we allow our zoning administrator administrative approval to get this done.

Dudley Patteson: Second.

Sharon Phillips: May I ask that you clarify the language to remove propane tanks and add…

Nancyellen Keane: …to amend the existing CUP to remove propane tanks and add the use of boat storage.

Mayor Bugg: Is there a second?

Bonnie Schaschek: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? Thank you Lara.

Vote:		
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO ALLOW THE ZONING ADMINISTRATOR TO GRANT ADMINISTRATOVE APPROVAL TO REMOVE PROPANE TANKS AND ADD THE USE OF BOAT STORAGE TO THE EXISTING CUP IS PASSED 6-0.

Lara Brown: Also update on Fisher's Pit. You may have read in the newspaper two weeks ago the Board of Supervisors received a report from Brian Barnes requesting recommending a public hearing on the property known as Fisher's Pit to remove or revoke the condition use permit and the special exception that was granted to the property owners for running a heap pile more or less. That public hearing is coming up on June 24th. The town has not issued a formal letter to the property owners yet. Staff and I have been working on trying to coordinate communication with DEQ and DMME, Department of Mines and Minerals to work together on accessing the property so that I could go on the property and see what's there before town issues a formal letter such as a nuisance letter. I would request that we wait until I can go out there. The meeting has been scheduled for June 23rd, to meet DEQ out there and DMME and I will give an update after that meeting.

Bonnie Schaschek: That's the date for the hearing?

Lara Brown: It is. It's the first available date that the agencies could all meet together.

Wayne Nunnally: …You have to go to the property?

Lara Brown: That's just an update where we are right now with that parcel.

Bonnie Schaschek: But they have stopped all burnings right?

Lara Brown: DMME has updated their order to state that there is no more burning to be allowed on the parcel unless they get an explicit permission from the Town of Irvington and Lancaster County. There have been several citizen phone calls on the tall grass along King Carter Drive and West Irvington near where the Aqua water tower is located. The town doesn't own that property, so we are not responsible for cutting it. That's a responsibility of VDOT. I did speak to VDOT and that will be

taken care of when they start mowing secondary roads. It is considered, it is on their agenda, they did Northumberland the last couple of weeks. VDOT said Lancaster is next. They are doing primary roads first and then the secondary roads should be started hopefully sometime next week, weather permitting. So, the road that we have been receiving complaints on shall be mowed as soon as VDOT gets down there.

Bonnie Schaschek: Is it a large area?

Lara Brown: It's probably, do you know where the bench is in West Irvington where VIA has the planters, it's from there all the way down to Hunley Lane. All around that curve. And both of those parcels are owned by Aqua. They keep their, they keep their entryway cut but the right of way belongs to VDOT.

Frances Westbrook: Now how often will VDOT cut that during the summer.

Lara Brown: They cut it twice a season.

Frances Westbrook: Twice during the summer?

Lara Brown: Uh huh.

Frances Westbrook: So, it is going to get high again?

Lara Brown: Right.

Bonnie Schaschek: And we have town maintenance over here on Irvington Road around that pen because VDOT was not cutting it, so that is something that we might want to consider over on West Irvington especially since there is a lot of people that walk that.

Frances Westbrook: A lot of people walk that way, a lot of people from Tide's Inn ride bikes and walking up and down that way and Irvington looks very nice when you come in King Carter or Steamboat Lane and that does look pretty uninviting. It, we could do better.

Bonnie Schaschek: Is that something we can ask Arrowhead to give us a quote on?

Lara Brown: A quote to add to their contract?

Bonnie Schaschek: Yeah. Because doing it twice a year especially this time of year is not going to do much good and we already have then doing Irvington Road and VDOT said it was okay.

Frances Westbrook: I think part of that grass is tall, just past that there is an embankment, so someone walks in that tall grass and not realize that they are going down that bank. Do we want a motion?

Mayor Bugg: Yeah.

Lara Brown: To ask Arrowhead to....

Frances Westbrook: Yeah.

Lara Brown: ....to add that to their contract for how many times in a season?

Bonnie Schaschek: The same time that he is doing Irvington Road.

Mayor Bugg: That makes sense.

Bonnie Schaschek: I don't know how many times he is doing....

Sharon Phillips: The frequency is a good question to ask. They are generally in town on a weekly basis for some things. Do you want that weekly, biweekly?

Bonnie Schaschek: I would say bi-weekly I would think.

Sharon Phillips: Again, I think that there is enough money left in the Arrowhead contract that it would, there's enough for it to sustain, so biweekly?

Bonnie Schaschek: Yes, please.

Frances Westbrook: Alright so we move that we ask Arrowhead to cut that biweekly on this existing contract?

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? Motion passes thank you.

THE MOTION TO ASK ARROWHEAD TO CUT THAT BIWEEKLY ON THIS EXISTING CONTRACT IS PASSED 6-0.

Lara Brown: And traffic study regarding the speed in Irvington, I did get a phone call regarding this topic that was brought up during last year's discussions of the no through trucks discussions that we have in Irvington. They will set up their equipment and they will start late July or early August. They were waiting for Compass to get open, they were waiting for the Tide's Inn to reopen their season, the pandemic to settle and traffic pick up again, so that traffic study will start this summer. I asked the question, what will this traffic study do, what will it tell us. Basically they will monitor the speed along King Carter and Steamboat if, let me get the formula correct, if 85% or more vehicles are recorded moving greater than 35 miles an hour, then we would qualify for traffic calming measures. Traffic

calming measures are described in this 85 page manual. It is on the town website if you want to click on the town website and see what some of the options are, I think some are more cuter and more quaint than others, but if we are going to do the study we might as well look and see what our options are if you want it to move forward with the result of the study should they say that yes we have high speeders, that we qualify for something. So, that is something that is there on the town website for you to look at.

Wayne Nunnally: Lara you said 35 miles an hour? Isn't the speed limit 25?

Frances Westbrook: Well it's 25.

Lara Brown: It's 25, what they look at and consider speeding is 35, so, they record 85% or more of the vehicles traveling 35 miles per hour or greater than we would qualify for traffic calming measures.

Anthony Marchetti: Are the roads looked at separately or is it a....

Frances Westbrook: Yes, alright, so help me with this, you know the big thrust of this were the trucks moving through Irvington that aren't stopping in Irvington to deliver any goods, logging trucks, all kinds of dump trucks and stuff, so how are they going to deal with that and it wasn't just the speed, I think it was the sheer volume of traffic....

Lara Brown: Well VDOT does not deal with that, that's law enforcement.

Frances Westbrook: But....

Lara Brown: Nancyellen....

Frances Westbrook: Nancyellen, can you help us here....

Lara Brown: The trucks coming...

Frances Westbrook: The, because we were talking about the no through, that's what I thought generated this traffic study, because of how we were going around...

Nancyellen Keane: There were a couple of things that were evolved, or they were going to look at in a traffic study once Compass and the Tide's Inn opened back up, again, and as I recall, they were looking at, King Carter and Steamboat for what Lara is talking about there and the turning off of 200 coming in both directions going up to King Carter, they were doing a traffic study to see where the traffic you know, how the turn signals and everything were going there. They also were going to look at two other things, one was a cross, I wouldn't call it a crosswalk, but a cross, street cross area for potentially for bicycles and golf carts to use because of the interest from people coming from this side to cross over, then there was the complaint that we were trying to deal with regarding the flashing lights and the cross walk by the post office, and we did do the research and found out that was, we got federal

money to have that installed and because it is federal money it has to stay installed for a certain number of years or else you have to pay the government to take it out and so I think that runs out the end of this year or early next year, there's a possibility that you can use that somewhere else, move it somewhere, or you don't like where it is, or just have it taken out and not use it. So, he was going to be looking at the fact that you might be getting rid of the cross walk by the post office, and instead of a cross somewhere else that could be used by not just walkers but people on golf carts and bikes, so that would be part of the study and the other part of the study was King Carter and Steamboat for speeding, traffic calming measures and the issue of turning off of 200 on King Carter.

Frances Westbrook: So, now how does all this relate to our issue of dealing with trying to have a no through truck?

Nancyellen Keane: Those are two different things.

Frances Westbrook: I know, but this, I mean that is how a lot of this got started.

Lara Brown: This is, what I'm reporting on right now is concerning the speed concerns that were brought up during the no through truck conversation.

Nancyellen Keane: They are just separate issues that they look at, the no through truck was to eliminate trucks that as you say go straight through Irvington and have another cut through and there was debate over that, there were meetings, we passed a resolution, because at the time that that occurred we were told that Lancaster County would probably not approve it, I think you recall that meeting that we had in here with the sheriff and others....

Frances Westbrook: Yeah, unless we took some other steps, that's right.

Nancyellen Keane: You and the mayor were going to talk to the supervisors or whatever and then there was going to be some discussion about a budget item for some policing or else paying another jurisdiction or participating to get policing because part of what the commonwealth transportation looks at when they approve these is whether you are going to enforce it and you have to be able to and so we had some discussion, it was early last year before the budget was redone in November or whatever...

Frances Westbrook: Yeah, I remember that....

Nancyellen Keane: ...and it never happened is what happened, it just never, nothing yet, but you could....

Frances Westbrook: But see I thought the main reason we were holding off talking you know going and talking to the county pleading our case I guess, was the result of the study.

Nancyellen Keane: No, not really. They are separate issues and you could get each of this independent of the other, so in other words if VDOT comes in and does the study, the results will be that you get a

cross walk moved and to get some traffic calming stuffy on the, the other piece is independent of it. It's the no through truck is independent of it. You were going to do more work with the county because in order to go before the Commonwealth Transportation Board with a petition to get a no through truck zone, you have to have both jurisdictions that are connected, they have to agree, most likely have to agree.

Frances Westbrook: Yeah.

Nancyellen Keane: In our particular case when we had that presentation that night, you remember back in the fall....

Frances Westbrook: Uh huh....

Nancyellen Keane: VDOT agreed with us, and...

Frances Westbrook: I know, what a major improvement.

Nancyellen Keane: So, the point is, we were in a position where we need to convince the county to support us that's all I'm saying.

Frances Westbrook: So we could do that in January.

Wayne Nunnally: I spoke to Brian Barnes, he basically said that we want....

Bonnie Schaschek: David Beale....

Wayne Nunnally: And he said that we dropped the ball by not sending the letter to the Board of Supervisors and that there is a separate deal completely from the no through trucks, is separate from....

Frances Westbrook: We did send a letter to the Board of Supervisors, didn't we?

Nancyellen Keane: No because we had the meeting here with one of the members of the Board of Supervisors and sheriff and yourself, and the mayor, and me and others and we decided that we needed to do some more work in order to get the Board of Supervisors to favorably consider....

Wayne Nunnally: And this is the first I've heard of that. I knew that we approved the no through trucks and did an ordinance to that and that we had voted to sent it onto the Board of Supervisors, so I am surprised that they haven't gotten it done.

Frances Westbrook: Unfortunately, it is not up to us, just to make an ordinance, I don't think it is there, this has to come through the state, we can't just declare it unfortunately.

Nancyellen Keane: When the hearing happens apparently it is the VDOT, the county and the town.

Mayor Bugg: It is still alive and well.

Nancyellen Keane: It is still alive, it's just.

Frances Westbrook: Alright, thank you Lara for…

Lara Brown: Okay so that concludes my report so far for the monthly business, and I will move onto the Bay Design Group presentation. So last year council, town council approved hiring Bay Design Group to do like a master site plan on the North Commons for the possibility of building the town office, the new town office over there. And the elements that, sorry, the elements that were considered for this plan, were a town office with parking areas, sewage and drain field. A remote auxiliary storage building, and any event parking lets say, non-paved parking. What Bay Design Group has come up with basically revolves around sewer. Where the drain field needs to go, that's the most important thing, and then the design was built around the nonconventional septic. The soil over there didn't qualify for traditional septic, we have to get engineered septic, which is one of those mounds and humps that you see sometimes. We had a few constraints over there at the North Commons, one being the entryway and the big tree. We also have two abandoned, two wells over there that need to be abandoned before we can move forward with anything so that would have to be considered, some future planning costs if we do not abandon the wells then that is going to put further constraints on the project but right now we are assuming that we are going to abandon those two wells, if we move forward with the project. The building was based on 3,000 square feet. We may not need a building that big, but we decided to go ahead and plan for a building that would allow for meeting space and to encompass approximately this many guests, and I have office space for 2-3 individuals. It also allows for 32 paved parking spaces there at the town office with two handicapped spots and 39 hard surface parking as well. In the back left corner there is a storage building and it is an auxiliary building, I want it to be used for storage of the banners, the Christmas lights, everything that we have stored in other peoples garages and houses around town. Then the front part that is closest to the curb along Chesapeake is vacant. That can be used for more event parking or that can be used for future playground, that can be used for whatever, whatever the town thinks that would go with what they need or what we are lacking. This current design as you see on the board, is greater than the 1 acre threshold that was mentioned in the contract, if we go over that 1 acre threshold which this does, then it prompts the….

Ben Burton: DEQ?

Lara Brown: DEQ, review process basically just because it is going to have a storm water management process now, that went over that threshold. I also asked Ben to provide you a redline copy of what would this look like if we kept it at the 1 acre threshold so that we didn't trigger that DEQ review process and so if you look at the redline version, basically what it does, is it decreases the parking, it takes away the storage building, and just decreases everything. I wouldn't be afraid or alarmed to move forward with the proposed plan, there is really no way to put an exact dollar amount on what that DEQ review process would cost but if we were to give a rough estimate we are looking at somewhere between $2,500 and $3,000 extra to go through that review process with DEQ and that is above what is in the contract with Bay Design Group.

Frances Westbrook: So, is what you have in this box right here, that mentions your storm, storm water management, is that what we would be required to do for DEQ or do we even know that.

Ben Burton: That's what you've got to do no matter what.

Frances Westbrook: Okay.

Ben Burton: No matter what. We have got to have, there is going to be drainage from the parking area and the building down this corridor, to this office site easement, see the big arrows there?

Frances Westbrook: Yes sir.

Ben Burton: That has got to be designed to the DEQ regulations but if in that process we disturb more than an acre on this site, that triggers the need for DEQ to review the plan. If we keep the disturbance area below 1 acre than it can be handled at the county level. We still have to design to the same regulations, it's just a matter of how much area gets torn up to do anything and what the area that gets torn up includes the septic fields even though it is going to be re-grassed, it includes all the parking areas that you would do, so what I suggested to Lara is that we go ahead and design for whatever you want, the bigger thing, not arbitrarily cut it down just to meet a lower level of design because if you decide somewhere in that process to come back and disturb more area and you disturb that area and they catch you at it, then you will get a notice of violation and you will have to answer those questions and go through the process that we should have gone through the first time. So that's, that's the reason we suggest that, think of anything you may want on this piece of property, design the storm water to compensate for it, build what you want, I mean you may build less of it, let's say you decide to only build the building and these 30 parking spaces right here and you don't do anything else, you can do that at a later time but you will have the approval to do that.

Frances Westbrook: Gotcha.

Ben Burton: Site plans are normally approved for a 5-year period....

Frances Westbrook: Can you go back and renew it at any point for another 5-year period....

Ben Burton: Oh yeah.

Frances Westbrook: Is that the process, up the renewal....

Ben Burton: You can go back because the interesting thing is all you have to is resubmit it to the zoning administrator and she says yeah I am going to reapprove this and if any regulations have changed you may have to go up or down the line to do it, but it can be done.

Bonnie Schaschek: But you don't have to go back to anybody else.

Ben Burton: Huh?

Bonnie Schaschek: You don't go back to DEQ, you just....

Ben Burton: ...if they've come in and said you've disturbed more than a quarter of an acre and our regulations changed, who knows. The interesting thing about site plans is there are site plans that were approved back in 2005 that by General Assembly action over the years have been extended to July of 2022 because of the financial problems, because of intermediate things in there, regulatory changes and just because of COVID....

Frances Westbrook: Yeah.

Ben Burton: You never know how long site plans will be done for, they are a minimum 5 years though.

Wayne Nunnally: How much difficulty would it be to change the building and put it on the street side?

Ben Burton: To put the, to move the building up here?

Frances Westbrook: Facing Chesapeake.

Ben Burton: Yeah.

Bonnie Schaschek: Facing Chesapeake Drive.

Ben Burton: Yeah, we put this concept plan together so that you see a graphic picture of what Lara, and Wayne and I have been talking about and understanding the council's directions original directions were to give you a sense of what we had. The only thing that really can't change is we've got to design our septic field to be in this box, that's the only place that soil there even and we have to drain everything that is done back down this corridor which could very easily involve getting an offsite drainage easement from adjacent landowner. That's one of the things we've suggested council start the process is contacting that adjacent landowner and feeling them out and saying will you work with the town if we need to get a drainage easement and need to do some work offsite on your property to handle this drainage, will you grant us an easement. That is one of the things.

Wayne Nunnally: Do we have eminent domain?

Ben Burton: Huh?

Wayne Nunnally: Do we have eminent domain? Can you take it away.

Ben Burton: You can go right ahead and do it if you want to, go into court and you do it.

Frances Westbrook: I don't think that's a good approach.

Ben Burton: That's what Tripp would tell you and that's what I would tell you, but I don't think, don't think that would be in your best interest.

Wayne Nunnally: …that would hold up the entire project.

Ben Burton: Huh?

Wayne Nunnally: …that would hold up the entire project, if we don't get the easement, it would stop the project?

Ben Burton: Here's the interesting thing, DEQ if they make you go through the review process, they may not require you to get an actual easement there because that is a natural drainage for this whole area. But, we've had projects where they have actually said get that easement to prove that you have discussed this with that owner so that nothing comes up and even if you don't have to get the easement, you don't want to surprise your adjacent landowner by having a construction crew out there grading a new ditch line right in this part and having them to ask arbitrary questions, so you want to have some level of agreement with them.

Frances Westbrook: Now is that how the property naturally drains now in that general direction?

Ben Burton: It..

Dudley Patteson: Anthony and I could tell you….

Ben Burton: It….

Dudley Patteson: It drains so, like, a river after a heavy, not like a river, but it is a stream through the woods into the ditch into the culvert right there and it is a lot of water, and so it's naturally falling in that direction now.

Frances Westbrook: Anyway?

Ben Burton: Yeah, and some cases the property drains to roadside ditches but the majority of this site it's a tabletop and it's a tabletop with a little grade that way enough so that an engineer can call it it's draining to there, and DEQ will accept it, but we will have to go through various design features to compensate for the impervious area that will be made on this site.

Frances Westbrook: Thank you.

Ben Burton: But, yes to answer your question, this type of building could be moved right up into this area and we would move some of that parking back in behind it if you want to have that much parking. One of the things that, I think you understood the issue of the drainage, the sewer issue, the fact that

we are going to have to have something special, an engineered system to handle the sewage from that building getting it over here and doing the system there, the other type of issue about this whole thing that affects not only cost and storm water management in fact is just how you want to have the parking lot improved. We can do it with asphalt, we can do it all with asphalt and that would require more storm water management, we could do it with what we call the event parking area, let's say in here, it could be left as grass and we could call it event parking and you are grading off that area and if somebody gets stuck in there then tough bananas.

Bonnie Schaschek: That's what we do today.

Ben Burton: One of the things that we have used quite regularly is what is called Tuff Track, it's what Lara just laid out here and we have used it in several projects, one over in West Point, used it down at the boat ramp at Windmill Point and basically what it is is a soil reinforcement grid, you grade the area, you put the proper subgrade below it and you put this gride there, it comes in rolls, it comes in sheets, and it comes in parcels and then you fill it back in with topsoil and seed it, it becomes grass. You put wheel stops out there so you get some designation so people know where to park and how to park but if you do that in this event parking then you have a reinforced parking, you have some extras for the events but it becomes, it remains a pervious area so that lowers what we have to do on the storm water management side. We could go even further and just design let's say an asphalt entrance, an asphalt access road, and every one of these parking spaces could be that. The only thing we'd have to do is we would have to have an impervious handicap parking concrete leading to a sidewalk, leading to the access into the building so it's lots of options there, it's something that needs further discussion between since Lara is bailing out on everybody here and....not bailing out by any stretch of the imagination, but, we need to have that further discussion with whatever committee that the town council directs that we should be working with to proceed with any further design in this direction. We don't want to get way off base before we start proceeding with the plans and the detailed plans that go through regulatory reviews and then find out that you either didn't want a 3000 square foot building and the parking it required or because that affects the septic fields too. To give you an idea of what 3,000 square foot is, this opening right in here that you can see, it's just a little under 2,500 square foot by the time you go to the back door and the restrooms and this front door and gazebo and it's close to 2,700 square foot, so that's the rough size that you are talking about. The old town hall was about 700 square feet.

Frances Westbrook: If that.

Ben Burton: Yeah, if that.

Lara Brown: Let's ask Brian and Jackie on that.

Jacqueline Forrester: Very generous.

Frances Westbrook: So maybe that would be 300 up and 300 down or....

Ben Burton: Well, there weren't too many people who could get in there and have many discussions at the time. From another perspective if you are interested in comparing it, the Town of Whitestone their building is about 3,500 and it is mixed with offices and an open space in the middle and storage and that type of thing. So it's a, this is where we stand, we are looking for some feedback and what I've heard tonight is whatever building we are thinking about moving it closer to Chesapeake Drive, but we do need some input on what that building is going to look like. At the same time we were tasked with doing the site work and designing the site work I believe the town got a proposal to provide a building and I'm not sure if they gave you any size, shape or layout of what that building was or where you are going with that, but, we don't even know if it is going to be on a slab or a crawl space. We need to know that so we can grade everything on the site to accommodate it so we can have the appropriate access for to meet ADA requirements and that type of thing so, we need some input from that, on that side of it, so, I will open it up to any other questions you may have at this time or however you feel you want to act or if it's....

Mayor Bugg: Thank you.

Frances Westbrook: I guess we need to figure out where we are going next.

Lara Brown: Thank you Mr. Burton, we appreciate it.

Mayor Bugg: Thank you very much. Lara do you have anything further?

Lara Brown: No.

Mayor Bugg: Thank you. Next item on the agenda would be the new business items.

H. NEW BUSINESS

1. 1st Reading Ordinance 2021-07 Repeal, Reenact Town Code 34.02

Mayor Bugg: I have #1, would be the first reading of Ordinance 2021-07 Repeal, Reenact Town Code 34.02.

Nancyellen Keane: I just want to ask council since this is your first reading, both of these say they are effective on passage which is the way you guys draft these things but before you read them, it would be to ask you the question as to whether you want these to be effective upon passage which would be July, July 8th, because, and the reason I ask you that is because short-term rental registry is a new item, something you don't have currently, and you would have to develop the application and notify your public as to the passage of the law to let them know to register, and I just don't know if you are ready to do that for July. The other piece of this the other ordinance is merely the change of a definition which applies to the transient occupancy tax and that could probably be objected upon passage or you

could send out a notice to the public now about the change in the definition, it is probably not going to capture change your, the people, the reason for the change is to make the definition for the transient occupancy tax the same as the definition of a short-term rental for purposes of the registry so that you don't have some people under a 90 day definition and some people under a 30 day definition. We really talk about the same kind of person, or same kind of customer, I'll say customer, so anyway that's my question, sorry to you know interrupt, but I thought it would be helpful to ask the question before we read them.

Bonnie Schaschek: So, can I ask a question, so if in 90 days, say I was going to come and rent for the summer is that going to fall now under a short term rental versus....

Nancyellen Keane: No it would be if it is somebody who is coming for less than 30 days they would be the short term rental.

Bonnie Schaschek: Okay.

Nancyellen Keane: It's either 60 days or 90 days that is considered just a regular rental like you were renting for a year or longer term and they wouldn't pay the short term, or the transient occupancy tax....

Bonnie Schaschek: Okay.

Nancyellen Keane: Or registry....

Frances Westbrook: The trigger is 30 days?

Nancyellen Keane: Yes.

Bonnie Schaschek: Currently it is 90 days and now we are making it 30.

Frances Westbrook: The state says 30 days.

Bonnie Schaschek: This is short term rental.

Frances Westbrook: Well that's what this is, short term rental.

Nancyellen Keane: They don't require 30 days for the transient occupancy tax, but they do have that language in the code section for short term rental.

Bonnie Schaschek: Right.

Nancyellen Keane: So in order to you know, in order to line those up, that's why this has got to change.

Frances Westbrook: Yeah. Okay.

Nancyellen Keane: Do you want the short term registry to be effective on July 8th or do you want more time.

Frances Westbrook: What would be garnered by gaining more time.

Nancyellen Keane: Let's say it could be effective anything in the future January 1.

Frances Westbrook: I get that, but what would be the advantage in making it later as opposed to going ahead and making it effective upon passage.

Nancyellen Keane: You have to have somebody to implement it in the office.

Frances Westbrook: Okay.

Mayor Bugg: Any further questions, further discussion.

Bonnie Schaschek: Do we want to talk about the enforcement part possibly changing it.

Frances Westbrook: What page are you on.

Bonnie Schaschek: I'm on the last page, on the enforcement. I know we were filling in blanks last week because we got it.

Nancyellen Keane: We filled in on the last page for the period being prohibitive for being off your property for 1 year and if it appeals it go to the mayor and the town clerk is to administer the rental registry program, so those were the fill ins.

Bonnie Schaschek: I thought the 34.44 enforcement, that's where I am.

Nancyellen Keane: Yeah.

Frances Westbrook: You mentioned to us last time about the possibility of including this in our ordinances for sections finance versus zoning.

Nancyellen Keane: That's what this is.

Frances Westbrook: Alright so this is....

Nancyellen Keane: This is in the section on taxes, it is, it is going to be administered by the clerk it is going to be only, all it is is a form and a registration fee that is all a short term rental registry is. It is not a zoning ordinance as such, if you pass other requirements in zoning for the short term rental you could do that, but that is not what this is.

Frances Westbrook: If this were in zoning, then this would fall under review of the zoning administrator.

Nancyellen Keane: Well not this part of it.

Frances Westbrook: Not this part of it.

Nancyellen Keane: You can't have zoning requirements for short term rentals in the zoning ordinances then the zoning administrator would deal with those but the zoning administrator wouldn't deal with the registration.

Frances Westbrook: Gotcha. Okay.

Bonnie Schaschek: So this is just the registration piece.

Nancyellen Keane: Yeah.

Mayor Bugg: Anything further council.

Wayne Nunnally: Have we made a decision? Is it effective.

Sharon Phillips: This is just first readings.

Mayor Bugg: This is first readings.

Nancyellen Keane: But I want to put it in there so it's got it in the draft, so if you all could let me know what day you want it effective.

Bonnie Schaschek: I would just do effective on passage.

Mayor Bugg: Thank you Sharon. Thank you Nancyellen.

Sharon Phillips: Whereas the Irvington Town Council desires to amend the definition of transient in town code Section 3402 and whereas town code 3402 shall be repealed and reenacted and whereas a notice of public hearing about this ordinance was advertised in the Rappahannock Record on June 24 and July 1, 2021, and whereas a complete public had an opportunity to comment on this ordinance at a public hearing on July 8, 2021, whereas this ordinance was read twice before approval at the June 10th and July 8, 2021 town council meetings be enacted and ordained by the Town of Irvington Virginia as follows.

2. 1st Reading Ordinance 2021-08 Adopt A Short Term Rental Registry

Sharon Phillips: Ordinance 2021-08 Adopt short term rental registry. Whereas the Irvington Town Council proposes to adopt a short term rental registry requirement in the town and whereas a notice of public hearing about this ordinance was advertised in the Rappahannock Record on June 24th and July 1, 2021, and whereas the public had an opportunity to comment on this ordinance at a public hearing held on July 8, 2021 and whereas this ordinance was read twice before approval at the June 10th and July 8th, 2021, town council meetings.

Mayor Bugg: Thank you. Next will be the motion to approve the CUP rezoning schedule for Quarles Petroleum/Pollard.

3. Motion to approve a CUP/Rezoning schedule Quarles Petroleum/Pollard

Mayor Bugg: Thank you, we no longer need this.

4. Discussion of Special Called Meeting to select interim mayor.

Mayor Bugg: Next would be the special called meeting to select the interim mayor. I have a suggested time. How about June 15th at 6:00. That's a Tuesday.

Frances Westbrook: That's next Tuesday.

Mayor Bugg: Yeah, I intend to make my resignation effective at 5:00 p.m.

Frances Westbrook: At 5:00 p.m. that day.

Mayor Bugg: Yeah, so the meeting would be at 6:00.

Frances Westbrook: Alright, let's see. That works for me, I don't have that.

Wayne Nunnally: Works for me.

Frances Westbrook: At 6:00 you say.

Mayor Bugg: 6:00 p.m.

Bonnie Schaschek: Here?

Mayor Bugg: Is the church available.

Sharon Phillips: I can ask.

Nancyellen Keane: If it's not available, where would you.

Frances Westbrook: On a Tuesday it's problematic for a planning commission, so.

Sharon Phillips: But it's not the first Tuesday, so I think..

Mayor Bugg: Yeah.

Nancyellen Keane: But if it's not okay would you all consider doing it somewhere else so we can get....

Frances Westbrook: Notice.

Nancyellen Keane: Call and ask.

Sharon Phillips: Could you do it at the town office.

Nancyellen Keane: The town office on the porch or it won't take very long.

Frances Westbrook: This is going to be a closed meeting.

Nancyellen Keane: Not a closed meeting because you have to vote in public.

Frances Westbrook: I know that, but I'm talking about if a lot of people want to come to the town office.

Nancyellen Keane: I see what you are saying, like how many people can fit in the office.

Frances Westbrook: Yeah, yeah.

Lara Brown: Well at least if you do it at the town office all of you can sit on the front porch there is enough room for you to be under cover on the front porch if it's raining.

Frances Westbrook: So they would get wet, not us.

Wayne Nunnally: Let' see if we understand what this meeting is. After you resign, this meeting is to discuss the appointment not the election of, it is just to discuss what we are going to do.

Nancyellen Keane: It is the appointment of interim mayor.

Mayor Bugg: Among council.

Nancyellen Keane: Among council.

Bonnie Schaschek: So let me ask a question, can I back up, meeting at 6:00, is it a closed session for discussion or is it open session for discussion and then after we come out of closed session then we do a motion for the election.

Mayor Bugg: That's a good question.

Frances Westbrook: Are we going into closed session for this meeting I think is the bottom line.

Nancyellen Keane: You tell me, does it qualify for..

Wayne Nunnally: What I want to know is why wouldn't Fran just assume the mayorship, when you resign.

Nancyellen Keane: Because that's not what the code says.

Frances Westbrook: For too long a period of time.

Wayne Nunnally: You have 45 days to appoint.

Nancyellen Keane: Right if you would like to wait 45 days.

Wayne Nunnally: So after 45 days she would be acting mayor.

Frances Westbrook: But we would still have to appoint an interim mayor at some point.

Wayne Nunnally: After that.

Frances Westbrook: So why not just do it and get it over with, I mean not get it over with, you know, just do it at some point regardless.

Bonnie Schaschek: Alright so is it a closed session and then or....

Nancyellen Keane: There's really, is there a reason to have a closed session for the interim mayor. You have to vote in public, but is there a reason to have a closed session?

Frances Westbrook: I don't think so.

Bonnie Schaschek: I have no idea.

Mayor Bugg: I would think, I defer to you guys.

Frances Westbrook: I don't think it qualifies for closed session.

Bonnie Schaschek: Given it discusses people because there are several applicants that's why.

Frances Westbrook: I think that in and of itself is allowable. Yeah.

Bonnie Schaschek: That's fine.

Nancyellen Keane: So a special called meeting on Tuesday, the 15th at 6:00, here is first choice, second choice would be the office porch.

Frances Westbrook: Premise of town office I guess.

Nancyellen Keane: And it would just be, that would be the item on the agenda.

Mayor Bugg: Great, that works with everyone. Alright, 6:00 p.m. next Tuesday.

Nancyellen Keane: Well here if possible.

Mayor Bugg: Here if possible.

Nancyellen Keane: Here if possible.

Albert Pollard Jr.: Are citizens allowed to ask questions on this procedurally.

Frances Westbrook: Sure.

Albert Pollard Jr: If your vice mayor is a candidate and the mayor can't vote and the vice mayor is chairing the meeting, does that not affect the outcome of the meeting.

Nancyellen Keane: The vice mayor is allowed to vote for herself if that's what you are asking.

Albert Pollard Jr: So a vice mayor while they are chairing a meeting acting as mayor is allowed to vote.

Bonnie Schaschek: Yes.

Albert Pollard Jr: Okay thank you, I was confused.

5. Motion to approve Elbourn Electrical contract

Mayor Bugg: The next item would be to approve the Elbourn Electrical contract. Council have you had a chance to review this? Is there a motion to approve.

Bonnie Schaschek: I move that we approve it.

Wayne Nunnally: Second.

Mayor Bugg: Any discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? Contract is approved.

Vote:		
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO APPROVE THE ELBOURN CONTRACT IS PASSSED 6-0.

I. OLD BUSINESS

1. 2nd Reading Ordinance 2021-03.uc Adopting Fee Rate Schedule

Mayor Bugg: Second reading of ordinance 2021-03.uc adopting fee rate schedule.

Sharon Phillips: Ordinance 2021-03.uc adopting 2021-2022 fee rate schedule.

Mayor Bugg: Thank you, that will be second reading of ordinance. We have to vote.

Bonnie Schaschek: We need to vote on this.

Mayor Bugg: Yes. Council any discussion about that ordinance? Is there a motion to pass.

Bonnie Schaschek: I so move.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? That ordinance passes.

Vote:		
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO PASS ORDINANCE 2021-03.UC ADOPTING 2021-2022 FEE RATE SCHEDULE IS PASSED 6-0.

2. 2nd Reading Ordinance 2021-04.uc Adopting Transient Occupancy Tax Rate

Sharon Phillips: Ordinance 2021-04.uc Adopting Transient Occupancy Tax Rate.

Mayor Bugg: Council any discussion? Motion to approve.

Frances Westbrook: So moved.

Mayor Bugg: Is there a second.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? Motion passes.

Vote:		
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO PASS ORDINANCE 2021-04.UC ADOPTING TRANSIENT OCCUPANCY TAX RATE IS PASSED 6-0.

3. 2nd Reading Ordinance 2021-05.uc Adopting Real Estate Tax Rate

Sharon Phillips: Ordinance 2021-05.uc Adopting Real Estate Tax Rate.

Mayor Bugg: Is there a motion to approve?

Frances Westbrook: So moved.

Bonnie Schaschek: Second.

Mayor Bugg: Further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed?

Wayne Nunnally: Me.

Mayor Bugg: Motion passes.

Wayne Nunnally: I oppose.

Mayor Bugg: I gotcha. Opposed. Motion passes. Next.

Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Wayne Nunnally		Opposed
	Anthony Marchetti	Aye	
	Dudley Patteson	Aye	
	Jackie Brown	Aye	

THE MOTION TO PASS ORDINANCE 2021-05.UC ADOPTING REAL ESTATE TAX RATE IS PASSED 5-1.

4. 2nd Reading Ordinance 2021-06.uc Adopting an Annual FY21/22 Budget

Sharon Phillips: Ordinance 2021-06.uc Adopting FY 2021/2022 budget.

Mayor Bugg: Is there a motion to approve this?

Bonnie Schaschek: So moved.

Dudley Patteson: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed?

Wayne Nunnally: Aye.

Mayor Bugg: Motion passes.

Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Wayne Nunnally		Opposed
	Anthony Marchetti	Aye	
	Dudley Patteson	Aye	
	Jackie Brown	Aye	

THE MOTION TO PASS ORDINANCE 2021-06.UC ADOPTING AN ANNUAL FY21/22 BUDGET IS PASSED 5-1.

5. Motion to appropriate FY21/22 General Operating budget

Mayor Bugg: Next item would be the motion to appropriate the fiscal year 2021/22 general operating budget. I will note that I support the annual appropriation for the budgeted general operating expenses for fiscal year 2021/2022 passing this motion will be consistent with the recommendations of the investigators. They advise against continuing monthly appropriations. Any further discussion council?

Frances Westbrook: This is just a general operating aspect, it is not the community events and all that kind of stuff correct. It's the items.

Mayor Bugg: Yeah.

Bonnie Schaschek: Don't you think we should correct an item sheet before we start doing this appropriating.

Frances Westbrook: That's a good point. Can we table this motion and take it up next month so that we can look at the financials once they have been corrected. Is there....

Anthony Marchetti: Can it be passed with a note that we will see updated financials?

Frances Westbrook: I'm sorry.

Anthony Marchetti: Can it be passed with a note that we will see updated financials.

Frances Westbrook: I don't know what do y'all think.

Dudley Patteson: Is there anything on the updated financials that would....

Frances Westbrook: Well some of the categories, dollar amounts in the categories are going to change not any huge thing, but I'd like to see those year to date figures settled out and we have the right totals in there.

Nancyellen Keane: Next year's budget.

Frances Westbrook: Yes we are. We are talking about this year's year to date totals that we have been using to help come up with next year's budget.

Bonnie Schaschek: Budget.

Frances Westbrook: And because there is a number of categories where we have dollars and they are in the wrong categories, I would just like, I'm just a little uneasy is all I can say. I'd rather have it, and it won't hurt to table it for one more month. That's not going to hurt us.

Anthony Marchetti: It still has to be appropriated.

Frances Westbrook: We can do what we've done...

Anthony Marchetti: I'd like to see it passed tonight, I don't see a good reason to not have it.

Frances Westbrook: We can do utilities, wages and contracts like we've done anything else.

Anthony Marchetti: If you look at this report I suggest we do the annual appropriation, the general operating budget.

Frances Westbrook: Yeah but I don't think they are aware Anthony that we've got some figures and a number of questions on what's been going on this fiscal year and that's why we asked at the beginning of this meeting you and I budget and finance can contact the accountants to see if we can get these things corrected.

Wayne Nunnally: Move to table it to next month.

Frances Westbrook: Well can we go ahead then and appropriate at least wages, and contracts and utilities....

Wayne Nunnally: You are the chairman and I trust you to....

Bonnie Schaschek: The thing that we are doing now which is standard stuff, the salaries, utilities, what else did we say?

Frances Westbrook: Contracts.

Bonnie Schaschek: Those are it. That's all....

Anthony Marchetti: The whole point is not to piecemeal together like we did for the entire last year.

Frances Westbrook: We are on 30 days.

Sharon Phillips: Who are you setting up for failure this time.

Frances Westbrook: I beg your pardon.

Sharon Phillips: Who are you setting up for failure if there is a breakdown of communication. You have got to go forward with the general operating appropriation.

Frances Westbrook: I'm sorry Sharon. Town council gets to decide that.

Sharon Phillips: You do and you have a recommendation from hour insurance investigation.

Anthony Marchetti: Budget and finance....

Frances Westbrook: No they're not.

Anthony Marchetti: I don't understand.

Mayor Bugg: This is a serious recommendation of the investigators.

Anthony Marchetti: Why do you not want to see us appropriate your own budget. I don't understand.

Frances Westbrook: I would like to see, we have been filing our financials since January of this year, I think, filing it for information until the report is done, the auditor has done his thing and we can get with him and look at all these different categories where the figures are not correct. That's all.

Nancyellen Keane: Can I just add one quick.

Mayor Bugg: Yeah.

Nancyellen Keane: When you are appropriating you are appropriating next year's budget....

Frances Westbrook: Right.

Nancyellen Keane: ...the budget, not what the actuals are for this year or what categories they are in. I just want to make sure there is a complete understanding of that.

Sharon Phillips: I feel that I am compelled to share only with council, the public the way that things are being done right now, the bills continue to be highly out of sync and somewhat should investigate the late fees that the Town of Irvington has approved based on this piecemeal appropriations which is actually continuing to be used as a weapon. Tremendous late fees. Ask your council to push forward with this general appropriation.

Frances Westbrook: What would you estimate tremendous late fees to be?

Sharon Phillips: I think it is $40 a month for the printer. Any late fees.

Frances Westbrook: Well that's a contract though, that should be paid late fee.

Sharon Phillips: I asked you to appropriate the printer contract and you said no.

Mayor Bugg: Council, council. It has been strongly recommended that we move forward with an annual appropriation by the investigators and the audit. Do this for the town.

Frances Westbrook: There is a motion on the floor.

Wayne Nunnally: Mr. Mayor, what our concerns is I think the recommendation should be followed but I think it should be followed when we know what we are talking about.

Jeff Ewing: 90 days.

Wayne Nunnally: If the chairman of the finance committee has some misgivings about what we are appropriating there....

Anthony Marchetti: Did you see how many times the chairman's name was mentioned in this report?

Wayne Nunnally: Excuse me.

Anthony Marchetti: I have concerns about.

Wayne Nunnally: I don't see why 30 days would hurt us a bit to make sure it is right, since we have been told we better do it right, let's do it right.

Mayor Bugg: Public, can I see a show of hands of who wants us to appropriate this annual budget.

Brian Forrester: Everyone here.

Sam Van Saun: Listen to your town people. Listen to them. Listen to the residents.

Brian Forrester: Do your fiduciary responsibility.

Sam Van Saun: Learn from the investigation.

Mayor Bugg: Alright.

Anthony Marchetti: Nothing is going to change.

Mayor Bugg: Council, we've heard the people, you've heard their recommendations of the auditors, you've heard from the law firm investigating this matter, and everyone has spoken in support of appropriating this annual budget, I think you owe it to your fiduciary capacity to pass this annual appropriation. Any further discussion, or a new motion.

Anthony Marchetti: I'll make a motion to appropriate the fiscal year 2021/22 general operating budget.

Dudley Patteson: Second.

Mayor Bugg: All in favor?

Wayne Nunnally: I had a motion on the table.

Mayor Bugg: Further discussion?

Wayne Nunnally: First, I mean I had a motion to table it and there was a second.

Frances Westbrook: Anthony, you'll need to withdraw it. There wasn't a second was there. I don't think there was a second.

Wayne Nunnally: Then you don't have.

Mayor Bugg: Any further discussion? All in favor?

Anthony Marchetti: Aye.

Dudley Patteson: Aye.

Mayor Bugg: Opposed? Motion passes.

Vote:		
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO APPROPRIATE FY21/22 GENERAL OPERATING BUDGET IS PASSED 6-0.

Group: Clapping.

6. 4th of July Parade

Mayor Bugg: Onto more enjoyable topics, how about that 4th of July parade. Council this is an FYI in terms of the 4th of July parade that others are interested in putting on this parade and championing this parade and making it happen, for the town and Gabe would you like to say anything about the parade.

Gabe Del Rio: Sure, we, given that there is a lot of interest from the town and knowing that we don't have an expense budget for the parade, there is basically a volunteer effort but everyone is welcome to join that 10:00 a.m. this Saturday is the first organizing meeting. IVBA officially supporting this and we will put forward and pay for the application for the road closure but we do need the town's endorsement as an event and ask that we can move forward on that road closure. You've got a map there that we have prepared and we also got a downloaded history from staff and other residents and this is not going to be our normal big parade there would be no tents afterwards or band stands or radio station, I don't think we are going to have the number of cars involved. This is more like your Norman Rockwell sweet little town doing something really cute but also safe by closing the streets and inviting folks to participate in that and you can see the map there and some details about it. This is also proposed to be on a Sunday at 2:30 in the afternoon. Sunday is a church day so we need to be after church time that same Saturday, the day before is the Farmer's Market that would already be pretty busy in town so kind of squishes us into Sunday afternoon but to be short, cute and sweet I think we can get in there and get it done and enjoy our evenings and some fireworks with family. No cost to the town whatsoever. We also had lots of discussion about gee maybe we can ratchet down that budget for the future because it seems like it is a lot but still do the parade.

Mayor Bugg: Thank you. Glad to see us coming back to life. Any comments or discussion council.

Wayne Nunnally: Do we need to make a motion to support Gabe in putting our 4th of July parade together.

Mayor Bugg: Second.

Dudley Patteson: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed. Thank you.

THE MOTION TO SUPPORT GAVE IN PUTTING OUR 4TH OF JULY PARADE TOGETHER IS PASSED 6-0.

Group: Clapping.

7. Motion to appropriate $840.08; US Bank; General Operating

Mayor Bugg: Next up would be motion to appropriate $840.08; US Bank; General Operating. Is there a motion to appropriate that?

Frances Westbrook: So moved.

Dudley Patteson: Second.

Mayor Bugg: Any discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? Motion passes.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO APPROPRIATE $840.08; US BANK; GENERAL OPERATING IS PASSED 6-0.

8. Motion to appropriate $918.75; Robinson, Farmer, Cox; General Operating

Mayor Bugg: Next would be motion to appropriate $918.75; Robinson, Farmer, Cox; General Operating.

Anthony Marchetti: So moved.

Dudley Patteson: Second.

Mayor Bugg: Discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? That motion passes.

THE MOTION TO APPROPRIATE $918.75; ROBINSON, FARMER, COX; GENERAL OPERATING IS PASSED 6-0.

9. Motion to appropriate $575.00; Arrowhead, General Operating

Mayor Bugg: Next motion to appropriate $575.00; Arrowhead, General Operating. Motion to appropriate?

Dudley Patteson: So moved.

Mayor Bugg: Second?

Anthony Marchetti: Second.

Mayor Bugg: Discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? That motion passes.

THE MOTION TO TO APPROPRIATE $575.00; ARROWHEAD, GENERAL OPERATING IS PASSED 6-0.

10. Motion to appropriate $853.31; Rappahannock Record; General Operating

Mayor Bugg: Lastly motion to appropriate $853.31; Rappahannock Record; General Operating.

Frances Westbrook: So moved.

Mayor Bugg: Second?

Bonnie Schaschek: Second.

Mayor Bugg: Discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed? Item passes.

THE MOTION TO appropriate $853.31; Rappahannock Record; General Operating IS PASSED 6-0.

J. ROUNDTABLE

Mayor Bugg: Next up will be round table.

Anthony Marchetti: Mr. Mayor.

Mayor Bugg: Yes Mr. Marchetti.

Anthony Marchetti: So I'll start with, I actually have a proposition for my fellow council members and really for people of Irvington. When I took my oath of office I said I would always do what I thought was best for the Town of Irvington and this idea while may be seemingly a bit unorthodox on the surface, I actually think it might be what's best for the Town of Irvington, for the residents. Obviously there has been a lot of smeared headlines, there has been a lot of dysfunction, you know I certainly have been a bit embarrassed that I have been associated with it. I think there is an opportunity for us as a council to try to do something to repair the reputation of the town and give the people a chance to start fresh and maybe move forward wiping the slate clean, so my proposition which will be a conversation is that all six town council members resign right away and we out with Tripp Bugg and we let the town start fresh. Go out with positive headline, leave this all behind, everybody walk away, you want to get back into the ring and continue to box, you can put your hand in the hat for the special election in November, there is already one lined up, there literally couldn't be a better time. I am willing to do it, I think it is best for the town. I think these people from what I heard tonight this is what they want, this is what they deserve and I think we should do what's best for the town as a council and I think this is worth consideration and conversation.

Dudley Patteson: I'm in favor of it. It is a, we are going to cut cleanly with no harm, it is a reboot, it's a reset and more importantly it is a new fresh and there is a way to do it and it's, it takes away all the dissention and all the crap quite frankly we've been through over the past year.

Anthony Marchetti: That we put the town through. See what they think, what other people think, fresh, top to bottom in November and let's make a headline that Irvington is going to start over and hopefully that allows the town to move forward with some unbiased, we can't go anywhere or do anything now without people saying wow, what a mess. I feel like this would show our acknowledgement and and remorse and that we truly care about the town. It certainly wasn't what I thought I'd be proposing 12 months ago but I actually do think it is what's best for the town. To sell it to the council just think in a month from now instead of being here we can all be at Bonnie's hot tub having a drink together.

Doesn't sound so bad does it. Again, put your name in the hat if you want to get back in it, there is an election in November, let the residents, let the residents choose.

Wayne Nunnally: You can put me on the pole on that and run me through the streets because I do not intend to resign. I think what we need to do is grow up. We had some decent discussion at the last meeting that I thought we had great breakthroughs and I think we owe it to each other to work through this. If we can't work through these problems, these personality problems, then none of us should serve. But I think we have a responsibility to some of the people to be completely transparent and honest and that's one thing I try to do since I've been here. We have been asked to see your calling, I have an idea. We have not communicated and that's been part of our problem. The big problem here is that this information is given to this group. This information is given to this group. Both groups have truth, but we get involved in our own truth and we can't see the other side's truth and we owe it to the town to see the other side's truth and not just to be tunnel visioned. We all have people we love and respect. Tripp is a friend of mine, I consider him a friend of mine. We've had good discussions on things and we remain friends. We don't fight each other. He can hear some things I say. I talk to you and Dudley. Y'all don't hear me. You do not hear what I say and believe me I love this town as much as anybody out there. I have a stake in this town. My son will be the 7th generation on my property and it's not that I don't love this town, I love this town, I want what's best for it and I want what's best for each of you. Gabe and I am confident agree more than we disagree. I am confident we do, but what Gabe has been told about me has given him an entirely different picture. It is the same about everybody else out there. You don't see the whole person. Everybody out there if you come to me and talk to me and sit on my front porch you will love me. You will love me and know that is what I'm here for. I am not going to resign. I am going to challenge you to go on this retreat that is suggested and we get about this town's business instead of fooling with, how would it work practically. If we all resign who is going to run it. Sharon's quit, come on. Now how are we going to get…

Anthony Marchetti: I would argue that we would be more productive than we have been the last 12 months.

Clapping.

Wayne Nunnally: It may be true. We cannot continue to not communicate. It is not going to help us to run away from our problems here.

Dudley Patteson: We are not running from our problems. We are giving the town an opportunity to refresh itself and create an…

Wayne Nunnally: No Dudley what you are trying to do is get rid of four people.

Dudley Patteson: Excuse me.

Wayne Nunnally: You are trying to get rid of four people.

Dudley Patteson: I'm not trying to get rid of anybody.

Wayne Nunnally: That's exactly what you're trying to do.

Frances Westbrook: Now we are getting into the stuff that gets us in trouble.

Dudley Patteson: You are putting words in my mouth.

Wayne Nunnally: That's exactly what you're trying to do.

Frances Westbrook: I think it is worthy of thinking about and I think we should come back together and talk about it. This has been sprung on us and you know I'd like to give it some consideration. I've never quit in my life, you know, anything I've signed up for, or whatever, I've seen it through. So that ruffles my feathers a little bit just in that regard. So I'd like, I'll think about it.

Wayne Nunnally: Communication, if we communicate we can, if we continue not to communicate....

Anthony Marchetti: I would like to say I've been on town council for 12 months and I'd have to agree with a lot of people here that experience has been frustrating, disappointing and unproductive. I am embarrassed to have been associated with some of the behavior that has taken place in these meetings, in open session in particular the treatment of town staff and officers and some residents. I'm sad that the residents have had to read the headlines and witness the conduct. I'm sure it was embarrassing for you as well. The reputation of the town has been tarnished and that's not fair to the people sitting out there. I want to truly apologize to the residents, most importantly the staff who has endured the brunt of the unprofessional and unacceptable behavior, had to remain quiet during the investigation but I'm going to be loud and clear now and on the record, I don't condone the unprofessional actions and the mistreatment that has taken place. The Town of Irvington has accomplished next to nothing in my first year and I will argue maybe have moved backwards. It seems like all that's happened is town council members have tried to undo votes, find loopholes to invalidate process, avoid legally binding contracts, use appropriations as a weapon on top of the defamation and making baseless accusations. There is an obvious behavior pattern and is the root cause of the unproductivity and dysfunction of this town. My issues with my fellow council members do not stem from a mere difference of opinion. In fact a diverse viewpoint makes for a well rounded governing body. Rather my issues stem from how they choose to conduct their business when their opinions or votes are not adopted. If they don't get their way, they don't get their vote, they attempt to undo it and undermine the process to get their way. It may not be readily there to the residents of Irvington but others before me saw the same behavior and called it out. To quote former council member Mike Bombay from the June 11th, 2020 meeting regarding these fellow council members who are still serving now he says "I'd like one thing added to the minutes please, these are people that were elected by you, the citizens of this town, remember that in 2 years when they come up for election, if they don't get their way, they go home, that's all I have to say. We are not here for our personal benefit. We are here for what's good for our town and they didn't like it so they left. I'd like that in the paper please". So the problem did exist before my time here on council

and I truly believe that the problem will continue as long as certain people remain on council. That's why I think we should all step down, wipe the slate clean, let Irvington start to repair itself. We are about to embark on a period where we have no staff and the town's reputation has been smeared across headlines. Who is going to want to work for the town now? I mean, after reading the headlines if you sat in one of these meetings. The comments and defamation that occurred in public meetings open session, I can provide dates, minutes, audio, for anyone that wishes to fact check. Those weren't the only occasions. The investigation report is 32 pages and addresses several of those accusations. There is a longer privileged and confidential report that details many other accusations. There is a lot of spaghetti that was thrown at the wall and none of it stuck. When that many accusations are made that all turn out baseless, it seems obvious that it was a targeted, coordinated attack and effort to discredit reputations. Seems glaringly obvious that it was personal and unprofessional. It is also a colossal waste of time, resources and money, all for selfish reasons. Think of all of the good that we as a council, staff, everybody could have done to move Irvington forward to better Irvington, do something productive instead of what we've had to deal with. These meetings are a perfect example. Look how much time we spend doing what we're doing instead of being productive. Again, my reason for suggesting wipe the slate clean. Residents of Irvington should demand transparency and have the utmost concern for the repetitive behavior that continues amongst council members and actions that are detrimental to the town. Actions that leave the town vulnerable to lawsuits as stated in the footnote, the first footnote of the published report. I hope somebody asks for accountability. I hope the residents ask for accountability. I hope residents will be vocal and take action, it is the only way it is going to change. Residents should also be concerned because we may now no longer have a very important necessary checks and balance in our government if the staff leaves. Unconstitutional for elected officials to perform officer appointed functions and if staff is gone, who is going to produce the work we are supposed to vote on. If you have any doubts about the validity of my comments, I would again encourage you to read the verbatim minutes. In particular I was appalled at the condescending way council member Westbrook spoke to and treated our town clerk in open session on January 7th, that is not how you treat anyone, much less a staff member. Real leaders do not conduct themselves that way. Certainly not behavior befitting a mayor, that's not leadership. Real leadership looks like former Mayor Rannie Ransone, looks like Mayor Tripp Bugg. Also, I own and operate small businesses. The most valuable asset in any of my businesses are my employees. A good small business, good people. Now the actions of fellow council members are seemingly going to result in the loss of the town's most valuable asset, our staff. On the other side, if any of my fellow council members had been employees of mine, their actions would have led to termination without a doubt. Since I took my oath of office I promised to always follow a course of action that is best for the town. I am confident in forcing out competent and dedicated staff is not what is best for the town. I hope the residents of Irvington take the next available opportunity to make sure they install candidates who put Irvington first. Please know I remain committed to the town and I want to be part of the solution. My intention is not to run from it, but I am going to make the act of removing myself, if that is what accomplishes the goal, then I am certainly willing to do it. I am truly sorry we are in this position in the first place, that I have to read

this, that you have to be here to say the things you have to say. I will end by saying there is still an opportunity for council tonight, soon, to do what I believe could be best for Irvington and we can all resign so that the town can select their leaders, and let the town refresh, wipe the slate clean and move forward without any bias, and on a positive note.

Mayor Bugg: Thank you.

Group: Clapping.

Wayne Nunnally: I want to bring up to the round table the through truck problem.

Dudley Patteson: I have a comment that I want to follow Mr. Marchetti, if I could.

Wayne Nunnally: Please do. Please do.

Dudley Patteson: Please if you don't mind.

Wayne Nunnally: I yield. I yield.

Dudley Patteson: We will talk about trucks. Thank you.

Wayne Nunnally: I want to do some business.

Dudley Patteson: We are talking about the business of the town that needs to be changed. First off, I'm very disappointed to see that certain members of this council failed to see the value of this olive branch offered this evening. I'm sure Anthony and I would not want to say some of the things that we are saying tonight if you all had agreed to that, it would have been done and we would have not been saying such things. I want to thank, all the staff of the town. Lara, Sharon and our town attorney, Nancyellen, they have done an exemplary job [very upset]. You have no idea. You have changed lives. You have changed my life. You have changed Sharon's life. They have persevered through this and you all read it, they lived it. That's wrong. Shame on you Wayne for thinking, telling us that you are our friend. You are not. You have not been that from the very beginning.

Wayne Nunnally: Dudley I am going to be honest with you.

Dudley Patteson: I have the floor, I have the floor. I apologize for my emotions, but, it's very dear to me. I support council Marchetti's assessment of this untennable situation brought upon us by the unforgiveable actions and words of citizen Klaus Schaschek and certain members of council. It should be apparent based on the public's outcry this evening that certain council members are not acting in a responsible and proper way and certainly not in the best interest of Irvington. This is a serious report that came out. The report primarily addresses financial and human resources issues but it also reveals many management shortcomings, risks, weaknesses in our policies and our town charter. These issues must be addressed and if we at council are going to work together for the good of our town we should take their recommendations to heart because in their words to facilitate operations and move beyond

this period of contentiousness, let me continue by saying I will not take anyone's time reviewing the allegations of citizen Klaus Schaschek because the investigation as everyone has heard multiple times tonight were quite unfounded and I will only say that Mr. Schaschek's accusations were thoughtless, negligent, unresearched and poorly documented and wasted a year of our time. I should also add that councilman Bonnie Schaschek is his spouse and as a council member and was certainly aware of what he was going to say and therefore has been implicitly supportive. Just a year ago.

Bonnie Schaschek: That is not a correct statement.

Dudley Patteson: What?

Bonnie Schaschek: You have no idea what I knew and didn't know.

Dudley Patteson: I will apologize to you if that be the case.

Bonnie Schaschek: That is not…

Dudley Patteson: I will apologize, strike that. So, just a year ago Tripp Bugg became mayor and Anthony Marchetti and I joined four incumbent members of town council. We were anxious to learn from you and pursue a number of worthy causes that we can only benefit the residents of this town. We believe we were elected by a new demographic of Irvington in a clear majority vote. I can tell you our expectation to learn a valuable lessons from you have never happened. We have learned nothing, we have accomplished nothing. Instead we are forced by your words, actions and deeds to address accusations and allegations regarding financial mismanagement and human resource issues instead of the needs of the town and what these people want. Certain council members actually propagated these claims and added more. So serious were the claims the town's insurance company hired independent counsel and a CPA firm to investigate. Those cited in this investigation should be held accountable in public session and not behind some conveniently closed session so that they say and do whatever they want. I believe council member Westbrook should withdraw as a consideration for interim mayor and also as chair of budget and finance committee. Though she certainly has the experience to serve, her unfounded allegations and derogatory language during the January 7th, 2021, meeting used against staff and according to the public report have potentially put the town in harms way and these readily should show override any experience she brings to the table. I am also aware that prior staff has alleged that they have been similarly treated by Ms. Westbrook and Ms. Schaschek. This demonstrates a continuing pattern. Several of Ms. Westbrook's fiduciary actions according to a report were unauthorized. It was unclear to the investigators that she had an appropriate authority to represent the town. Ms. Westbrook as head of budget and finance should be above reproach. This report says this is not the case. She should not be promoted to interim mayor. Council members likewise should according to the report refrain from language incompetent and liar that could be construed as derogatory or defamatory. Doing so exposes the town and themselves for potential liability of defamation. Such derogatory language delivered in an accusatory fashion, this is what, how they approach things, always with an accusation. All this undermines the comradery and the professionalism of town council and it

personally affects morale, and the capacity to hire and attain qualified staff and town officers. I refer you to the minutes of January 7th, 2021, and February 25th, 2021, as two examples of members using derogatory language about staff referred to by the investigators as defamatory. I personally witnessed other examples that did not occur in open meetings. Members Schaschek and Westbrook should resign from committee assignments for this reason, especially Ms. Schaschek who was just appointed to all things, the human resources committee. We won't be able to attract qualified candidates should she remain in this role based upon her prior actions. Other past year concluded that council members, Nunnally, Westbrook and Schaschek have not addressed the more pressing needs of the town, they have acted in embarrassing and shameful and reckless ways clearly in their own personal interest. Their actions and words have affected people's lives in a negative way, mine included. So we can move forward. I ask that these members for what they've said and what they've did, actions and words unbecoming a member of council, apologize to our clerk, town attorney, mayor, other members of this council and to the residents of Irvington. It is appropriate for you to do so and hopefully this act will bridge the ill will created. I ask you now to apologize now for your prior conduct, council member Nunnally will you apologize?

Wayne Nunnally: Let me say this. The half-truths that you have just solicited, they are half-truths. The whole thing could have been avoided when the citizen pointed out certain problems, our lawyer Nancyellen, blew this thing up and said misappropriation. I said to her, listen he did not mean anything as far as stealing. I said all he meant there were errors in this accounting. Now the next thing that happened is it gets blown up. We could have stopped it right there but, you....

Brian Forrester: [inaudible].

Wayne Nunnally: Say it again, I didn't hear you.

Brian Forrester: How did you know what he meant? Are you inferring what he meant?

Wayne Nunnally: I knew exactly what he meant.

Brian Forrester: How?

Wayne Nunnally: Because he told me what he meant, myself. I knew that. He pointed that out to me, he had pointed out.

Dudley Patteson: So you were aware of what he was going to say.

Wayne Nunnally: I don't do my own taxes. I don't know anything about accounting. I rely on CPA's and what have you. When a brilliant man like Klaus said....

Brian Forrester: Is he a CPA? Is Klaus a CPA?

Wayne Nunnally: Please let me finish. Says hey this shouldn't have been here...

Bonnie Schaschek: Yeah.

Wayne Nunnally: ...and if we had submitted this to a bank, we would be in trouble, I am going to listen to him and I am going to ask my staff to check that out and so when I said that, I said he did not mean anything at all about stealing. This report, the public report backs him up. It says the books were a mess. It said that they were not correct. That errors were made and corrected, but that's all he said, so, you can make a mole hill into a mountain if you want to and that is what has been happening here. Every member of council is hard work. Every member of this council wants what is right for this town. What is right for the town may not be right for you individually you know, but, the town is more than this group here tonight. There are 450 residents. And how many are here. Just to give you an example of what I think I face and fear with the motions as far as they were, but if I had known we were going to be attacked like this tonight, guess what I would have bought my voter friends.

Jeff Ewing: Why didn't you?

Wayne Nunnally: I had no idea.

Sam Van Saun: Why didn't you respect that.

Wayne Nunnally: This is a lynch mob. I...but I'm not resigning, y'all will have to get rid of me in the next election.

Sam Van Saun: We will happily.

Wayne Nunnally: Okay.

Brian Forrester: You don't worry about that.

Dudley Patteson: Well then apologize, because you've been cited in this report and I think town deserves.

Wayne Nunnally: Anything that I said that can be interpreted as unprofessional or derogatory, I apologize for. I absolutely do, but I steadfastly go down on my sword that I want what is best for this town.

Dudley Patteson: That....

Wayne Nunnally: That I want what is best for this town as a whole and for its future, so. I've asked you to apologize to me several times and...

Bonnie Schaschek: I don't appreciate that you used my name and said that I made derogatory comments to somebody.

Dudley Patteson: Nothing I said is not in, it was reported in the report by independent counsel. I didn't use any terms that haven't already been said by the public here....

Bonnie Schaschek: Not by me. I've never made a derogatory comment against anybody. I would like, you are just insinuated that I did in your reading there.

Dudley Patteson: There was a, you called the town council a liar in a public session. That is a derogatory comment.

Bonnie Schaschek: I would like to see the documentation where I did that.

Dudley Patterson: Okay, be happy to do it.

Wayne Nunnally: Can we go back to round table.

Mayor Bugg: We are in round table.

Dudley Patteson: Will you apologize?

Bonnie Schaschek: I don't know that I have anything to apologize, but if you feel I need to apologize, then I apologize, but, I am not sure what I am apologizing for.

Dudley Patteson: And Fran.

Bonnie Schaschek: I have no idea.

Fran Westbrook: Well like you two, I'd like to have that time to prepare a written document and I will do so, and bring that forward, I mean I do feel a little, I feel a little bush wacked if you will…

Dudley Patteson: Excuse me, you asked me a question…

Fran Westbrook: And I'm telling it. So I want to think about what's been said and your accusations as well as Anthony's. I think there are some not to very truthful things that you've said. There's always two sides to every story. Not the whole side has been, everything has not been in my opinion absolutely factually said by you.

Dudley Patteson: I understand there may be some differences, however, what, we are upset, we are angry that we are in this position and the report by an independent counsel has cited that you all have conducted yourself in a way that has put us in a, tenable state where we don't have staff, we…

Anthony Marchetti: Anticipate some litigation.

Dudley Patteson: …haven not accomplished a damn thing here, I mean I had such great expectations that we could do a lot and all this because we have been tied up in all these webs that you all have been weaving with respect to staff…

Fran Westbrook: See, I take offense at that Dudley, for you to push this off on, just four specific people….

Dudley Patteson: I didn't say, no I didn't, it wasn't four….

Fran Westbrook: You did at one time in a public meeting, you did just refer to the gang of four and that was very, very…

Dudley Patteson: I did that tonight.

Fran Westbrook: It was very early in your tenure on here, so that wasn't necessarily helpful and that was before all of this even got started, but, I don't speak well right off the cuff. I am going to think about this, I am going to, I need to think about it…

Dudley Patteson: Right.

Anthony Marchetti: I think it is obvious to the public, this group doesn't get along, if we can do this, who is at fault. We all walk away, let new people come in, I think that is a viable solution. I'm not trying to run from the problem. I'm, honestly I think I am part of the problem. I know I'm part of the problem, everybody sitting up here is part of the problem and that is what I am proposing a solution to the problem. It might not be perfect, but it is a solution to the problem. I really believe that. I don't see this getting better. I don't see a retreat, I don't see a retreat, you know we can pretend and get through a meeting, maybe next meeting, but I don't see it changing. I really, truly don't see it changing and that is a terrible feeling to think I've got three more years of enduring this. I don't want to go through that. Fran you said yourself, I hate having butterflies before every meeting.

Fran Westbrook: No, I think what I said is I go out the back door usually telling Bob that I've girded up for war again and that is the way it feels.

Anthony Marchetti: You said something, nobody feels…

Fran Westbrook: And….

Anthony Marchetti: …everybody feels uncomfortable coming into these meetings and this is a solution.

Fran Westbrook: I'm not willing to give it up at this point. I would like to see us follow through on the recommendations and I for one, think we might could benefit from a retreat situation where we can do the things that we need to do as, when I was interviewed by the attorneys, for the report, I told them that I thought that we were dysfunctional and I also told them I thought we needed a marriage counselor for lack of a better term. I mean we are in this altogether and I am not one to throw in the towel just yet. I think there is some remedies here and I'd like at least to see us try to find the skills and figure out how we are going to get along and make things happen. It has been a big disappointment to me too.

Anthony Marchetti: The problem is this report doesn't instill a whole lot of confidence in the public, in the residents.

Fran Westbrook: Well, we have to start somewhere.

Mayor Bugg: Public what do you think?

Wayne Nunnally: Mr. Mayor, this is…

Fran Westbrook: …isn't.

Mayor Bugg: Jackie, anything further.

Female: Mr. Cooper wants to speak.

George Kuper: Is the public allowed to sit on this.

Fran Westbrook: You have been so far.

George Kuper: I think councilman Marchetti's proposal is an interesting one, but an abdication of a responsibility which I don't think is the normal thing that is engaged. I understand the sympathy behind it, but I also understand that you all are responsible people. I know most of you personally, like you personally. Don't particularly like the way that you interact with one another, and that is why there is a good recommendation in the report to go off and iron these issues out. I would start that process tonight by making you articulate what it is you want to have Irvington Town to be and get some common ground behind you so that you are all trying to work on the same agenda because right not that is not at all clear. Secondly I think council members need to pay attention to what you have told in that report, and to Mr. Marchetti's point I think in your summary of this, I think you were an example of the problem as opposed to the solution. And, I am frustrated because I want to see you successful. I don't think quitting is the right answer. I think that a lot of you have put in an awful lot of work and it is just not working together that is the problem. It is time to do that. One citizen, one resident.

Mayor Bugg: Thank you. Anything further council.

Jackie Brown: This has been a very frustrating year for everyone and I don't think these 20 people represent should speak for the whole 400 people in town. I don't think that they represent the majority of the people in town and I'd like to hear from other people.

Mayor Bugg: Thank you. Thank you council.

Wayne Nunnally: I asked about the through trucks.

Mayor Bugg: You asked about trucks yes.

Wayne Nunnally: Are we going to send the letter to the Board of Supervisors or not. The motion that we passed.

Mayor Bugg: It seems like we should.

Wayne Nunnally: Are we going to do that or not. Anthony you want to send it to them. Dudley you want to try to get the through trucks stopped?

Dudley Patteson: Yeah.

Wayne Nunnally: And I don't know why we didn't follow through with sending the letter to the Board of Supervisors, so should we do it or not.

Anthony Marchetti: Is there a reason to not do it, is there a reason we didn't do it in the first place.

Wayne Nunnally: I never found that out.

Fran Westbrook: Yeah, pretty much and well first of all we were going to go and talk before we sent the letter, but the problem with the letter was one of the supervisors was adamant about not wanting that to happen in Irvington because of some other issues, some being with RWC and a few other things and the route we were looking at choosing. So, and then the traffic study part came into play and we wanted to see what that said. I thought all that was in conjunction but evidently it was two separate issues I thought was all parts 1, 2, and 3. There is no reason why we can't send them a letter. I would recommend that you wait until the first of the year.

Wayne Nunnally: Well knowing that, this is how we communicate, knowing that well surely we wait until that particular councilman is no longer on the Board of Supervisors.

Fran Westbrook: That's what I'm trying to say without getting us in trouble.

Anthony Marchetti: I would say we should send the letter when we have the best chance the letter is well received.

Fran Westbrook: Exactly, exactly.

Anthony Marchetti: …the details whenever that is, Wayne, whenever that is, I don't…

Wayne Nunnally: I guess that will be after November. Okay, that's all I needed on the round table.

Mayor Bugg: Anything further.

Bonnie Schaschek: Let me ask a question, if they are questioning the route because there is a number of people questioning the route, VDOT is the one that chose that route versus going Harris Road.

Wayne Nunnally: We didn't.

Mayor Bugg: We didn't chose, VDOT.

Bonnie Schaschek: VDOT chose it, but they were going to go back and do another study, they, didn't they say he was going to look at it.

Fran Westbrook: That I don't remember.

Mayor Bugg: We may have to look through the minutes.

Female: I think he did say he was going to look at it because there were so many protesting.

Bonnie Schaschek: Maybe because of RWC, but I thought he did say he was going to go back and look at it.

Anthony Marchetti: Harris Road would work as an alternate through route, I think the further away it gets from the town, the less likely it was to be....

Mayor Bugg: ...enforceability issues.

Anthony Marchetti: ...so that their recommendation was the closest one which was RWC, Harris Road being further.

Fran Westbrook: That's right, that's right.

Anthony Marchetti: But....

Bonnie Schaschek: Where are they going, when they come through Irvington, they are usually going out to Kilmarnock or the bypass.

Anthony Marchetti: Correct, they are coming it is usually going all the way through so I don't think anybody loses anything, he just said you may there is a less likely chance of getting it passed. He didn't say how much of a chance.

Dudley Patteson: The further away you were from Irvington....

Anthony Marchetti: ...not that it wouldn't or couldn't but, generally speaking they want to go as close to possible which was already the route which obviously had the objection so.

Mayor Bugg: To make it work.

Wayne Nunnally: That's all I have.

Mayor Bugg: Anything further. Yes.

Sharon Phillips: May staff speak at round table.

Mayor Bugg: Sure, you would like to speak now.

Sharon Phillips: So, I just wanted to say thank you to everyone tonight, thank you all for your support. As staff, I am still staff tonight, I would strongly encourage the council to give some consideration to discuss tonight, whether the facts discovered in this investigation warrant further investigation. I was staff, when some of these actions occurred and I think as treasurer when I was still treasurer, some of the actions took place, I would encourage council to have them further investigated. I think they warrant that. I encourage the public to continue to pressure your council to release the private investigation, I actually encourage you to continue to ask them to make the decision that Anthony has proposed tonight.

And give this private report and make an informative decision. I think that there were some actions by members of council that truly should be brought to light. Personally, I would like to thank Tripp, and Dudley and Anthony it is seriously impossible to thank all of you, but more importantly, I think I am surprised that the vice mayor, and the chair of budget and finance committee has yet to acknowledge me. You have not thanked me for my efforts and you for some reason haven't even apologized to me. Thank you Mr. Mayor.

Mayor Bugg: Thank you. Next item on the agenda will be the announcements.

K. ANNOUNCEMENTS

1. In observance of Juneteenth the office will be closed Friday, June 18th
2. In observance of the Independence Day the office will be closed Monday, July 5

Mayor Bugg: In addition to what you see on the agenda, I would like to speak about resignations. I want to thank the voters of Irvington for electing me and trusting this special town to my oversight as mayor. It has been a true honor and one in which I will hold in the highest regard. Accordingly, I am resigning from my position as mayor of the Town of Irvington effective June 15, 2021, 5:00 p.m. My resignation on June 15, 2021, will create the necessary vacancy in order for the town attorney to then be able to file a petition for writ of special election. Something that cannot happen and be filed until my resignation is effective. Although it was a very difficult decision to move outside of Irvington knowing that such a move would necessitate my early resignation, my goal has remained to ensure that completion and public reporting of the investigation necessitated by more than 20 allegations of financial irregularities and inappropriate behavior brought forth in mid December 2021. If you have not already, I urge each and every one of you to read that report. Again, thank you. It has been an honor as all of you know, we will be just right over there, so I will assist in any way I can with this transition. Next we have the resignation of Sharon Phillips, Town Clerk and FOIA Officer. Sharon Phillips who is the Town Clerk and FOYA Officer has advised that she will resign her positions in the immediate future. Sharon has been an incredible asset to the town for the last 4 years. Sharon came to us in June of 2017 and has performed admirably during tenure. She worked tirelessly and well in excess of her required hours. Last year she performed all jobs for the town between February 4 and June 30th of 2020. She worked well with other staff members and the mayors. She will be missed. On behalf of the town, I thank you for your dedication and apologize for your treatment that you have endured by some members of council during your time.

Sharon Phillips: Thank you sir.

Mayor Bugg: Thank you. Nancyellne Keane, Town Attorney. Nancyellen Keane has advised that she will be resigning her office as town attorney in the near future. Before her appointment ends Nancyellen intends to complete the work that was authorized by council in resolution 2021-09 concerning the petitions for writs for special election for the vacancy or vacancies that are caused by

my resignation. Nancyellen has been a fantastic legal advisor to this town. As an attorney myself, I know what the job involves and she has handled it wonderfully. I have full confidence in her legal advice. There are so many legal issues that apply to this down despite our small population we have more legal issues than some of greater populations, for example, our 8 miles of shoreline and all of our zoning laws. I am very sorry to see her go. Nancyellen has served the town for 3 years. She was contracted to work 5 hours per month but ended up donating hundreds of hours of her time to the town in legal services including beginning our training and orientation programs for all elected officials, appointees, and staff. On behalf of the town I thank you for your dedication and apologize to you for treatment you endured from some members of council which was unprofessional and unwarranted. Lara Brown, zoning administrator. As you are aware Lara gave her notice at the last meeting. She will be leaving around June 30th or shortly thereafter. Lara thank you again for your outstanding work for the Town of Irvington. You will be truly missed and we wish you the best of luck with all of your future endeavors. I state with total confidence that this staff may have been the strongest staff that the town has ever had and I thank each one of you for your hard work and dedication to the Town of Irvington. When you leave, this will be a great loss for the town. Thank you.

Group: Clapping.

Mayor Bugg: The other two announcements will be the observance of Juneteenth the office will be closed Friday, June the 18th and for the observation of Independence Day the office will be closed on Monday, July 5th. To those of you who are not here after closed session. Thank you. The council is now moving into closed session.

L. CLOSED SESSION

1. Pursuant to 2.2-3711(A)(1) for personnel matters concerning the town clerk
2. Pursuant to 2.2-3711(A)(8) for legal matters requiring legal advice from counsel

***LET THE MINUTES REFLECT THAT CHARLIE MEYER REPRESENTING O'HAGAN AND MEYER JOINED THE CLOSED SESSION VIA CELL PHONE**

Fran Westbrook: You've got to read that.

Nancyellen Keane: You going to read the thing to go in or.

Mayor Bugg: Can we do that with Charlie. Charlie it's Tripp Bugg how are you?

Charlie: Good evening.

Mayor Bugg: I have you on speaker phone for everyone and we will start with Ms. Westbrook's reading to take us into closed session.

Charlie: Great.

Fran Westbrook: I Frances Westbrook move to go into closed session pursuant to code 2.2-3711A1 for personnel matters concerning the town clerk and pursuant to 2-2-3711A8 for legal matters requiring legal advice from counsel.

Bonnie Schaschek: Second.

Wayne Nunnally: Second.

Mayor Bugg: All in favor?

Group: Aye.

Mayor Bugg: Opposed? We are in closed session.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 6-0.

M. RETURN TO OPEN SESSION

Mayor Bugg: Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act and whereas Section 2-2-3712 of the Code of Virginia requires the certification by the board that such closed session was conducted in conformity with Virginia Law now there be it resolved that the board hereby certifies that to the best of each members knowledge one, only public business matters lawfully exempted from open session required by Virginia Law were discussed in closed session to which this certification resolution applies and two, only such public business matters were identified in the motion convening the closed session were heard, discussed, or considered by the board.

Is there any member who believes there was a departure from the motion to go into a closed session. If so, please state the departure.

I, Tripp Bugg so certify.
I, Frances Westbrook, so certify.
I, Bonnie Schaschek, so certify.
I, Wayne Nunnally, so certify.
I, Anthony Marchetti, so certify.
I, Dudley Patteson, so certify.
I, Jackie Brown, so certify.

N. ADJOURN

Mayor Bugg: Excellent I will just state the motion and someone can move. Council authorizes an agreement between the town and Sharon Phillips substantially in the form of a draft provided during a session provided by outside counsel and authorizes the mayor to execute such agreement is there a motion.

Wayne Nunnally: So moved.

Female: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed. That motion passes and.

THE MOTION THAT COUNCIL AUTHORIZES AN AGREEMENT BETWEEN THE TOWN AND SHARON PHILLIPS SUBSTANTIALLY IN THE FORM OF A DRAFT PROVIDED DURING A SESSION PROVIDED BY OUTSIDE COUNSEL AND AUTHORIZES THE MAYOR TO EXECUTE SUCH AGREEMENT IS PASSED 6-0.

Nancyellen Keane: And another one for the document.

Mayor Bugg: Yeah.

Nancyellen Keane: The FOIA request for the larger report that was granted by…

Fran Westbrook: The attorney client.

Nancyellen Keane: Attorney client report.

Wayne Nunnally: Move that we do not release our client, attorney client privilege on the larger report and that it remain confidential.

Mayor Bugg: Is there a second?

Fran Westbrook: Second

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Opposed?

Anthony Marchietti: Opposed.

Dudley Patteson: Opposed.

Mayor Bugg: Motion passes. I believe that is all we have, so.

THE MOTION THAT THAT WE DO NOT RELEASE OUR CLIENT, ATTORNEY CLIENT PRIVILEGE ON THE LARGER REPORT AND THAT IT REMAIN CONFIDENTIAL IS PASSED 4-2.

Wayne Nunnally: Move we adjourn.

Mayor Bugg: Is there a second?

Dudley Patteson: Second.

Mayor Bugg: All in favor?

Group: Aye.

Mayor Bugg: That's a wrap.

Approved at June 15, 2021
Town Council SCM
Anthony Marchetti - aye
Dudley Patteson - aye
Jackie Brown - aye
Frances Westbrook - aye
Wayne Nunnally - no
Bonnie Schaschek - abstain
Approved - 4 - 1 - 1

Respectfully Submitted,

Sharon Phillips, Town Clerk

Albert D. Bugg, III

Albert D. "Tripp" Bugg, III

ORDINANCE 2021-03. uc

ADOPTING 2021-22 FEE RATE SCHEDULE

WHEREAS, the Irvington Town Council ("Council") desires to re-adopt the attached FY 2021-22 Fee Rate Schedule of certain administrative and zoning fees.

WHEREAS, this Ordinance was advertised in the Rappahannock Record on April 29 and May 6, 2021; and

WHEREAS, the public had an opportunity to comment on this Ordinance in a public hearing on May 13, 2021; and

WHEREAS, this Ordinance was considered at two readings by Council on May 13, 2021 and June 10, 2021.

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

1. Council hereby adopts Ordinance 2021-03.uc, with the attached FY 2021-22 Fee Rate Schedule, incorporated herein by this reference, with effect from July 1, 2021.
2. Council hereby re-classifies Sections 2 and 3 of Ordinance 2020-07.uc from uncodified to codified.
3. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this uncodified Ordinance in the Minutes of its June 10, 2021 meeting.

Attachment – Fee Rate Schedule

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that Ordinance 2021-03.uc was adopted at its June 10, 2021 Meeting, at which a quorum was present and voting. The Vote was:

	IN FAVOR	OPPOSED
Jackie Brown	✓	
Anthony Marchetti	✓	
R. Wayne Nunnally	✓	
Dudley M. Patteson	✓	
Bonnie Schaschek	✓	
Frances Westbrook	✓	

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

ATTEST:

Sharon Phillips

Sharon Phillips, Town Clerk

Ordinance 2021-03. uc was passed unanimously by the Irvington Town Council on June 10, 2021

Sharon Phillips
Town Clerk

TOWN OF IRVINGTON

FY 21/22 FEE RATE SCHEDULE

ADMINISTRATIVE	FEE
• Precious Metals Dealer Registration	• $200
ZONING RELATED PERMITS	**FEE**
• Sign	• $20
• Subdivision	• $200 + $30/LOT
• Zoning	• $100
• Board of Zoning Appeals	• $300
ADDITIONAL ORDINANCES	**FEE**
• Golf Cart	**FEE**
○ Individual	• $25
○ Commercial	• $200
• Conditional Use Permit	• $200

*Anyone who applies for a permit after the fact for zoning will be charged double the original fee.

Town Clerk

ORDINANCE 2021-04. uc

ADOPTING TRANSIENT OCCUPANCY TAX RATE

WHEREAS, the Irvington Town Council ("Council") adopted an ordinance authorizing a levy of taxes for transient occupancy in Irvington, on July 18, 2002, with effect from January 1, 2003, codified on February 12, 2015 as Town Code Sections 34.01 *et seq;* and

WHEREAS, Council desires to re-adopt the current transient occupancy tax rate of 4%; and

WHEREAS, this Ordinance was advertised in the Rappahannock Record on April 29 and May 6, 2021; and

WHEREAS, the public had the opportunity to comment on this Ordinance in a public hearing on May 13, 2021; and

WHEREAS, this Ordinance was considered at two readings by Council on May 13, 2021 and June 10, 2021.

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

Council hereby adopts the following:

1. Council hereby adopts Ordinance 2021-04.uc which re-adopts the rate of 4% of the charge made for each room rented, with effect from July 1, 2021.
2. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this uncodified Ordinance in the Minutes of its June 10, 2021 meeting.

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that Ordinance 2021-04.uc was adopted at its June 10, 2021 Meeting, at which a quorum was present and voting. The Vote was:

	IN FAVOR	OPPOSED
Jackie Brown	✓	
R. Wayne Nunnally	✓	
Anthony Marchetti	✓	
Dudley M. Patteson	✓	
Bonnie Schaschek	✓	
Frances Westbrook	✓	

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

ATTEST:

Sharon Phillips, Town Clerk

Ordinance 2021-04. uc was passed unanimously by the Irvington Town Council on June 10, 2021

Sharon Phillips
Town Clerk

ORDINANCE 2021-05. uc

ADOPTING REAL ESTATE TAX RATE

WHEREAS, the Irvington Town Council ("Council") adopted an ordinance authorizing a levy of real estate taxes on March 17, 2016, now codified as Town Code Sections 34.30-34.34; and

WHEREAS, the Council desires to re-adopt the current real estate tax rate for the 2021-22 fiscal year; and

WHEREAS, this Ordinance was advertised in the Rappahannock Record on April 29 and May 6, 2021; and

WHEREAS, this Ordinance was considered at a May 13, 2021 public hearing, and two readings by Council on May 13 and June 10, 2021.

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

1. Council hereby adopts Ordinance 2021-05.uc, which re-adopts the rate of $.03 per $100 assessed value, with effect from July 1, 2021.
2. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this uncodified Ordinance in the Minutes of its June 10. 2021 meeting.

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that Ordinance 2021-05.uc was adopted at the June 10, 2021 Meeting, at which a quorum was present and voting. The Vote was:

	IN FAVOR	OPPOSED	ABSENT
Jackie Brown	✓		
Anthony Marchetti	✓		
R. Wayne Nunnally		Nunnally	
Dudley M. Patteson	✓		
Bonnie Schaschek	✓		
Frances Westbrook	✓		

Albert D. Bugg, III, Mayor

ATTEST:

Sharon Phillips, Town Clerk

Ordinance 2021-05.uc was passed 5-1 (Nunnally) by the Irvington Town Council on June 10, 2021.

Sharon Phillips
Town Clerk

ORDINANCE 2021-06. uc

ADOPTING FY 2021-22 BUDGET

WHEREAS, the Irvington Town Council ("Council") proposes to adopt a FY 2021-22 Budget for Irvington; and

WHEREAS, a synopsis of the proposed FY 2021-22 Budget and a notice of a public hearing on the Budget were advertised in the Rappahannock Record on April 29 and May 6, 2021 pursuant to VA Code Ann. Section 15.2-2506; and

WHEREAS, a public hearing on the proposed FY 2021-22 Budget was held on May 13, 2021 and the public also had the opportunity to speak about the FY 2021-22 Budget at meetings on May 13 and June 10, 2021; and

WHEREAS, this Ordinance was read twice before approval, at the May 13 and June 10, 2021 Council meetings.

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

1. Council hereby adopts Ordinance 2021-06.uc Adopting FY 2021-22 Budget, with a copy of the full Budget attached hereto and incorporated herein by this reference.
2. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this uncodified Ordinance, and the attached FY 2021-22 Budget, in the Minutes of its June 10, 2021 meeting.

Attachment – FY 2021-22 Budget

Certification

I, Albert D. Bugg, IIII, Mayor, do hereby certify that Ordinance 2021-06.uc was adopted at the May 13, 2021 meeting at which a quorum was present and voting. The Vote was:

	IN FAVOR	OPPOSED
Jackie Brown	✓	
R. Wayne Nunnally		Nunnally
Anthony Marchetti	✓	
Dudley M. Patteson	✓	
Bonnie Schaschek	✓	
Frances Westbrook	✓	

Albert D. Bugg, III, Mayor

ATTEST:
Sharon Phillips, Town Clerk

Ordinance 2021-06.uc was passed 5-1 (Nunnally) by the Irvington Town Council on June 10, 2021.

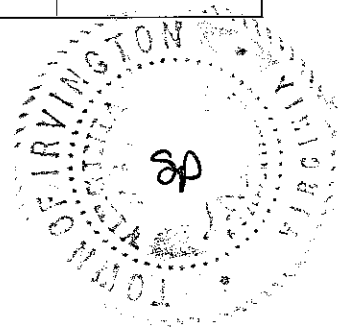
Sharon Phillips, Town Clerk

Town of Irvington

Budget FY 2021/22 Worksheet

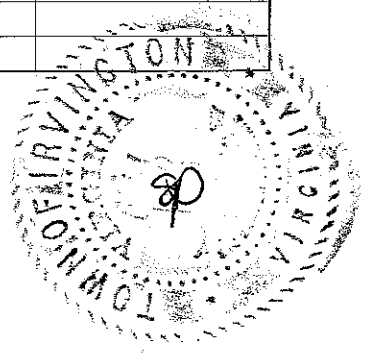
	FY 2019/2020		FY 2020/21			FY 2021/22
Cities and Towns Chapter 25 - Budgets, Audits and Reports §15.2-2504. What Budget to Show	Budget Jul 2019 Jun 2020	Actuals Jul 2019 Jun 2020	Budget Jul 2020 Jun 2021	Amended Budget Jul 2020 Jun 2021	Actuals Jul 2020 Jun 2021 YTD Mar 2021	Proposed Budget Jul 2021 Jun 2022
Revenue	$203,689	$191,692	$203,689	$312,790	$171,487	$346,471
Occupancy Tax 4%	$70,000	59,464	$70,000	$98,000	$69,719	$196,521
Real Estate Tax	$64,239	62,615	$64,239	$63,000	$59,788	$60,000
Local Retail Sales Tax	$27,000	29,068	$27,000	$25,000	$26,904	$25,500
PP Tax (Auto/Golf Tags)	$10,000	10,256	$10,000	$10,000	$9,280	$9,500
Bank Franchise	$10,000	11,455	$10,000	$12,000		$12,000
Cable TV / Communications	$2,200	2,052	$2,200	$2,000	$1,421	$1,700
Town Property Rental	$1,000	500	$1,000	$1,000	$1,000	$1,000
Permit / Zoning / Registration Fees	$1,200	760	$1,200	$2,500	$2,365	$2,000
Interest Income	$6,000	5,522	$6,000	$1,500	$960	$1,000
ATL Fire Grant	$10,000	10,000	$10,000	$10,000		$10,000
Lokey Wiley Fund	$2,000		$2,000	$2,000		$2,000
Misc. Income	$50		$50	$50		$250
VA Tourism Grant				$15,250		
COVID-19 Cares Act				$70,490		
Prior Year Net Assets (COVID Funds)						$25,000

Cities and Towns Chapter 25 - Budgets, Audits and Reports §15.2-2504. What Budget to Show	Budget Jul 2019 Jun 2020	Actuals Jul 2019 Jun 2020	Budget Jul 2020 Jun 2021	Amended Budget Jul 2020 Jun 2021	Actuals Jul 2020 Jun 2021 YTD Mar 2021	Proposed Budget Jul 2021 Jun 2022
Operating Expenses	$154,457	$134,955	$154,457	$256,952	$143,800	$244,760
Employee Expense	$64,478	$63,019	$64,478	$65,000	$39,569	$72,000
Professional Services	$15,000	$15,000	$15,000	$25,000	$14,281	$34,000
Insurance (Insurance (VML)	$4,189	$4,189	$4,189	$4,500	$4,884	$5,000
Public Safety & Code Enforcement	$10,500	$10,000	$10,500	$11,000	$10,000	$10,500
Office Expenses	$12,940	$10,416	$12,940	$15,500	$16,444	$18,500
Municipal Expense	$13,400	$8,744	$13,400	$11,000	$10,057	$17,000
Town Council	$3,000	$865	$3,000	$2,000	$3,667	$3,000
Planning Commission	$1,850	$507	$1,850	$1,850	$1,272	$33,000
Utilities	$13,600	$12,447	$13,600	$15,000	$12,562	$15,000
Town Maintenance	$15,500	$9,768	$15,500	$15,500	$5,488	$15,000
Mayor's Discretionary Fund	$750	$726	$750	$2,000	$255	$1,000
COVID-19 Cares Act				$70,490	$25,321	
Town Office Rent				$8,112		$9,400
Reimburse Contingency Fund				$10,000		$11,360



Cities and Towns Chapter 25 - Budgets, Audits and Reports §15.2-2504. What Budget to Show	Budget Jul 2019 Jun 2020	Actuals Jul 2019 Jun 2020	Budget Jul 2020 Jun 2021	Amended Budget Jul 2020 Jun 2021	Actuals Jul 2020 Jun 2021 YTD Mar 2021	Proposed Budget Jul 2021 Jun 2022
Community Support and Tourism Promotion	$26,150	$20,969	$26,900	$48,400	$30,616	$27,950
Charitable Donations						
Fire and Rescue	*$2,500*	*$2,100*	*$2,500*	*$2,500*		*$2,500*
Steamboat Era Museum	*$2,500*	*$2,500*	*$2,500*	*$2,500*	*$2,500*	*$2,500*
Lancaster Library	*$2,000*	*$2,000*	*$2,000*	*$2,000*	*$2,000*	*$2,000*
Other						
Community Events	*$10,000*	*$4,489*	*$10,000*	*$10,000*		*$5,000*
Flags & Banners, Christmas	*$3,200*	*$4,190*	*$3,200*	*$4,200*	*$4,070*	*$10,000*
SEM Irvington Crab Festival	*$1,200*	*$1,200*	*$1,200*	*$1,200*	*$1,200*	*$1,200*
Wi-Fi	*$500*	*$240*	*$500*			
Trolley	*$250*	*$250*	*$250*			*$500*
Virginia River Realm	*$2,000*	*$2,000*	*$2,000*	*$2,000*	*$2,000*	*$2,000*
VA Tourism Grant Expenses				*$22,000*	*$16,846*	
Mayor's Discretionary Fund 1			*$750*			
Misc Support						*$250*
Irvington Mayor's Golf Tournment	*$2,000*	*$2,000*	*$2,000*	$2,000	$2,000	*$2,000*
1 Moved to General Operating Budget						
Prior Year Net Expend (COVID Funds)						$25,000
Capital Budget Contribution*	$23,082	$35,768	$22,332	$7,438	($2,979)	$18,761
Total Revenue	$203,689	$191,692	$203,689	$312,790	$171,437	$346,471
Total Expenditures	$203,689	$191,692	$203,689	$312,790	$171,437	$346,471
	$0	$0	$0	$0	$0	$0

CAPITAL EMENT BUDGET WORKSHEET	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026		
Balance Fwd Previous Year		$251,741	$195,000	$0	$0		
Cash Assets On Hand 03/31/2021	$425,715						
YE Contributions (Net Income)	$48,761	$150,000					
Restricted Funds (Lokey & Bike Path CDs)	($32,235)						
COVID-19 Cares Act Fund	($45,000)					70,490 - 25,321 = 45,169	
Contingency Fund	($80,000)						
Sale of Town Hall (Steamboat Rd)	$82,000						
Loan Town Office & Community Hall		$715,000					
Total Funds Available	**$399,241**	**$865,000**	**$0**	**$0**	**$0**		
The Commons							
Improvements (Shed)	$50,000					Storage	
Playground Feasibility Study	$7,500					Deposit	
New Town Office & Community Hall							
Surveying/Engineering & Master Site Plan	$15,000						
Architectural	$20,000	$63,000					
Septic	$40,000						
Building & Construction		$475,000					
Parking Lot		$66,000					
Furniture, Fixtures, Technology		$40,000					
Debt Service (P&I)		$26,000	$52,000	$52,000	$26,000		
Town Sewer Feasibility Study	$15,000						
Total Capital Improvements	$147,500	$670,000					
Ending Balance per Year	**$251,741**	**$195,000**	**$0**	**$0**	**$0**		
Line items moved to Gen Operating Budget:							
Flags & Banners							
Xmas Decorations							
Muni-Code							
Contingency Fund reimbursement							



Paul Elbourn
P.O. Box1314
White Stone, VA 22578
804-436-6058

June 7, 2021

Mayor Albert "Tripp" Bugg, III
Town of Irvington
235 Steamboat Road
Irvington, VA 22480

Dear Mayor Bugg:

Thank you for the opportunity to bid on the upcoming installation of Christmas lights, flags, and banners for the 2021 season.

If awarded the contract, I will put the lights on the town tree on a mutually agreed day in November 2021. I will also install and remove the Town's flags four times throughout the year and I will install and remove the banners one time as well.

My bid is for $4,175.00 for the yearly contract. Included in this price is $3,200.00 which is allotted for the Christmas lighting, flags, and banners, $500.00 for the bucket truck rental, and $475.00 for the ground crew to decorate the town tree.

Due in November is $3,175.00 upon the installation of the town's lights in November. This is due within 7 days of completion of the Christmas decorations. The remainder of $1,000.00 is due upon the removal of decorations in January.

Thank you again for the opportunity to bid on your project.

Sincerely,

Paul Elbourn

The Elbourn contract dated June 7, 2021 was adopted unanimously by the Irvington Town Council on June 10, 2021.

Town Clerk

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, JUNE 10, 2021 6:30 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	MaryCary Bradley	991 Kilmarnock
2.	Albert Pollard Jr	48 Steamboat
3.	Susan Kirkbride	364 Chesapeake Drive
4.	Greg Kirkbride	364 Chesapeake Drive
5.	George Kuper	Hagan Hall
6.	Jeff Ewing Gabe del Rio	732 Chesapeake Dr
7.	Sam Van Sann	146 Virginia Rd
8.	Mary Burgess	22 VARD
9.	Brian + Jaclyn Forrester	437 The Lane
10.	Ruth Fuller + Michael Skenid	341 The Lane
11.	Carol Bascoulin	60 The Pony Pasture
12.	Jacl + Spencer Kinmyer	4736 Irv. Rd.
13.	Bo + Camille Bragg	72 Creekview

14. Julie W. Harris 1099 K.C. Dr.

15.

16.

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TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY MAY 20, 2021 6PM
IRVINGTON BAPTIST CHURCH

A. ALL TO ORDER

Mayor Bugg: I call this meeting to order. This is a special called meeting of the Irvington Town Council on Thursday May 20, 2021 at the Irvington Baptist Church.

B. ROLL CALL

Mayor:	Mayor Bugg present.
Council:	Frances Westbrook present.
	Bonnie Schaschek present.
	Jackie Brown present.
	Dudley Patteson present.
	Anthony Marchetti present.
	Nunnally here.
Staff Present:	Nancyellen Keane, Town Attorney
	Lara Brown, Zoning Administrator
	Sharon Phillips, Town Clerk
Guests Present:	See attached sign in sheet.

Mayor Bugg: We are all present. Thank you everyone for being here this evening. Before I get going I need to ask legal a question. Do we need to address this emergency item in open session or do we address that in closed?

Nancyellen Keane: Closed.

Mayor Bugg: Well then with that I will turn it over to the vice mayor for the reading.

C. CLOSED SESSION

1. Pursuant to §2.2-3711A.8 of the Code of Virginia for the purpose of consultation with legal counsel for specific legal matters.

Frances Westbrook: I Frances Westbrook move to go into closed session pursuant to Section 2.2-3711(A)(8) of the Code of Virginia for the purpose of consultation with legal counsel for specific legal matters.
Wayne Nunnally: Second.

Mayor Bugg: Is there any further discussion? All in favor? Opposed?

Vote:	Frances Westbrook:	Aye
	Bonnie Schaschek:	Aye
	Jackie Brown:	Aye
	Dudley Patteson:	Aye
	Anthony Marchetti:	Aye
	Wayne Nunnally:	Aye

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 6-0.

***Please note that Charlie Meyer and Eileen Geller representing O'Hagan Meyer joined the closed session.**

D. RETURN TO OPEN SESSION

Frances Westbrook: Whereas the Town of Irvington has convene a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law; Now, there, be it resolved that the Board hereby certified that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirement by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters were identified in the motion convening the closed session were heard, discussed or considered by the Board. Is there any member who believes that there was a departure from the motion to go into a closed session? If so, so please state the departure.
I, Mayor Bugg, so certify.
I, Wayne Nunnally, so certify.
I, Fran Westbrook, so certify.
I, Dudley Patteson, so certify.
I, Bonnie Schaschek, so certify.
I, Jackie Brown, so certify.
I, Anthony Marchetti, so certify.

Mayor Bugg: We are in open session. Excellent that will leave us with the last item. Is there a motion?

Wayne Nunnally: Motion to authorize the town attorney, Keane Law, PLLC to file an action in Lancaster County Circuit Court on behalf of the Town of Irvington in conjunction with the County of Lancaster should it be necessary to enforce violations of the above referenced state law and town code with respects to Tax Map 28-207A and 34-5 known as "Fishers Pitt".

Jackie Brown: Second.

Mayor Bugg: Further discussion? All in favor? Opposed?

Vote:	Frances Westbrook:	Aye
	Bonnie Schaschek:	Aye
	Jackie Brown:	Aye
	Dudley Patteson:	Aye
	Anthony Marchetti:	Aye
	Wayne Nunnally:	Aye

THE MOTION TO AUTHORIZE THE TOWN ATTORNEY, KEANE LAW PLLC, TO FILE AN ACTION IN LANCASTER COUNTY CIRCUIT COURT ON BEHALF OF THE TOWN OF IRVINGTON IN CONJUNCTION WITH THE COUNTY OF LANCASTER SHOULD IT BE NECESSARY TO ENFORCE VIOLATIONS OF THE ABOVE REFERENCED STATE

LAW AND TOWN CODE WITH RESPECTS TO TAX MAP 28-207A AND 34-5 KNOWN AS "FISHERS PITT" IS PASSED 6-0.

E. ADJOURN

Wayne Nunnally: Motion to adjourn.

Dudley Patteson: Second.

o

Mayor Bugg: All in favor? Opposed. We are adjourned.

Respectfully Submitted,

Sharon Phillips, Town Clerk

Albert D. Bugg, III

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH .
TUESDAY, MAY 13, 2021 6:30 PM

A. CALL TO ORDER

Mayor Bugg: For timing purposes we are going to pause the public hearing and we are going to now call to order the regular monthly meeting of the town council on May 13, 2021 at 6:30 p.m. I will call that to order, do a roll call and then we will suspend that meeting and move back to this meeting.

B. ROLL CALL

Mayor Present:	Mayor Bugg present.
Council Present:	Frances Westbrook present. Bonnie Schaschek present. Anthony Marchetti present. Dudley Patteson present. Wayne Nunnally here. Jackie Brown present.
Staff Present:	Nancyellen Keane, Esq., Town Attorney Lara Brown, Zoning Administrator Sharon Phillips, Town Clerk
Guests Present:	See attached sign in sheet.

Mayor Bugg: Thank you council, we now move back to the public hearing. We will suspend this meeting and go back to our previous public hearing.

RECONVIENE

Mayor Bugg: Thanks again to everyone who was able to participate in the public hearing. We are now reconvening the town council meeting for May 13, 2021, here at the Irvington Baptist Church. We have already done roll call so we will move on to the agenda.

C. AGENDA

Agenda – Amend to add Items 9 through 14.

Mayor Bugg: You have probably just received an agenda that contains some highlighted items that have been added so we need a motion to approve those items and add that to the agenda.

Wayne Nunnally: Did Cay Bradley approve that?

Cay Bradley: Mr. Mayor?

Mayor Bugg: Yes.

Cay Bradley: I'm sorry, I'm not sure that comment was necessary, the one that was just made.

Mayor Bugg: I'm uncertain what Mr. Nunnally was referring to but we will…

Wayne Nunnally: I don't know what she is talking about as usual.

Mayor Bugg: We will move onto these items. Council it looks like Items 9 through 14, have you had a chance to review those.

Jackie Brown: Who is RFC?

Frances Westbrook: The treasurer. The accounting firm.

Mayor Bugg: Can I get a motion to amend the agenda to include Items 9 through 14?

Frances Westbrook: So move.

Bonnie Schaschek: Second.

Mayor Bugg: Any further discussion? All in favor? Opposed? Those items are amended and included in the agenda.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye

THE MOTION TO AMEND THE AGENDA TO INCLUDE ITEMS 9 THROUGH 14 IS PASSED 6-0.

D. APPROVAL OF THE MINUTES AND ACCEPTANCE OF TREASURER'S REPORT

Mayor Bugg: Approval of the minutes and acceptance of the treasurer's report. First item is the April 8, 2021 meeting minutes. Has everyone had a chance to review those minutes?

Frances Westbrook: All 82 pages.

Mayor Bugg: Is there a motion to approve?

Dudley Patteson: So moved.

Mayor Bugg: Any discussion? All in favor of approval? Opposed? Those minutes are approved.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye

THE MOTION TO APPROVE THE APRIL 8, 2021 MINUTES IS APPROVED 6-0.

Frances Westbrook: And I want to add something if I may.

Mayor Bugg: Yeah.

Frances Westbrook: We talked about this last month and we talked about it before, but I would like very much for council to seriously consider making a move on the idea of the summary minutes so that we don't continue with 80 or 90 pages of minutes every month. I would like for us to also consider that the minutes be made available to us the week following our meeting so that we now have those before us while they are still fresh in our minds, we are able to make any corrections or ask any questions, and get them back to the office in plenty of time for those corrections or questions to be answered.

Wayne Nunnally: I was hoping like the week after, I think that is reasonable.

Dudley Patteson: How does work, let's ask the clerk, how does that fit into your daily routine what she's proposing.

Sharon Phillips: I actually don't think that is feasible, again I think that maybe this should be discussed offline.

Dudley Patteson: Why don't you and I get together Fran and....

Frances Westbrook: Will you really do that.

Dudley Patteson: I do.

Frances Westbrook: I'll hold you to it.

Bonnie Schaschek: What do we have to talk about offline, the summary or when they are going to be available, because if it is summary, I think the whole council has to have something to say.

Frances Westbrook: That's true, that's a separate issue.

Dudley Patteson: We will certainly bring it before the whole council with whatever, if it is alright with council.

Frances Westbrook: I mean, if it's summary, then I think we can deal with that probably now, but if it opposed, if it includes when we get the, the same amount of time is going to be spent doing them no matter when it's done.

Sharon Phillips: That's not true.

Frances Westbrook: And maybe we should talk about that before we decide on that, but I would like for us to consider doing the summary aspect of it.

Dudley Patteson: Your request is so noted, I think we just need to talk about it at a different time than right now.

Frances Westbrook: We've talked about it 2 months in a row.

Dudley Patteson: Well no conclusion has been....

Frances Westbrook: That's why it keeps coming back up. I agree next week.

Dudley Patteson: Next week.

Frances Westbrook: You and I will sit down and talk.

Dudley Patteson: I think that's the best plan and I'm happy to that. Thank you.

Frances Westbrook: Excellent. Thank you.

Mayor Bugg: Sounds like a good plan. April treasurer's report. Council get a chance to review that. Any comments about that? Is there a motion to approve?

Frances Westbrook: I think we are filing these. They are not approved.

Anthony Marchetti: Tabling them until.

Mayor Bugg: We will table them then. Back to public comment. Anyone from the public? Yes.

Sam Van Saun: Do I need to come up or am I okay here.

Mayor Bugg: Come on up.

E. PUBLIC COMMENT

Sam Van Saun: I'm fully vaccinated. Mr. Mayor and Town Council members, oh you all know me, I'm Sam Van Saun, I live at 146 Virginia Road and first I am standing here on behalf of the Irvington Virginia Business Association which now has 36 members to make the following statements. Concerning old business. I'd like to reiterate the IVBA's support of The Hope & Glory's CUP to extend food and beverage service to the front patio. Next, the IVBA fully supports and demands a special election in November to fill the position of Mayor and any town council positions that may become vacant. This action is imperative for out town to operate with a full town government. We expect you to vote yes tonight for the special election. Concerning new business, in terms of the short-term rental discussions, we are wondering how the Irvington registration ordinance would intercept with or interfere with the current Lancaster County short-term rental registration ordinance which was put into place in 2018. This should definitely be part of the conversation. Finally, the IBA encourages town council to pursue the full benefit available to the Town of Irvington from the American Recovery Act funds. This money should be used for town improvements such as sidewalks, a decent playground and outdoor fitness area and the new town hall just to name a few. If we decide that is what we want. Finally, I'm taking off my IVBA hat and just speaking personally as a resident of Irvington I fully support and endorse Gabe Del Rio for the interim mayor position, I think he would be a fair and stabilizing presence as our town goes through this transition. I feel that if a town council member were appointed as interim mayor it would cause even more disruption and confusion because then we would have to deal with an empty town council seat in addition to filling the position of mayor. Thank you.

Mayor Bugg: Thank you. Mrs. Chapman.

Marsha Chapman: Marsha Chapman, 62 Old Mill Creek Road, given your eminent resignation, I would like to publicly speak in favor of Fran's Westbrook's appointment by the town council as interim mayor. Aside from her long work and volunteer history in our community for 23 years, she has served on the town council for the last 7 years. The last one as vice mayor. I have written information to Irvington for the last 2½ years and have necessarily not only been a recorder of town council meetings but a very close observer of them as well. What I've observed in Fran Westbrook is a principled, dedicated, trustworthy and responsible council member who takes her representative role seriously because she knows our town so well and loves it. Her door is always open to residents and their concerns and she seeks foremost for the greater good of Irvington. During the plan unit development fiasco of the 2017th comprehensive plan she listened to 135 residents gathered in office and was instrumental in stopping further consideration and supported removing language related to it in the comprehensive plan. Fran has done exemplary work on the budget and finance committee and has been its chairman for the last 3 years. This last a particularly difficult year given the restrictions imposed by COVID. Her long history of service in town government and in our community as a whole admirably suit her for the interim mayor position. A transitional one that calls for a depth hand, board of wisdom and prior experience in office. I urge the town council for these reasons to appoint her to this position. Thank you.

Mayor Bugg: Thank you. Mr. Kipp.

Randall Kipp: Randall Kipp, I am not a resident of Irvington any longer, I'm a business owner and I'm directly across the street from The Hope & Glory Inn. I just want to let everyone know that from my perspective across the street from Hope & Glory, I think what Dudley and Peggy are doing is attractive and I think a nice add to the community.

Mayor Bugg: Thank you. Yes sir.

Jason Trollip: I'd like to add onto what was said. I would like to support what Peggy and Dudley are doing at the Hope & Glory Inn and agree that it would be a wonderful asset to the town and what has been very tastefully and the Tides Inn and it's ownership support what's happening there.

Mayor Bugg: Thank you. Yes.

Gabe Del Rio: I spoke just now, I think most people have seen me around, I'm Gabe Del Rio. Sam just mentioned here, thank you for that Sam. I grew up in this town and I moved away for 20 years, I wasn't here for the last 20 years except for moving back 2 years ago. I haven't had the chance to serve this town but I have been a community development executive for the last 20 years serving multiple towns and cities, always doing so at the pleasure of a board, never with my own private agenda or endearment so it's a long history of public service. All of that has been very successful. I'm not at it for the power here this might have even been the smallest budget I have been responsible for professionally so there is nothing in that way, I'm just a kid who grew up here who moved back home who has this Randall Kipp dream home at the end of Chesapeake Drive and I love this town and I want to see a bright future for it and I would also like my opportunity to serve and I think it is important to change out leadership from time to time and to allow for new blood to come in. You know one way that I have always operated and will continue to do so at being a nonprofit executive is transparently so I am someone who always has my door open, always has my ear open, assumes that I have to serve everyone's interest and answer to them and does so in a way that will report back to the town council and to the town by all points in the game. I mean I think the town council if you were to make a selection of a town council member you do have some conflicts of interest. Originally Fran and I talked about this before she put her name in the hat and I've gotten some feedback from folks that that could be more disruptive than stabilizing and I think it was a notion that it could be stabilizing. You know this from the management hat for this kind of work for me, is very easy and something that I would be happy to be a stabilizing force. I will of course be running for the permanent role in the special election and I would be transparent as you can always expect from me and forthcoming to say that that is the case and that I will put myself out there for that. The door is open. Want feedback from everyone and I really would love to see a comprehensive planning process that gathers all this feedback that answers concerns and codifies them so that we can protect Irvington's future.

Mayor Bugg: Thank you Gabe. Anyone else from the public? Yes.

Jeff Ewing: Just some odds and ends from the agenda. First I want to say I would support the Hope & Glory's expansion. I am looking forward to eating out in a shaded patio setting and it is going to

create a little buzz in that corner of the town. I think it will be really great. The other thing is you guys are going to be discussing planning commission and I would strongly urge the town council to not reverse rules that were put in place 2 years ago because of shenanigans. Just because the scenario has changed because rules were put in place. If the planning commission is looking for things to do, I would recommend that town council give them something to do. There is a building that we are looking at options. There is a town sewer project that is a yes or no question. Planning commission could help with all of this. Town council is volunteer. Why don't you share some of the responsibilities with the planning commission instead of changing the rules on them. The other thing I have is the short-term rental, there is an exemption on the short-term rental stating that any agent or the homeowner gets an agent to represent the property that don't have to sign up for the registry, after doing some thinking about this, I decided this is great, it basically puts a professional in property management and it's their duty to pay the taxes. We are trying to get this to get the occupancy tax paid having a homeowner who is registered and know they have to pay or hire an agent to pay, then that agent will make them pay. So I think the registration is good and we should definitely pass that. The last thing of course I am in support of Gabe Del Rio as interim town mayor.

Mayor Bugg: Thank you. Yes sir.

George Kuper: I'm George Kuper. I didn't expect this to be a campaign meeting. I have sent each member of council a letter with my concerns for the governance issues that council faces and I believe that somebody with experience in council should be the interim mayor and perhaps the ongoing mayor to deal with those issues directly and it is going to require every member of council to work together in a fashion which I have not yet observed, it may be happening but it is not evident to me and I hope that council can pay attention to what I believe council should be doing and making sure it's zoning is up to date and accurately applied that it's management of its assets are effective and that its personnel are well managed, etc., etc., and not the least of which is that there is better opportunity for conversation among council and with the residents. This evening I think we have improved already on that because you have allowed us to talk about things that are not necessarily on the agenda. Thank you.

Mayor Bugg: Thank you.

George Kuper: Thank you. I think what you are going to be missing by moving out of town.

Mayor Bugg: Thank you. Yes.

Mary Cay Bradley: Mary Cay Bradley from King Carter Drive again, I'd just like to apologize to town council and to the staff and to the public for the interactions that Mr. Nunnally and I are having, I apologize for taking up your time with that. So thank you very much.

Mayor Bugg: Thank you. Anyone else from the public? Yes ma'am.

June McGeorge: June McGeorge, Sanders Lane, we fully support vice mayor Fran Westbrook as interim mayor. As longtime residents it is important to us to have experience with town issues and the budget and who is a realist, not a dreamer. We feel Fran focuses on what we have here and what we are preserving. She has strived to represent all of the town residents. On a different matter regarding the no through truck restrictions. The last time this was addressed was at the October 8th, 2020 town council meeting where the mayor advised he had sent the no through truck resolution to Lancaster County, there have been no updates or further discussions that I know. What is the status? Also the residents should be updated especially with the increased truck traffic now. Also there hasn't been any further discussions on getting extra law enforcement to help slow traffic through town. What's the status of that. Now with all the talk of more tourism, and more traffic there is a safety issue that has to be addressed at some point.

Mayor Bugg: Thank you. Yes sir.

Ian Ormesher: Ian Ormesher, Pony Pasture. I'm somewhat surprised attending this meeting you know given that I don't attend all meetings so this is a snapshot. The last meeting that I attended was when the plans were in progress for how things were going to change. What's very apparent at the moment is that a lot of pressure going to town council is for the businesses that are operating here in the town. Not an equal amount of feedback and input from residents and as a resident not a business owner that operates in the town, I feel that that is a slight disparity. The council is here to serve the residents. The business have their own vested interests about making money and it would appear that many of the issues that are being addressed in this room are about businesses making money and I feel we need to think very carefully about what the role of the town council is role of our business organizations are because they seem to be overlapping. Thank you.

Mayor Bugg: Thank you. Anything further from the public, yes ma'am.

Julie Harris: Julie Harris, 1099 King Carter Drive, while both candidates for interim mayor have exclusive experience I would support Fran Westbrook as she has many years of local government community service which would be very valuable to Irvington.

Mayor Bugg: Thank you.

Wayne Nunnally: We have to get a reservation…

Mayor Bugg: Anything further, yes ma'am.

Sharon Phillips: Mr. Mayor as I mentioned to you I have a couple of public comments that were received via email. Dear Irvington Town Council, as a concerned local resident and taxpayer for many years, I am troubled about our town streets. In the past the sidewalks have been treated with weedkiller and the debris has been removed from the gutters. It is my understanding that funds have been allocated in the town budget for maintenance and cleanup of the roads. It does not appear that this has been accomplished. The current condition is dreadful and certainly does not reflect a

welcoming image to visitor and locals. Can we expect this work to be completed. Yours truly, Barbara Lee Sanford, 70 Lee Lane. Mr. Mayor there is in addition to the comments tonight, there is one, one letter in favor of Vice Mayor Westbrook and six in favor of Gabe.

Mayor Bugg: Thank you. Anything further from the public.

Albert Pollard Jr.: Allen Pollard, 48 King Carter Drive, excuse me Steamboat Road. I have an Air B&B on King Carter, I just want to come out in support of the ordinance and then also in regards to mayor, I think that it is important when you do appoint somebody, appoint somebody who is not running, I think it's inappropriate regardless of how qualified the people running are, it is inappropriate for a governing body to put them on the scale in that way. Thank you.

Mayor Bugg: Thank you. Anything further?

Sam Van Saun: May I add something?

Mayor Bugg: Yes.

Sam Van Saun: Sorry. If, I just, sorry, I'm just thinking through the scenario, so if a town council member were to become the interim mayor, then there is no longer a town council person in that position and we don't know if that person would go back to being town council after being interim mayor or not, and if they are not, then I would like to stand in favor once again of a special election not just for mayor but for any vacant town council seat. That is really an important thing that nobody is talking about. Thank you.

Mayor Bugg: Absolutely. Thank you. Anything further public?

Wayne Nunnally: Your turn. Do it.

E. MAYOR'S REPORT

Mayor Bugg: Thank You. I have my Mayor's report as the next item on the agenda. It is fairly brief, to keep things moving along as all of you are well aware, we now have two qualified voters from the town who are interested in being appointed by council to serve as interim mayor until the winner of a special election is qualified. They are, as you already know, Gabe Del Rio and Fran Westbrook. The council should have received their letters of interest and resumes for the position. There is no deadline to submit a resume and letter of interest at this time. Since we now have a council member who is seeking the interim mayor position, there could be a vacancy on council as well as mayoral vacancy. Any qualified voter who is interested in serving on the council in an interim position should write a letter of interest, attach a resume and send both to the town clerk for circulation to council. Next item, the parade.

Wayne Nunnally: Point of interest, if that scenario would happen and Fran was appointed and she would vacate her office, would we then appoint a person to serve in her place at town special election?

Nancyellen Keane: Yes, and it would start the same clock over again, so which if there is a resignation of a mayor, there is a 45-day window to appoint an interim mayor and a 15-day window to file the petition with the court, then if Fran were the one appointed, then there would be a new vacancy and you would start that time over again, it would be 45 days to appoint a replacement for that position and a 15-day window to file petition. That resolution that you all read last time and it is up tonight also contemplates both things. If you look at the paragraphs, it has both of those paragraphs in that resolution.

Wayne Nunnally: Thank you.

Mayor Bugg: Thank you, Mr. Nunnally. Next item and this is a tough one, this is the parade. I love everything 4th of July and I think most of you in this room do as well, but we've got a number of inquiries about the 4th of July parade and due to the fact there are no funds in this budget I ask council to vote to confirm in fact that we are not having the parade this year as difficult as that is. We just haven't made that decision yet so I think we need to go ahead and make that decision and make sure that next year there is the biggest parade this town has ever seen. So, is there a vote, a motion to, I guess not have a parade until next year.

Frances Westbrook: So moved.

Mayor Bugg: Second?

Jackie Brown: Second.

Bonnie Schaschek: Second.

Mayor Bugg: Any further discussion? All in favor? Opposed? Parade will be postponed until next year and again as was discussed earlier the budget, items in the budget will be addressed so that doesn't happen as well.

Vote:
Frances Westbrook	Aye
Bonnie Schaschek	Aye
Dudley Patteson	Aye
Jackie Brown	Aye
Anthony Marchetti	Aye
Wayne Nunnally	Aye

THE MOTION TO POSTPONE THE 4TH OF JULY PARADE UNTIL NEXT YEAR IS PASSED 6-0.

Mayor Bugg: Next item I have to speak about is the tennis court repairs. The repairs should be completed by mid June so that is just around the corner, that is good news and another difficult topic is the resignation of our zoning administrator, Lara Brown. She has resigned effective June 30, 2021, but could stay until July 30, 2021 if needed. We would all like to thank Lara for her great job and the care she has taken with her work and the large volume of work that she has handled flawlessly this year. Lara thank you so much.

Group: Clapping.

Mayor Bugg: You will truly be missed but thank you for helping out with the transition as that approaches as well. That concludes my mayor's report.

Wayne Nunnally: Mr. Mayor, you need to bring us up to date about this resignation.

Mayor Bugg: Yes, yes, my plan is at the next meeting the June meeting to give you a definite date. That is in fact my plan so you will have that at that meeting so. Thank you for bringing that up as well.

Jackie Brown: Why is it taking so long?

Mayor Bugg: There are a few remaining items, some unfinished business I would like to see completed, but if you want to talk to me about that after the meeting, I would be happy to speak. Next item is the report from the town attorney.

F. **REPORT FROM THE TOWN ATTORNEY**
Nancyellen Keane: No report.

G. **REPORT FROM THE ZONING ADMINISTRATOR**
Lara Brown: Thank you, Mr. Mayor. This month's report is kind of brief, we had one tree removal permit approved on York Road. No CUP permits this month, we you are hearing proposed ordinances the second reading, update on the violation that started last July over here on, off of King Carter Road, not off King Carter Road, off of Route 200, I have talked to Magic Tree Service, they were getting ready to start this job through the old abandoned trailers and sheds and then the tornado happened on the upper end of the county and they are now doing emergency tree removal work because that was more important than removing old abandoned sheds but they assured the town, please know that they are next on the list that this is still in the works, just emergencies take precedence over this project. As you heard information regarding the north commons update, I did meet with Bay Design Group on April 29th, and they will be prepared to do a short presentation at your June meeting to give you a visual of what is recommended and what will be allowed on the north commons as far as, there are only certain locations on the parcel where that engineered septic could be located, so they will have that placed for you to look at as well as where a building can go

in relation to that and as I heard for the last several years, your desire for storage for all of your flags and banners and Christmas lights and so forth, so also the location of the extra storage unit you had me check several times. So that would be placed on a you know a site plan, a temporary site plan for you to look at, to have discussion as you move forward with your budgets and with your surveys with the town and residents to see you know what everybody would like to have, so you will know what you can have, so you know what to ask of your residents. Last which is not on here tonight is my son's 11th birthday, and so I ask that after old business that maybe I could check out so that I can go have tacos and cupcakes.

Mayor Bugg: I will turn up the speed on this meeting as much as I can. Budget and finance committee, you are back on the hot seat.

H. **REPORT FROM THE BUDGET & FINANCE COMMITTEE**

Mayor Bugg: Is there anything else we need…

Frances Westbrook: No, I just want to reiterate one thing about the meals tax and make sure you all really understand is that it is a very complicated type ordinance to write with a lot of decisions and the way I understand it, town council will have to look at it and make, and state codes have already certainly made some of those calls for us, but that is a very long document. Kilmarnock's which is on their website is a 5-pager on there so it just reinforced to Anthony and I there is a lot to talk and think about even if we decide to go down that route. So that is where I sheared on the possibility of projected revenue and that's why it was taken off and so we were a little presumptive in not realizing how complicated it was.

Mayor Bugg: Thanks again for all of your efforts, truly appreciate it. On to old business, second reading of two ordinances. Sharon I'll turn that over to you.

I. OLD BUSINESS

Sharon Phillips: Ordinance 2021-01 – repeal reeanact town code 154.051 Use regulations in R1-R2 zoning district. Just the title only.

Nancyellen Keane: Unless you have any questions or discussion just go on.

Mayor Bugg: Alright so we will move to approve.

Jackie Brown: Second.

Mayor Bugg: Any further discussion? All in favor? Opposed?

Vote: Frances Westbrook Aye
Bonnie Schaschek Aye
Dudley Patteson Aye
Jackie Brown Aye
Anthony Marchetti Aye
Wayne Nunnally Aye

THE MOTION TO APPROVE ORDINANCE 2021-01 – REPEAL RREENACT TOWN CODE SECTION 154.051 USE REGULATION IN R1-R2 ZONING DISTRICT IS PASSED 6-0.

Mayor Bugg: The motion passes. Next Sharon.

Sharon Phillips: Ordinance 2021-02 Repeal reenact town code 154.215 boat docks, piers generally.

Mayor Bugg: Any further discussion council? Motion to approve.

Anthony Marchetti: So move.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor? Opposed? Motion passes.

Vote: Frances Westbrook Aye
Bonnie Schaschek Aye
Dudley Patteson Aye
Jackie Brown Aye
Anthony Marchetti Aye
Wayne Nunnally Aye

THE MOTION TO APPROVE ORDINANCE 2021-02 REPEAL REENACT TOWN CODE SECTION 154215 BOAT DOCKS, PIERS GENERALLY IS PASSED 6-0.

Mayor Bugg: Thank you Mr. Chapman for your work on that as well. Next item will be CUP, second reading of resolution 2021-08 CUP Extend food and beverage service to front patio in B1. Mr. Patteson.

Dudley Patteson: I recuse myself.

Mayor Bugg: There you go.

Sharon Phillips: Resolution 2021-08 TC conditional use permit application to extent food beverage service to front patio in B1 tax map 33-436.

Lara Brown: Can I just have one update to a staff report. Town council on Tuesday night when I entered the building there was a letter addressed to the Town of Irvington from a resident that

received the notice from the applicant for this, and so your report states that there were no oppositions to this application, but there was one letter received from Mr. & Mrs. Headley opposing the application due to no alcohol on Sundays and parking. So I just update your report from no opposed to one letter of opposition.

Wayne Nunnally: Lara in the application it says operating hours is 11:00 to 5:00?

Lara Brown: And that application was amended.

Wayne Nunnally: What was amended?

Lara Brown: The amended application states on Sundays 12:00 to 5:00.

Wayne Nunnally: Thank you.

Lara Brown: Your welcome.

Mayor Bugg: Any further discussion council? Is there a motion to approve?

Anthony Marchetti: So moved.

Mayor Bugg: Is there a second?

Frances Westbrook: I'll second.

Mayor Bugg: Further discussion? All in favor? Mayor Bugg: Opposed?

Wayne Nunnally: I'm opposed.

Jackie Brown: I'm opposed.

Mayor Bugg: Did you vote?

Bonnie Schaschek: I said yes.

Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Dudley Patteson	Recuse	
	Jackie Brown		Nay
	Anthony Marchetti	Aye	
	Wayne Nunnally		Nay

THE MOTION TO APPROVE RESOLUTION 2021-08 TC CONDITIONAL USE PERMIT APPLICATION TO EXTENT FOOD BEVERAGE SERVICE TO FRONT PATIO IN B1 TAX MAP 33-436 IS PASSED 3-2

Mayor Bugg: Motion passes. Thank you. Next item on the agenda is the second reading of resolution 2021-09 authorizing filing a petition for writ of special election.

Sharon Phillips: Resolution 2021-09 I'm just going to read the first paragraph. Whereas the honorable Albert D. Bugg, III was elected Mayor of the Town of Irvington in May of 2020 for a term of July 1, 2020, through June 30, 2024 which term was recently extended by act of General Assembly to December 31, 2024.

Wayne Nunnally: I move we approve this ordinance.

Sharon Phillips: Resolution.

Mayor Bugg: Is there a second?

Anthony Marchetti: Second.

Mayor Bugg: All in favor? Opposed?

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye

THE MOTION TO APPROVE RESOLUTION 2021-09 AUTHORIZING FILING A PETITION FOR WRIT OF SPECIAL ELECTION IS PASSED 6-0.

Passes, thank you council. On to new business. We have some more readings.

J. NEW BUSINESS

1. Ordinance 2021-03.UC Adopting 2021-22 Fee Rate Schedule

Sharon Phillips: Ordinance 2021-03.UC Adopting 2021-22 Fee Rate Schedule whereas Irvington Town Council desires to readopt the attached fiscal year 21-22 fee rate schedule of certain administrative and zoning fees. Whereas this ordinance was advertised in the Rappahannock Record on April 29th and May 6th of 2021 and whereas the public had an opportunity to comment on this ordinance at the public hearing on May 13, 2021 and whereas this ordinance was considered at two readings by council on May 13th and June 10th of 2021. Be it enacted and ordained by the Town of Irvington Virginia. I do think I need to read. Council hereby adopts ordinance 2021-03.UC with the attached fiscal year fee rate schedule incorporated herein by this reference with the effective date of July 1, 2021, 2, council hereby reclassifies section 2 and 3 of ordinance 2020-07.UC from uncodified to codified. This ordinance is effective upon passage.

Nancyellen Keane: Can I explain one thing to y'all.

Mayor Bugg: Certainly.

Nancyellen Keane: Since this is the first reading. I put in item 2 in the middle of that page that says plat reclassify section 2, what that means is the last time you all passed a budget in November I think you may recall we added some, we added the right to have a fee for certain things that was not in the code book and in order to do that I had to put it in the ordinance that was already advertised last time and it was an uncodified ordinance so this time around I want those items to be codified later and what I want to do is say that they will be codified later so that it can go in whatever book or format you use and we don't have to keep it, don't have to pass it altogether again with an advertisement and everything else.

Frances Westbrook: Gotcha.

Wayne Nunnally: Move we approve it.

Mayor Bugg: No this is the first reading. Alright Sharon, you're up.

2. Ordinance 2021-04.UC Adopting Transient Occupancy Tax Rate

Sharon Phillips: Ordinance 2021-04.UC Adopting Transient Occupancy Tax Rate, whereas Irvington Town Council adopted an ordinance authorizing a levy of taxes for transient occupancy in Irvington on July 18, 2002 with effect from January 1, 2003 codified February 12, 2015 as town's code sections 34.01 and whereas council desires to readopt the current transient occupancy tax of 4% and whereas this ordinance was advertised in the Rappahannock Record on April 29th and May 6, 2021, and whereas the public had the opportunity to comment on this ordinance in a public hearing on May 13th, 2021, whereas this ordinance was considered at two readings by council May 13th and June 10, 2021.

Mayor Bugg: Thank you. Move on.

3. Ordinance 2021-05.UC Adopting Real Estate Tax Rate

Sharon Phillips: Ordinance 2021-05.UC Adopting Real Estate Tax Rate, whereas the Irvington Town Council adopted an ordinance authorizing a levy of real estate taxes on March 17th, 2016, now codifies town code sections 34.30 and 34.34 and whereas the council desires to readopt the current tax rate for 2021/2022 fiscal year and whereas this ordinance was advertised in the Rappahannock Record on April 29th, and May 6th of 2021, whereas this ordinance was considered at a May 13th public hearing and two readings by council on May 13th and June 10th, 2021.

Mayor Bugg: Thank you Sharon, the net one will be first reading of 2021-06.UC Adopting an Annual fiscal year 21/22 budget.

4. Ordinance 2021-06.UC Adopting Fiscal year 2021/2022 budget

Sharon Phillips: Ordinance 2021-06.UC Adopting Fiscal year 2021/2022 budget whereas the Irvington Town Council proposes to adopt fiscal year 2021/2022 budget for Irvington and whereas a synopsis of the proposed fiscal year 2021/2022 budget and a notice of the public hearing on the budget was advertised in the Rappahannock Record on April 29th and May 6th pursuant to Virginia Code annotated section 15.2506 and whereas a public hearing on the proposed fiscal year 21/22 budget was held May 13th and the public also had the opportunity to speak about the fiscal year 2021/2022 budget at its meetings on May 13th and June 10th, whereas this ordinance was read twice before approval at the May 13th and June 10th council meetings. Ordinance 2021-07 Repeal and Reenact town code.

Nancyellen Keane: No, not yet. That's a discussion only.

Sharon Phillips: Sorry.

Mayor Bugg: We will be discussing proposed ordinance 2021-07 Short Term Rental Registry. I believe Nancyellen you had some comments you wanted to make.

Nancyellen Keane: Right, I was asked at the last meeting to put this together, I sent it to you all before the meeting, there are a couple of things I wanted to call to your attention just so you are aware of them. This is not intended to be voted on or first reading tonight because it has not been advertised as such before that and you haven't decided whether you want it to be in this section of the town code that I chose when I drafted it, or do you want it somewhere else, but first of all there are two ordinances, one is pertaining to the transient occupancy tax section of the town code, the definition of a transient in your current code is not going to be the same definition that the Commonwealth of Virginia has supplied when you are talking about a short-term rental.

Wayne Nunnally: What's the difference?

Nancyellen Keane: The difference?

Wayne Nunnally: Uh Huh.

Nancyellen Keane: The difference is our current code is 90 days and the code for the short-term rental is 30 days and so if you are going to have them both paying the tax and so forth it just makes sense to have them both be the same number of days. So that's the reason for that ordinance being drafted. The short term rental registry was drafted per the state law which is 15.2-983 and just to let you all know I've gotten some questions from residents and others about it. This tracks the requirements in the state law. The state law is a ministerial, registry is a ministerial, they are allowing you to institute a registry if you pass an ordinance that says so, it enables you to get the name and address, the address of the property within the town that an owner or operator is offering.

But you can't get much more information than that. There are some jurisdictions that will ask other questions on their application form but I think that is risky to do and the reason that I think it is risky

to do is you will end up penalizing someone for not registering or if they have made some sort of violation of law and you take away their right to rent property for any period of time they are going to prevail in litigation against you if you have asked more than you are allowed to ask on the registration form, so anyway this tracks very closely to the state law. I left some blanks in the short-term registry draft ordinance and I just want to tell you what they are about so you all can talk about it and decide how you want them filled in so that if you want to pursue this we can advertise it with the full document. The first item on the first page says that you have to have a day each year that someone will come back and annually renew their registration. They register the first time when they decide to do this and then you want to establish a single annual date by which every one of the registrants will reregister every year and so I didn't know what that date was and so I left it blank. On the sec---

Wayne Nunnally: What are other people using?

Nancyellen Keane: I've seen January 15th somewhere else but I don't think that's, I think they just pick it. Then, there is another blank at the top of the second page if someone does fail to register or violates your regulation or ordinance it says that they can have their right to rent the property taken away from them by the town for a period of time, I put blank, I don't know what period of time, I've seen a year, I've seen 2 years, I've seen 6 months, I mean I've seen, it's all over the place. Then it says the third blank which is at the top of the second page says such prohibition for good cause may be appealed to who and in some of these other jurisdictions they are larger, more people, more staff and in that case it is the director of the department, usually this thing is managed by somebody who is the controller or somebody who is the treasurer or something like that, commissioner of revenue, you know, it is a ministerial, they are taking a fee, they are taking registration form, that's all they are really doing, they are taking a transient occupancy tax from it, so it's---

Wayne Nunnally: The BZA should hear the appeal.

Nancyellen Keane: No, I was going to say, you wouldn't do that, the BZA no they don't have anything to do with this, what I left this blank was for you all to decide whether in my estimation the only person that could hear an appeal of this would be the mayor. Unless you all want to hear appeals of somebody losing their right to have a rental.

Wayne Nunnally: So who would take it away from them?

Nancyellen Keane: The clerk.

Wayne Nunnally: The clerk…

Nancyellen Keane: ...or the treasurer, if you had a treasurer, so it is an administrative job, it really is.

Wayne Nunnally: I think it should be council.

Nancyellen Keane: It could go to council if y'all want it to go to council then you have to have a hearing and all that, okay. Then the last two blanks that's where it indicates who it is that is to administer and interpret the provisions in this code section and it would be the clerk or it would be the treasurer or whoever is going to handle this work and then, that person, that's the same title that would be put in the last blank because then they would be able to see that this is from the town attorney with respect to enforcement because they are going to be able to need to add. So basically, you know we, the blanks are here to tailor this to the Town of Irvington in other jurisdictions it might have a different title, in your jurisdiction you would decide what title you want to handle it. Let me just give you one piece of background information on this registry and the transient occupancy tax. A lot of the jurisdictions that I've looked at, the jurisdictions don't have a transient occupancy tax, they start with the short-term rental registry and then it goes to the transient occupancy tax. I've seen it in the finance department under their ordinances and that's where I put it because right now all it is, it's an administrative, ministerial job to collect a form and a fee and the same person would probably be collecting the transient occupancy tax. I'll give you an example Henrico County does it this way, they have the same person who collects the transient occupancy tax which is a treasurer or something is collecting this fee and doing this form because it goes together. Now, if you want to later have a zoning ordinance that requires people doing this when you figure out how many there are and what the issues are, if you want to have a zoning ordinance then you would have a separate zoning ordinance that perhaps the zoning administrator would follow and deal with that. If you instead of putting this in the finance area, want to put it in the zoning area, you would have to go back, you would have to advertise this twice in the newspaper, it would have to go to the planning commission and then it would come to you. Any zoning ordinance has to go through the planning commission. If this is not a zoning ordinance it does not go to the planning commission, it comes to you.

Wayne Nunnally: I would like to suggest that we put it in the finance section as you have suggested that the date for reupping it be January 15th and the suspension would be a year that the appeal would be the mayor and that the administrator would be the clerk if you establish a registry.

Jackie Brown: Second.

Anthony Marchetti: Is there a registry fee?

Nancyellen Keane: Yeah, well that's the other issue, okay, we cannot, okay we could have a fee and put it in this ordinance but then it is in the ordinance.

Frances Westbrook: Yeah, we don't want to do that.

Anthony Marchetti: Yeah.

Nancyellen Keane: And we didn't advertise that fee on our list of fees that came out tonight on the first reading of the fees, you could pass this now, I mean not now, but in the near future and then when you amend the budget, you could add that fee into the next budget as a fee item on your fee, okay. That would be the way I would handle it so the fees are all on one form, you don't want your fees in the ordinance.

Frances Westbrook: Yeah.

Wayne Nunnally: I agree with that but can we have that done by the next meeting for a first reading?

Frances Westbrook: No, we've already advertised our fees.

Nancyellen Keane: The next meeting you could have a first reading.

Wayne Nunnally: Well, that's what I would like to do, hopefully everybody is in agreement to the registry, when we are unified, I think we should move quickly.

Frances Westbrook: Wayne, can I clarify by saying can we get this done next month, you're talking about just having the first reading next month....

Wayne Nunnally: Right...

Frances Westbrook: ....try and get the fees in on this budget which I don't think we can do.

Wayne Nunnally: Nah.

Nancyellen Keane: If this is not a zoning ordinance which are not....

Wayne Nunnally: ...doing....

Nancyellen Keane: ...suggesting, we'd only advertise it one time.

Frances Westbrook: Okay.

Wayne Nunnally: Okay so we get it done next meeting.

Mayor Bugg: Great, thank you.

Nancyellen Keane: But everybody else agrees with the blank fill ins that Wayne had right?

Frances Westbrook: Yes, I think it's fine.

Anthony Marchetti: Yep.

Frances Westbrook: Yeah, January 15th, yeah, what he said.

Mayor Bugg: Thank you.

Bonnie Schaschek: One year, the clerk and the mayor, that's it.

5. Discussion about Resolution 2021-10, Amend and Restate Planning Commission

Mayor Bugg: Took care of that. Next item on the agenda is discussion about Resolution 2021-10, Amend and Restate Planning Commission, this draft is for discussion purposes I believe, I believe Nancyellen had some comments on this as well.

Nancyellen Keane: Yes, I sent this…

Wayne Nunnally: Where this originated from?

Nancyellen Keane: Yes.

Wayne Nunnally: Who originated it?

Nancyellen Keane: I did.

Wayne Nunnally: You did?

Nancyellen Keane: This document in 2018 was done by me but it was from the prior documents that started in 1969, 07, 15 and 83. I used five documents and combined everything into one document.

Wayne Nunnally: Again, the question is what are we trying to fix.

Nancyellen Keane: Okay, I'll tell you what I was asked to do. What I was asked to do last time was to add some language to this document that would allow the planning commission to do projects of, self-directed if you want to call it that, they are self-determined, they determine their own projects to do whereas the current language in this allows them to do projects only when you all assign them a project, okay, and so from a reality standpoint they are able to do projects if you assign one, what they want is to be able to do projects without you assigning them one. So, the only projects that they really have jurisdiction to do anything on are in title 15 of the town code. That is the land use section of the town code and it covers zoning, it covers subdivision, it covers Chesapeake Bay Act, that kind of stuff, so that is why if you turn in what I sent you to the page with the yellow highlights on it, B, the first one at the top of the page says the commission may pursue projects to all subjects pertaining to title 15 of town code for an advisory purpose only in consultation with the town staff without obtaining prior permission of the town council. That is basically the addition that I am proposing. If you look at the line above that, the A, in this paragraph of B, when you read the A, it says just what I said to you which is the town council may from time to time assign projects to the

commission in advance for them to research for you, I just have never seen the council assign them a project, they are perfectly able to do that but you haven't assigned them projects so I think that is what has been....

Bonnie Schaschek: Actually we did some....

Nancyellen Keane: ...okay, well that's the first time, but and so the point, the question I have really is do you need this addition, I drafted it because I was asked to, okay that's the reason I drafted it. The only other thing I will mention to you in this conversation you should know, is that if you look at the first page of the revised draft with the yellow, the little piece of yellow on the first page in the middle of the page it says shall or may ? The reason I did that was because it currently says we shall have a member of council as the liaison and we don't. We have an opening, we have an empty spot and we are violating our own resolution. Do you want to have to have a member of council as a liaison or do you want it to be may and you can have one.

Jackie Brown: I think it should be may, I've served on the planning commission lots of times and it has been done both ways, years ago Morrison acted as the liaison and he was the chairman and the chair being the liaison, it could be someone from council but I don't think it needs to be.

Nancyellen, Keane: Well you all, it's for discussion and you just tell me do you want me to try, to change it to may or something else or?

Frances Westbrook: Yes, change it to may.

Nancyellen Keane: Okay and on the next page where we were talking about it, the first change is the one that allows the commission to do projects on their own within the land use section of the town code, the third one let me explain what that is first before you decide what you want to do about these. This one was something I mentioned to Fran a year ago, just we didn't have the ability to get to it, it just didn't come up, and what this says is the commission may prepare and revise annually a capital improvement program based on the comprehensive plan for a period not to exceed the ensuing 5 years in accordance with Virginia Code section 15.2239 and I attached that code section to the packet I sent you so that you all would be able to see what it says. The General Assembly has authorized localities who pass ordinances or resolutions which allow a planning commission to be involved in the capital improvement plan project to do that and so that is an appropriate legal activity for the planning commission to have, you don't have to authorize them to do that but the General Assembly has suggested it and said that if the governing body allows it they can do that. So, I put this in here because if we are going to modify this resolution we might as well modify it for everything at one time or at least consider it. So those are my suggestions and I am looking for feedback.

Wayne Nunnally: May I hear your explanation of why it should be changed one more time.

Nancyellen Keane: Yeah, Jeff said in his comments....

Wayne Nunnally: ...yeah...

Nancyellen Keane: ....that he did not want to be that the planning commission resolution should be changed just to change it or something.

Jeff Ewing: You changed the rules in 2018 because of whatever happened in the planning commission, so those guidelines and restrictions were put into place for a reason, because you didn't want the planning commission going off the path, so you put these rules in so that the planning commission doesn't go off the path that seems good. If the planning commission is now lacking activity you need to assign them activity and that's what is in the statute right now. The other ancillary things that you've added in are ordinance improvements, that I'm not opposed to personally, I get your thought if you are going to change it, change the whole thing.

Nancyellen Keane: Yeah.

Frances Westbrook: I personally think that we don't even need this.

Bonnie Schaschek: We don't.

Frances Westbrook: I mean the normal with the state code, they have to exist and their probable primary reason for existing is the comprehensive plan and that's a given no matter what and then whatever else the town council might would ask them to do and there is nothing to stop them from coming to town council with an idea or suggestion and we say hey that sounds great go for it, and I think that is what part of this conversation was about last month about what they can do and how they can do it, so I think what they desire and what we desire is already in force so I don't necessarily see that we have to do a resolution for what already exists.

Jackie Brown: I think if you do not allow the planning commission to act independently of the council then you lose a lot of opportunity for creativity, I don't think they should be sitting and waiting for us to suggest to them what to do. I don't like those proposal about them working on capital improvements, but I think they have plenty to do with the ordinances, the ordinances are in a mess, things have been pulled out, things have been put in, and they really need to be reviewed, so I think that is one project they should be working on, so the comprehensive plan of course needs to be worked on, but I think you take away a lot of creativity if you say no you have to wait for council to tell you what to do.

Frances Westbrook: No, we are not saying that, we are saying they can come to us anytime they want to.

Jackie Brown: I don't think they need to ask our permission.

Frances Westbrook: They do, I mean that's a state thing if I'm not mistaken.

Nancyellen Keane: Well, they are an advisory board, that's what I guess.

Jackie Brown: They can advise us however they want and we make the decision how we feel about that.

Frances Westbrook: But they can come to us and say hey we think we need to start working on something on the sidewalks here, we are getting a lot of complaints about whatever and we say fine, go for it. It's not incumbent on them just to sit and wait for us to speak to them, I mean that's already, that already exists. It just hasn't been taken advantage of and they haven't come to us and we haven't given much to them, but there is no reason why we can't. I don't think we need a resolution to make it happen.

Jackie Brown: What happened in 2018 was punitive to the planning commission and I think we need to get rid of that.

Frances Westbrook: I don't think we need a resolution to do that and I don't, I'd like to think we are not going to continue....

Wayne Nunnally: ...that they can't operate if we don't tell them what to do?

Nancyellen Keane: The current language Wayne indicates there are three bases for the planning commission to have authority to do anything, okay, the first is that town council may from time to time assign projects to the commission, the second is the commission shall periodically prepare and recommend comprehensive plan, but that's theirs, that's not something that town council tells them to do and then third is the commission shall perform such other services provided in the Irvington town code. There are sections of the town code that require the planning commission make the decision like on exemptions and exceptions under the Chesapeake Bay Act and so forth, they already did that in the last 3 months for The Tides Inn deal, remember that, there are certain things in the town code that they have to be involved in, in CUPS.

Wayne Nunnally: What was the punitive part Jackie that you are talking about?

Nancyellen Keane: Having to ask permission, how do you give assignments.

Jackie Brown: That the planning commission had to be given instructions to do it and that was wrong.

Frances Westbrook: But that was also several years ago and I think this is a whole different planning commission and a whole different council.

Jackie Brown: I agree. I just think that it would be good to be clear that they can act independently.

Bonnie Schaschek: I think that all we need to do is explain it to them.

Jackie Brown: Okay.

Bonnie Schaschek: I don't think we need to start changing all the ordinances for it or whatever, resolution, I don't think we need a resolution.

Jackie Brown: So you are saying this thing that Nancyellen drew up we should just discard this and go back to what we have before, is that what you're saying?

Nancyellen Keane: Yeah, the current one. Go back to the current one.

Bonnie Schaschek: We currently have a resolution, she was just modifying it. She added B and D, but I don't think that needs to be there.

Frances Westbrook: I think we are fine with it.

Bonnie Schaschek: The current one, I do agree that of whom shall should be may....

Frances Westbrook: Uh huh.

Bonnie Schaschek: ....but that would be...

Nancyellen Keane: If you are not making the other two changes....

Bonnie Schaschek: I wouldn't worry about it.

Dudley Patteson: It is a two-way street...

Bonnie Schaschek: Exactly.

Dudley Patteson: ...we need to figure our our lane and they need to come up to us on their lane....

Bonnie Schaschek: Exactly, you're right.

Dudley Patteson: ....and function together.

Frances Westbrook: That's a good way of putting it.

Bonnie Schaschek: Yeah, so I don't think this is necessary.

Jackie Brown: So we are going back to 2018-010.

Nancyellen Keane: That is the current one.

Frances Westbrook: Staying with the current.

6. Discussion of American Recovery Act Funds

Mayor Bugg: Got it. Next item will be discussion of American Recovery Act funds.

Nancyellen Keane: Who is doing that, is that Fran, are you doing that? American Recovery Act fund.

Frances Westbrook: I'm not aware of it if I am. The only thing that we were going to talk about was that we are going to have to amend the budget coming up and this is what we talked about in the budget presentation. We don't know what we are going to get, when we are going to get it necessarily or how we can spend it, so we will once we know those particulars and that may very well happen sometime in the month of May then we will have to go through the process of amending the budget we are going to get ready to adopt and go through this all over again, but there is not really much else that we can do about that. This was also the recommendation after the conversation that we had with the accountant and the legal, he told us that every locality in the state was in the same boat we are in, they are all going crazy with some great money coming in but nobody knows how they can use it yet.

Dudley Patteson: So there's not much to talk about.

Anthony Marchetti: Yeah.

Frances Westbrook: They are all going through the same budget stuff we are, everybody just about in the State of Virginia is going to be amending their budgets this summer once this stuff comes through and we know what it's about, so it's, it's statewide.

Dudley Patteson: So we can move on to traffic at the triangle.

Mayor Bugg: Yes. The triangle.

Frances Westbrook: Thank you Nancyellen I forgot I said I was going to do that.

Mayor Bugg: Maybe it's on the traffic triangle, 200 Steamboat Road, there you are.

7. Maintenance of Traffic Triangle at Route 200 & Steamboat Road

Julie Harris: Good evening, I'm Julie Harris, President of VIA, I live at 899 King Carter Drive, I have two handouts, the first is informational, the first is informational about what is the VIA, and the main thing I wanted to point out is that it is an all volunteer organization with at least 40 active members most of whom are full time Irvington residents. The next section that you see talks about events organized by the VIA and you can see that with things that you all know about, the Farmer's Market the concerts, the band, and then some other things that the VIA has helped Irvington

including a water system on the Irvington Commons, electricity on the Irvington Commons, benches, picnic tables, speaker system, welcome bags for new residents, so looking over all of that, well the next thing is the letter of notification. The traffic triangle at Route 200 and Steamboat Road, and this area serves as a first impression to visitors, a gateway to the Town of Irvington. For several years the Town of Irvington has provided mowing services at the site and the VIA has installed and planted and paid for all beautification of the plant maintenance. The goal of the VIA has been to maintain this area and the town to make it attractive for tourists and visitors and residents. The VIA

wishes to continue providing a high level of aesthetic beauty and curb appeal throughout the village and continue our other services for many visitors and residents of Irvington. We are proud of our impact on the community with all the public works we have provided the town. However, the problem is one of two concerns, safety concerns for the volunteers maintaining the area within the busy right of way of Irvington Road and Steamboat Road, we no longer have volunteers who will work in this area. The escalating costs of contracting out the maintenance and at the point the VIA cannot continue to pay the level of maintenance required to keep the triangle aesthetically pleasing in its current form. So, with the backing of the membership of the VIA we will maintain the current center section of the triangle including the roses, daffodils and daylilies as well as ¾ of the liriope beds through June 30, 2021, and as of July 1, 2021, the VIA will relinquish all maintenance and oversight of this triangle. The VIA stands committed to maintaining a working relationship with the town council and appreciates your understanding of VIA's concern for safety and expense. Any questions?

Wayne Nunnally: Julie I don' have a problem with the escalated costs of contracting the maintenance, who are you paying?

Julie Harris: It is $35.00 an hour and it varies but the main concern that the VIA has is for safety of our workers with increased traffic and so forth, we have been advised by different maintenance companies that it is better to have workers who are…

Bonnie Schaschek: …insured….

Julie Harris: ….yes, are insured…

Anthony Marchetti: …workers comp policies….

Julie Harris: And, plus we can't get any volunteers to maintain it, to continue to do the work, so we will do it through June and then that's all we can do.

Frances Westbrook: You know there is a little bit of an issue with this, that is not town property, it is owned by VDOT.

Julie Harris: Correct.

Frances Westbrook: And I don't know if we continue to do anything or if the town opts to take over, you know, well we have to go through VDOT to make that actually happen. They may flat out tell us no and I think we've all just kind of skirted that and as long as no one gets their hand slapped we loved having it look nice but it is not town property.

Julie Harris: But doesn't the town pay for cutting the grass?

Frances Westbrook: I don't know, do we Sharon on the triangle?

Sharon Phillips: Yes.

Dudley Patteson: I think you do. I've seen Arrowhead out there.

Frances Westbrook: Oh, okay.

Julie Harris: That's what I was going to say, we will maintain what's there but then after June 30th.

Frances Westbrook: We understand, but golly all the years you have done it.

Wayne Nunnally: Could you do it through August.

Julie Harris: I don't think so.

Mayor Bugg: Thank you for everything.

Julie Harris: Thank you.

Mayor Bugg: Absolutely.

Bonnie Schaschek: I would say if they want to take and dig up the roses and put them over at the Commons.

Frances Westbrook: Did you hear that Julie?

Julie Harris: We will try to dig up the roses, the liriope.

Frances Westbrook: And transfer them.

Julie Harris: Not the liriope, but the day lilies and the roses.

Bonnie Schachek: The liriope you just cut like grass. But I would dig those up because I don't believe Arrowhead does any pruning of roses and weeding of flower beds do they.

Sharon Phillips: We could ask. We have a turnkey contract with them.

Bonnie Schaschek: Okay.

Sharon Phillips: I do not know their, I don't know their entire offerings but....

Bonnie Schaschek: Is that something that you have time to follow-up with before.

Dudley Patteson: I think they can do most anything out there.

Anthony Marchetti: It says landscape company I think they probably, I would think they could do maintaining those.

Dudley Patteson: They could, if you ask them and pay them, they'll.

Frances Westbrook: Trim roses.

Sharon Phillips: The point of that is, if you look at your budget line item, they don't come close to the former Mayor Ransone upped their contract to what was referred to as a turnkey contract and since that time there have been budget dollars left in that contract so we can definitely talk to them.

Frances Westbrook: I think that's a great idea.

Mayor Bugg: Definitely.

Julie Harris: Well let us know if you decide that you want to keep them and you are going to maintain the roses then we'll leave them, if they are just going to cut the grass we'll remove them.

Frances Westbrook: But you'd rather dig up roses while its cooler rather than hot.

Mayor Bugg: Exactly.

Sharon Phillips: But do you think council should formulate expectations for them, I, spring, prune spring/fall.

Frances Westbrook: I would think they would know that.

Sharon Phillips: But I just want to make sure that they are meeting your expectations.

Anthony Marchetti: Maybe we can do a written, here is what we want a quote for, scope of work for them to quote or....

Mayor Bugg: Absolutely.

Bonnie Schaschek: It's more than that they are going to have to weed, sorry, they are going to have to weed the flowerbeds.

Sharon Phillips: I need a scope of work, a scope of work, expectations….

Anthony Marchetti: It sounds like you know, what needs to be done, so you or Julie or somebody that knows.

Mayor Bugg: Thank you Julie. Please extend our gratefulness to all of the VIA.

9. Motion to appropriate $1,806 from TBD; Bay Design Group

Mayor Bugg: Bear with us while we get through some bills and wrap up more, round table and announcements. The next item is a motion to appropriate $1,806 TBD Bay Design Group.

Frances Westbrook: Have we asked this before, can we do these together as a group or do we need to do them one by one. Do we have a consensus.

Sharon Phillips: Minutes please.

Frances Westbrook: I'm sorry I was talking, beg your pardon.

Sharon Phillips: If it is possible can we please a one by one for, it would just add some clarification for the treasurer.

Nancyellen Keane: I would say I agree with that unless you have a piece of paper with them all on it and we had the piece of paper that we can make part of the minutes.

Wayne Nunnally: ….approve them…

Bonnie Schaschek: Isn't this part of the minutes?

Nancyellen Keane: Not the agenda isn't.

Frances Westbrook: Let's start doing this as a consensus part of the agenda in the future.

Mayor Bugg: That would be excellent.

Frances Westbrook: That would be good if we did that.

Mayor Bugg: Okay is there a motion to approve that?

Wayne Nunnally: So moved.

Dudley Patteson: Second.
Mayor Bugg: All in favor? Opposed?

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye

THE MOTION TO APPROPRIATE $1,806 FROM TBD; BAY DESIGN GROUP IS PASSED 6-0.

10. Motion to appropriate $365.62 from General Operating; Rappahannock Record

Wayne Nunnally: So move.
Dudley Patteson: Second.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye

THE MOTION TO APPROPRIATE $365.62 FROM GENERAL OPERATING; RAPPAHANNOCK RECORD IS PASSED 6-0.

11. Motion to appropriate $2362.50 from General Operating; Robinson, Farmer, Cox

Wayne Nunnally: Move we approve number 11.
Dudley Patteson: Second

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye

THE MOTION TO APPROPRIATE $2,362.50 FROM GENERAL OPERATING; ROBINSON, FARMER, COX IS PASSED 6-0.

12. Consideration of a motion to appropriate $825 from General Operating; Arrowhead Lawn Care

Wayne Nunnally: Move we appropriate number 12.
Dudley Patteson: Second.

Vote: Frances Westbrook Aye
Bonnie Schaschek Aye
Dudley Patteson Aye
Jackie Brown Aye
Anthony Marchetti Aye
Wayne Nunnally Aye

THE MOTION TO APPROPRIATE $825 FROM GENERAL OPERATING; ARROWHEAD LAWN CARE

13. Motion to appropriate $1,225 from General Operating; Mill Creek Geek

Wayne Nunnally: Move we appropriate number 13
Dudley Patteson: Second.

Vote: Frances Westbrook Aye
Bonnie Schaschek Aye
Dudley Patteson Aye
Jackie Brown Aye
Anthony Marchetti Aye
Wayne Nunnally Aye

THE MOTION TO APPROPRIATE $1,225 FROM GENERAL OPERATING; MILL CREEK GEEK IS PASSED 6-0.

Sharon Phillips: Mr. Mayor?

Mayor Bugg: Yes.

Sharon Phillips: I apologize, I know town council is tired after this evening, but if you will note on number 9....

Mayor Bugg: Yes.

Sharon Phillips: ....it reads motion to appropriate $1,806 from TBD....

Frances Westbrook: To be determined....

Sharon Phillips: I'd like for council to clarify where that money is to come from.

Anthony Marchetti: I thought it was Bay Design. I thought TBD was, The Bay Design Group. Sorry. I see it now.

Frances Westbrook: You thought it was The Bay Design.

Anthony Marchetti: It said TBD I thought it was $1,806 for TBD and lists The Bay Design Group. I see now means to be determined.

Frances Westbrook: Did we prior to this out of the capital budget.

Sharon Phillips: Originally it came out of CARES and you guys have to decide where its coming from. Then it was out of contingency.

Frances Westbrook: This is all part of the site plan study.

Nancyellen Keane: Came out of capital budget last time.

Frances Westbrook: That's what I thought. Let's do it out of the capital budget again since the site plan is already in there.

Mayor Bugg: That works.

Wayne Nunnally: Move to amend #9 to come out of the capital budget.

Mayor Bugg: All in favor?

Group: Aye.

Mayor Bugg: Opposed?

Anthony Marchetti: Second, Aye.

Mayor Bugg: Motion passes.

Mayor Bugg: Opposed? Motion passes as well.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye

THE MOTION TO AMEND NUMBER 9 TO COME OUT OF THE CAPTIAL BUDGET IS PASSED 6-0.

14. Motion to appropriate $2,778 from CST; Flack Shack

Wayne Nunnally: Move we appropriate number 14
Dudley Patteson: Second.

Vote: Frances Westbrook Aye
Bonnie Schaschek Aye
Dudley Patteson Aye
Jackie Brown Aye
Anthony Marchetti Aye
Wayne Nunnally Aye

THE MOTION TO APPROPRIATE $2,778 FROM CST; FLACK SHACK IS PASSED 6-0.

L. ROUNTABLE

Wayne Nunnally: I think we need to discuss the thing about no through trucks, where are we with that, I thought we submitted the thing to the county.

Nancyellen Keane: The mayor and Fran were going to talk to the Lancaster County Board of Supervisors.

Frances Westbrook: Well there's that, but also we were going to wait and have the traffic study done when spring arrived when we were actually at our busiest and we got a true count.

Wayne Nunnally: For the through trucks?

Frances Westbrook: Yes.

Nancyellen Keane: Yeah.

Frances Westbrook: Yes, we have to have a…

Bonnie Schaschek: Who is, I'm sorry, who is doing the study? VDOT?

Frances Westbrook: Yeah, we asked them to hold off until we got our season back, it was COVID last year and nobody was going anywhere, if they get a low truck count they are going to tell us no you don't need a no through…

Bonnie Schaschek: Right, right, right.

Frances Westbrook: So, we asked if they could hold off until this coming spring when we would have a more realistic count outcome and they could take it from there, but VDOT has to do that.

Nancyellen Keane: …were open last year and we were waiting for Compass to open….

Frances Westbrook: That's right….

Nancyellen Keane: And COVID it just didn't....

Frances Westbrook: Yeah.

Nancyellen Keane: ....it was not a good time to do it....

Bonnie Schaschek: Well that makes sense.

Wayne Nunnally: So we are waiting on VDOT to do a study.

Nancyellen Keane: Yes.

Bonnie Schaschek: Do we have to contact VDOT and tell them to do it.

Frances Westbrook: I don't know if they put us on their calendar or we are supposed to get back to them.

Nancyellen Keane: Lara can call and talk to them about when they are going to come. They were supposed to contact us 2 weeks before they come.

Mayor Bugg: Time is limited so....thank you, anything else council.

Wayne Nunnally: The other thing the resident brought up is about, I had known noticed, cracks in, what would you call that the curbing, up and down King Carter, full of grass and debris, I do think that is part of this turnkey project. I had approached the fellow who does it and he was telling me that the state was doing it and that they were spraying it, so I think I would like to get that straight, who is doing it because somebody sprayed my forsythia and killed part of it and I'd like to know who to blame. So, who is supposed to be doing it, is the state doing it Sharon?

Sharon Phillips: VDOT comes through at least once a year and VDOT has a very discernable kill path. Their sprayer I believe is vehicle mounted and it has an apparatus that consistently uniformly sprays the chemical and it extends beyond the sidewalks, whereas our vendor does not use that vehicle mounted apparatus and has much more control so, I will not say who killed your forsythia, that remain an Irvington mystery.

Wayne Nunnally: Can we stop the....

Sharon Phillips: You cannot stop VDOT.

Anthony Marchetti: And if it needs to be sprayed more than VDOT is doing it we could have our vendor.

Wayne Nunnally: …every 6 weeks….

Frances Westbrook: Guys, let me ask you this, when VDOT gets ready to do anything at all on the county level, they go to their meetings and they tell them upcoming over the next 3 months on this date we are paving this road, we are doing that, VDOT gives them every move they are getting ready to make, and they do that for Kilmarnock also, so why can't they do that for Irvington, if we know they are coming out to spray we can say nope, no thanks.

Mayor Bugg: Yeah.

Frances Westbrook: I think if we request that of them, they do it for other localities, I mean I know we are tiny but we ought to count for something.

Wayne Nunnally: …got a million dollars.

Frances Westbrook: Alright, so that is just a thought, we might can get on their…

Sharon Phillips: So, I think that council needs to decide if you want your current vendor to continue with what has been previously done which included sidewalk spraying and that sidewalk spray does not again, he applies his with a sprayer that is controlled and he is incredibly accountable, I do think that last year, he was potentially blamed for some overspray because VDOT did not notify the town that they were coming into the community, there was a bit of crossover, that chemical when it is applied has a 21-day shelf life, and they did come through town within 21 days of each other, VDOT and our particular vendor. Also your street sweeping, your current contract with your vendor includes street sweeping, but at recent council meetings there had been commentary at the table that that was to be suspended that that vendor was not to do spraying or street sweeping, so again, just looking for council's clarification.

Wayne Nunnally: The same one, that does….

Sharon Phillips: Yes.

Frances Westbrook: Let's review their contract and look at all the stuff that they are doing or whatever.

Wayne Nunnally: If we suspended the…

Bonnie Schaschek: Is VDOT spraying the sidewalks or just the curbing, because I can tell you they have never sprayed the sidewalk by me. The curbing I can….

Sharon Phillips: I do not know the answer as to what VDOT's scope of work is.

Frances Westbrook: We need to review that….

Anthony Marchetti: I'm sure some of it goes on the sidewalk but…

Dudley Patteson: I've seen a planning commission member spraying the sidewalks.

Frances Westbrook: Oh really.

Dudley Patteson: So we need to do something.

Frances Westbrook: Okay.

Wayne Nunnally: Are we going to direct the clerk to tell the contractor to clean them.

Frances Westbrook: Why don't we look at their contract at the next monthly meeting and see exactly what all they are doing and….

Mayor Bugg: That makes sense.

Frances Westbrook: …if there are any other issues then we can address this then and maybe more than just that.

Mayor Bugg: Good anything further council for round table. Excellent. That would move us to announcements.

M. **ANNOUNCEMENTS**

Mayor Bugg: Let's say after I let Sharon speak, given the time constraints that I thought we were going to encounter my anticipation of Lara's support and people speaking out for interim mayor came as would likely happen next month I aim to have those be read next month but we do have a little bit of time so I think it would be appropriate to read those now to council if you want to so that they can hear and it will be more for us to consider next month. Go ahead and take that.

Sharon Phillips: Chris Braly, I am unable to attend the meeting tonight but would like to express my full support for the appointment of Gabe Del Rio as interim mayor. We are writing on behalf of Gabe Del Rio and his candidacy for the interim mayor position. As well as for the election in November of 2021. We live in Irvington at 692 Chesapeake Drive and have known Gabe since his return to town. To us it speaks volumes that he wanted to return to Irvington to raise a family and live in a place where he can make a difference. He has certainly made a positive difference in our lives not only as a nice neighbor and a helpful neighbor but by also opening up a wonderful new shop which I understand supports various organizations in the community. His kindness and interest in making Irvington a better place along with his professional experience as a housing and community development executive make him a great candidate for the mayor position. As Irvington homeowners and people who care very much about Irvington we just wanted to share that Gabe has

our full support and we feel our town would be very fortunate to have Gabe leading and representing us. Excuse me, have a great day, Trisha and Evan Nicely. From Carol Biscontini, when I first met Gabe and I learned that he had the brilliance to think that this would be a good place for a doughnut shop, hummm I have been saying that for years. I was impressed by him, then when I read his resume it blew me away. If anyone can win the grants available for communities like ours it is Gabe. The prospect of Gabe as mayor is an exciting one. He understands the qualities that make our community such a lovely place to live and he has a vision to make it even better. Gabe has my full support as full mayor. Carol Biscontini. Adrian Bugg, I hope all is well, I am not able to attend the meeting tonight but willing to express my support for Gabe Del Rio as interim mayor. I met Gabe in early 2020 and have gotten to know him well and worked with him one on one since then. He has been by my side as we have worked with Sam Van Saun, Brian Forster, Ann Meekins, Anthony

Marchetti, Beau Bragg and the other amazing people that started the IBBA. He is helped us move the group forward in major ways in a short period of time. Gabe and I work closely together on the marketing committee for the IBBA as well as on another project so I have seen how he leads, how he manages projects and interacts with people. I cannot say enough great things about him. He is smart, organized, thinks of issues from all angles and truly has the town's best interest at heart. What else do we need as a town. As a family we are sad to have to make the transition from Tripp being mayor but from the outset our greatest concern and interest was to leave Irvington in good hands. Even though I am Tripp's wife I am competent in saying that from an objective perspective he has worked really hard at moving Irvington forward and into a better place. I am extremely happy to see the progress and know that Irvington has an amazing future, but, only if someone like Tripp and Gabe are in office. The only path forward is to have Gabe take over in interim and also run for mayor in the fall. It is the best thing for all of us and I am certain he will look out for what is best for the residents of Irvington as well as do what is best for the town's future. Adrian Bugg. Steven Reese, this is my letter of support for Gabe Del Rio as interim mayor of Irvington. Gabe has the qualifications and experience to serve our community in a thoughtful and responsive process. Steven Reese. Andrea Latel, Jerry and Jerry Latel are in support of Gabe Del Rio as mayor, again, Andrea and Jerry Latel, one more, from Jamie Crissy, support for Fran, interim mayor, I would like to offer my support for Fran Westbrook to be appointed interim mayor based on her many years of community and town government experience. I appreciate her devotion to Irvington and her desire to be our town's caretaker. Her service of 7+ years on town council and extensive work in our community as described in her letter demonstrates her devotion to having the town's best interest at heart. Additionally her background in accounting and past work on the budget and finance committee will be an asset to the town in helping implement the corrections from the audit. Jamie Crissy.

Mayor Bugg: Thank you Sharon and thank you council for your patience as we had a little bit of time to go ahead and get those, I'm sure there will be more coming in at the next meeting. The next thing I have is my final announcement, O'Hagen Meyer, counsel conducting an investigation has asked me to schedule a meeting for next Thursday, May 20th at 6:00 p.m. the purpose of presenting to counsel in closed session the results of the investigation. Please let me know whether each of you is available for that.

Frances Westbrook: The 20th.

Mayor Bugg: The 20th, which is one week from today, alright.

Frances Westbrook: At what time?

Mayor Bugg: 6:00 p.m.

Wayne Nunnally: That's closed session?

Mayor Bugg: Closed session. Does that work for everyone.

Frances Westbrook: It's good for me.

Mayor Bugg: Okay I need we need to vote on it, so can I have a motion for that to have a special called meeting, closed session to be at 6:00 p.m. on May 20th.

Wayne Nunnally: Motion.

Mayor Bugg: Second?

Female: Second.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: Motion passes with that we will…

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye

THE MOTION TO HOLD A SPECIAL CALLED MEETING ON MAY 20TH AT 6PM IS PASSED 6-0.

Wayne Nunnally: Adjourn.

Mayor Bugg: 6:00 correct.

N. **ADJOURN**

Mayor Bugg: Is there a second to adjourn? All in favor?

Group: Aye.
Mayor Bugg: Opposed. Adjourn. Thank you everyone.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor

ORDINANCE 2021-01

REPEAL, RE-ENACT TOWN CODE 154.051

USE REGULATIONS IN R-1/R-2 ZONING DISTRICT

WHEREAS, the Irvington Town Council ("Council") proposes to repeal and re-enact Town Code §154.051 regarding use regulations in R-1/R-2 zoning districts; and

WHEREAS this Ordinance 2021-01 will eliminate the requirement in zoning districts R-1/R-2 for conditional use permit for private docks as well as swimming pools outside the Resource Protection Area ("RPA"); and

WHEREAS, a notice of joint public hearing on this Ordinance 2021-01 was advertised April 29 and May 6, 2021, pursuant to VA Code Ann.§15.2-2204; and

WHEREAS, a joint public hearing on Ordinance 2021-01 was held on May 11, 2021 and the public also had the opportunity to speak about the ordinance at meetings held on April 8 and May 13, 2021; and

WHEREAS, the Planning Commission recommended the passage of this ordinance to Council on May 11, 2021; and

WHEREAS, this Ordinance 2021-01 was read twice before approval, at the April 8 and May 13, 2021 Council meetings.

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

1. Council hereby repeals Town Code §154.051, Use Regulations.
2. Council hereby re-enacts Town Code §154.051 Use Regulations as follows:

"§ 154.051. USE REGULATIONS.

"(A) In Residential Districts R-1 and R-2, structures to be erected on land to be used shall be for one or more of the following uses the major difference being acreage requirements (see §154.052).

Certification

I, Albert D. Bugg, IIII, Mayor, do hereby certify that Ordinance 2021-01 was adopted at the May 13, 2021 meeting at which a quorum was present and voting. The Vote was:

	IN FAVOR	OPPOSED
Jackie Brown	BROWN	
R. Wayne Nunnally	NUNNALLY	
Anthony Marchetti	MARCHETTI	
Dudley M. Patteson	PATTESON	
Bonnie Schaschek	SCHASCHEK	
Frances Westbrook	WESTBROOK	

Albert D. Bugg, III, Mayor

ATTEST:

Sharon Phillips, Town Clerk

01

Ordinance 2021-01 was adopted unanimously by the Irvington Town Council on May 13, 2021.

Town Clerk

ORDINANCE 2021-02

REPEAL, RE-ENACT TOWN CODE 154.215

BOAT DOCKS/PIERS GENERALLY

WHEREAS, the Irvington Town Council ("Council") proposes to repeal and re-enact Town Code §154.215 regarding general regulations for boat docks and piers; and

WHEREAS this Ordinance 2021-02 will eliminate the requirement in zoning districts R-1/R-2 for a conditional use permit for private docks and piers;and

WHEREAS, a notice of joint public hearing on this Ordinance 2021-02 was advertised April 29 and May 6, 2021, pursuant to VA Code Ann.§15.2-2204; and

WHEREAS, a joint public hearing on Ordinance 2021-02 was held on May 11, 2021 and the public also had the opportunity to speak about the ordinance at meetings held on April 8 and May 13, 2021; and

WHEREAS, the Planning Commission recommended the passage of this ordinance to Council on May 11, 2021; and

WHEREAS, this Ordinance 2021-02 was read twice before approval, at the April 8 and May 13, 2021 Council meetings.

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

1. Council hereby repeals Town Code §154.215, Generally.
2. Council hereby re-enacts Town Code §154.215 Generally as follows:

"§ 154.215. GENERALLY.

"(A) This subchapter pertains to any dock or pier, six feet wide or less, with or without a "L" or "T" head not to exceed eight feet and 25 feet long, for private use, a finger pier or boat house (fixed or floating) is not allowed. See drawing shown below.

"(B) A zoning permit has been obtained from the Zoning Administrator.

"(C) Off-street parking in Residential Districts R-1 and R-2 is required.

"(D) Sewage/disposal/wastewater treatment systems which incorporate a drainfield as an integral part of the system requires Health Department approval.

"(E) Permitted uses:

"(1) One single-family dwelling per lot as defined in §154.004;

"(2) In Residential District R-1, one two-family dwelling per lot, the part of which must be joined by a conventional room whose width is at least two-thirds of itd length. Two-family dwellings are prohibited in Residential District R-2;

"(3) Agricultural with conditional use permits, but not to include the raising of animals, including horses, pigs, cattle, fowl or the like;

"(4) Schools;

"(5) Churches;

"(6) Parks and playgrounds;

"(7) Home occupations as defined, conducted by the occupants with conditional use permits;

"(8) Off-street parking as required by this chapter;

"(9) Accessory buildings and structures and uses permitted as defined hereafter, however garages or other accessory structures such as carports, porches and stops attached to the main building should be considered part of the main building. No accessory building or structures may be closer than ten feet to any property line or private right of way or 100 feet from mean high water line of a lot on a creek except docks and bulkheads. Accessory building, other than carports or garages shall not exceed 300 square feet nor 15 feet in height. Total square footage of all accessory buildings other than swimming pools, and tennis courts, shall not exceed 25% of the rear yard area. Accessory structures or buildings may not be used for rental or similar purposes. No accessory building or structure may be fitted with kitchen and sleeping accommodations;

"(a) Swimming pools inside the Resource Protection Area (RPA"), with conditional use permits;

"(b) Swimming pools outside the RPA, no conditional use permit required;

"(10) Boat docks/piers for private use, no conditional use permit required; and

"(11) Farm winery. See §154.070 for special requirements."

3. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this Ordinance 2021-01 in the Minutes of its May 13, 2021 meeting.

[DRAWING INSERTED]

"(B) Docks or piers shall not be built or constructed or rebuilt or reconstructed until a zoning permit is obtained from the Zoning Administrator for the town.

"(C) (1) Docks/piers in Zoning Districts B-1, B-2, M-1 require a conditional use permit for all structures, including mooring pilings. Docks/piers in Zoning Districts R-1 and R-2, for private use, require no conditional use permit.

"(2) An application must be submitted to the State Marine Resources Commission requesting authorization before a dock/pier can be built or constructed.

"(3) A permit must be obtained form the United States Army Corps of Engineers before a dock/pier can be built/constructed in cases where the proposed dock/pier will encroach beyond one-fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water high).

3. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this Ordinance 2021-02 in the Minutes of its May 13, 2021 meeting.

Certification

I, Albert D. Bugg, IIII, Mayor, do hereby certify that Ordinance 2021-02 was adopted at the May 13, 2021 meeting at which a quorum was present and voting. The Vote was:

	IN FAVOR	OPPOSED
Jackie Brown	BROWN	
R. Wayne Nunnally	NUNNALLY	
Anthony Marchetti	MARCHETTI	
Dudley M. Patteson	PATTESON	
Bonnie Schaschek	SCHASCHEK	
Frances Westbrook	WESTBROOK	

Albert D. Bugg, III, Mayor

ATTEST:
Sharon L. Phillips, Town Clerk

Ordinance 2021-02 was adopted unanimously by the Irvington Town Council on May 13, 2021. Sharon Phillips, Town Clerk

RESOLUTION 2021-08 TC

Conditional Use Permit Application – Extend Food, Beverage Service to Front Patio in B-1, Tax Map 33-436

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application 2021.CUP1_Hope&Glory to extend food and beverage service to front patio in B-1 zoning district, Tax Map # 33-436, at 65 Tavern Road ("Application"); and

WHEREAS, the joint public hearing on the Application was advertised in the Rappahannock Record on April 29 and May 6, 2021; and

WHEREAS, Council and the Planning Commission held a joint public hearing on May 11, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings on April 13 and May 11, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on April 8 and May 13, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: See below:. (Either state the conditions or indicate there are no conditions.)

1) Final approval from Virginia Dept. of Health re: OEO (Outdoor Cooking Operation)
2) Bike rack for patrons
3) Cannot open before noon on Sundays.

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-08 TC adopted at a meeting of the Irvington Town Council held on May 13, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Westbrook	Nunnally	
Schaschek	Brown	
Marchetti		

TOWN OF IRVINGTON

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

ATTEST:

Sharon L. Phillips
Town Clerk

Resolution 2021-08TC was passed by the Irvington Town Council on May 13, 2021.

Town Clerk

RESOLUTION 2021-09

WHEREAS, the Honorable Albert D. Bugg III was elected Mayor of the Town of Irvington ("Town") in May, 2020 for a term of July 1, 2020 through June 30, 2024, which term was recently extended by act of the General Assembly to December 31, 2024; and

WHEREAS, Mr. Bugg has advised that he intends to resign the office of Mayor in the near future; and

WHEREAS, upon such resignation, the Council shall make an interim appointment pursuant to VA Code §24.2-228 B, within 45 days of the office becoming vacant under VA Code §24.2-228 A, and

WHEREAS, state law also allows the court to make the interim appointment to fill the vacancy if the Council fails to timely make the interim appointment; and

WHEREAS, VA Code §24.2-226 A requires that the governing body file a petition with the circuit court for writ of election within 15 days after the vacancy arises.

NOW THEREFORE, Town Council RESOLVES that:

(1) The foregoing paragraphs are incorporated herein.

(2) No later than 15 days after the effective date of the vacancy caused by resignation of the Honorable Albert D, Bugg, III, Mayor, Nancyellen Keane, Town Attorney (Keane Law PLLC), shall file on behalf of the Town and Town Council the appropriate documents to seek a Writ of Special Election from the Lancaster County Circuit Court: (i) setting a special election to fill Mr. Bugg's unexpired term for the office of Mayor on November 2, 2021, and (ii) confirming that, should Council fail to appoint an interim Mayor within 45 days after the effective date of the vacancy, then the court should make the interim appointment of a qualified voter to serve as Mayor until the person who wins the special election on November 2, 2021 qualifies.

(3) In the event that a second vacancy occurs, as a result of the interim appointment of a council member as Mayor, the Town Attorney shall, no later than 15 days after the effective date of such second vacancy, file on behalf of the Town and Town Council the appropriate documents to seek a Writ of Special Election from the Lancaster County Circuit Court, for the vacancy of the council member's seat, as in paragraph (2) (i) and (ii).

(4) Should a signature be required to execute any documents to effect the foregoing, then the Town Attorney, as counsel to the governing body, is authorized to do so.

(5) This Resolution shall take effect immediately upon passage.

CERTIFICATION

I, Albert D. Bugg, III, Mayor of the Town of Irvington, do hereby certify that the above is a true copy of Resolution 2021-09 adopted at a meeting of the Town Council of Irvington, Virginia, held on May 13, 2021 at which a quorum was present and voting. The vote was as follows:

Voting in favor	Opposed	Absent
Jackie Brown		
Anthony Marchetti		
R. Wayne Nunnally		
Dudley M. Patteson		
Bonnie Schaschek		
Frances Westbrook		

TOWN OF IRVINGTON

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

ATTEST:

Sharon L. Phillips, Town Clerk

Resolution 2021-09 was passed unanimously by the Irvington Town Council on May 13, 2021

Town Clerk

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY MAY 13, 2021 6:30 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Julie Harris	1099 King Carter Dr.
2.	Marsha Chapman	62 old Mill Cove
3.	Tom Chapman	62 old Mill Cove
4.	Klaus D. Schaschek	394 King Carter Dr.
5.	Mary Kay Booth	991 King Carter Dr
6.	Ian Anderson	90 The Plaza Irvington VA
7.		
8.	Ruth Fuller + Michael Schmid	341 The Lane
9.		
10.		
11.		
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL PUBLIC HEARING
IRVINGTON BAPTIST CHURCH
TUESDAY, MAY 13, 2021 5:30 PM

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: Looks like we are all set, let's go ahead and call this meeting to order. This is a special called meeting held as a public hearing at the Irvington Baptist Church, Thursday, May 13, 2021, 5:30 p.m. A meeting of the Irvington Town Council. I have called this meeting or order. We will move onto roll call.

B. ROLL CALL

Mayor Present:	Mayor Bugg present.
Council Present:	Frances Westbrook present. Bonnie Schaschek present. Anthony Marchetti present. Dudley Patteson present. Wayne Nunnally here. Jackie Brown present.
Staff Present:	Nancyellen Keane, Esq., Town Attorney Lara Brown, Zoning Administrator Sharon Phillips, Town Clerk
Guests Present:	See attached sign in sheet

C. PUBLIC HEARING

Mayor Bugg: Thank you Council. Thank you to the public for joining us this evening. The first item for comment and for purposes of this public hearing is item #1. This is item #1 on your agenda. Hopefully you have seen that.

1. Ordinance 2021-03UC Adopting Fee Rate Schedule

Mayor Bugg: The public paper provided to you about the Town's intent to readopt an ordinance containing certain existing fees as part of the annual budget process. We have proposed ordinance 2021-03UC Adopting Fee Rate Schedule. Would anyone from the public like to comment about that?

George Kuper: I'd like to raise a point of order.

Mayor Bugg: Yes sir.

George Kuper: Mayor, it seems to me that the order of the agenda is backward. Let's talk about the needs and let's talk about the sources that we might want to draw on to meet those needs.

Mayor Bugg: Council?

Frances Westbrook: Well, I can say traditionally we have gone over what our revenues will be and then we have our overhead cost which in some ways really aren't negotiable, then we have our community support things that we do, but I suspect, correct me if I'm wrong, you may be talking about capital budget? Or are you talking about the whole thing?

George Kuper: I'm talking about the whole thing. The whole thing and I suspect, I suspect, excuse me, that we are at a point where tradition might not fit our needs right now, because we are talking about your proposed budget increasing certain categories of expenditure as well as new capital sources, and I think those need to be addressed before we talk about whether or not we continue with raised revenues as has been proposed.

Frances Westbrook: I would respectfully suggest that, our revenue projection isn't that much more than last year, I'm caught a little off guard here, I mean, I certainly have this set up to go ahead tonight so that, I would like for you to allow me to proceed like we have normally done, but I would encourage any and all of you to please ask questions all along wherever you want and once you see the entire budget, then I think that would be a good and appropriate time to start hashing a few things out and letting us know what you think.

George Kuper: I agree.

Frances Westbrook: Would that be okay with you?

George Kuper: Absolutely.

Mayor Bugg: Thank you for bringing that to our attention. Yeah that works. Any further comments about item #1. That would be C on your agenda.

Bonnie Schaschek: Can I ask you a question?

Frances Westbrook: Uh huh.

Bonnie Schaschek: We are not increasing any of our fee rates from last year are we?

Frances Westbrook: No.

Bonnie Schaschek: So, they are similar as what they've been for the past 2 years.

Frances Westbrook: At least the past year, if not before.

Mayor Bugg: Anything further from the public concerning public hearing #1? Nothing further from Council?

2. **Ordinance 2021-04UC – Adopt Transient Occupancy Tax rate (4%)**

Mayor Bugg: Alright moving on to item #2. The public may provide its views on the Town's intent to readopt the current transient occupancy tax rate of 4% as part of the annual budget process via proposed ordinance 2021-04UC adopting transient occupancy tax rate. Would anyone from the public like to speak about that? Yes sir.

Tom Chapman: Tom Chapman, 62 Old Mill Cove Road, I guess, my only question is I think this 4% was adopted last year or the year before, is that correct?

Frances Westbrook: I think last year....

Nancyellen Keane: The last budget, I think it might have been....

Frances Westbrook: I think so, last year...

Anthony Marchetti: It was the amended, yeah.

Tom Chapman: The amended budget had $98,000 and this year you have $196,000 with the same tax rate, is that all due to the occupancy with COVID versus not COVID or?

Frances Westbrook: I don't know if that is really an accurate...

Anthony Marchetti: It went to 4% the middle of last year on the revised budget.

Tom Chapman: So that would explain half, the other half is just...

Frances Westbrook: Well, when I got the figures from The Tide's Inn which of course is the largest contributor to this tax, they were projecting considerably more this year, so, these are their figures, The Hope & Glory's figures, we did not use any of the short-term rental projections because that has certainly been hit pretty hard with COVID. They are all long-term rentals right now. Most of them are.

Tom Chapman: Thank you.

Mayor Bugg: Anyone else from the public? Council? Okay nothing further regarding public hearing #2, we will now move on to public hearing #3.

3. **Ordinance 2021-05UC – Adopting Real Estate Tax Rate**

Mayor Bugg: The public may provide views about the Town's intent to readopt the current real estate tax rate of 3% per $100 value as part of the annual budget process via proposed ordinance 2021-O5UC adopting real estate tax rate. Anyone from the public like to speak about that?

Mayor Bugg: .... I love that.

Anthony Marchetti: ...I'm confident it's coming.

Mayor Bugg: Anyone on Council?

Wayne Nunnally: Mr. Mayor...

Mayor Bugg: Yeah.

Wayne Nunnally: I've never voted for a budget with the real estate tax in it and tradition holds me to that.

Frances Westbrook: You're declaring up front?

Wayne Nunnally: Uh huh.

Mayor Bugg: Anyone else from Council? Alright moving onto public hearing #4.

4. Ordinance 2021-06 UC Adopting an Annual Fiscal Year 2021-22 Budget

Mayor Bugg: The public may provide its views about the Town's intent to adopt its annual budget of fiscal year 2021-22 via proposed ordinance 2021-06UC adopting an annual fiscal year 2021-22 budget. Would anyone from the public like to speak about that? Yes ma'am.

Mary Cay Bradley: Mary Cay Bradley, 991 King Carter Drive, I have communicated with Town Council about this, I did attend, I think all of the budget and finance workshops this year leading up to the development of this and I also read both the article that Ann Gardner Eubanks wrote in the Rappahannock Record that reported on the last workshop and also the budget synopsis and the two did not match, and I understand why because Anthony and Fran both communicated with that about that, but, this brings home the point that I keep making at meetings, which is, I really encourage you all to be transparent, so that those of us who are trying to engage in what's going on in the town don't have to go, wait, what happened because what the reporter said and what the synopsis had were very, very different, so I just kind of reinforce my message of, I encourage you all to be as transparent as possible in order to enable the public to be as informed as possible. Thank you.

Frances Westbrook: Unfortunately, you're right, they didn't create in the newspaper, however the recorder did call me before she printed it and I told her then that she had the wrong numbers, but

she chose to report it anyway and she did. So, I was very disappointed that that happened, it shouldn't have, there was plenty of reason not to and the other part is, not getting copied as quickly as you would like, I don't know when you requested it, but it was in the town office that Thursday afternoon after we had had conference call with the accountant and the lawyer, talking about meals tax and taking that out, and all that involved, so as soon as that was all complete and I had a chance to send Anthony those updated figures he was going to look at it and he was going to send them to the town office that Thursday. So, they were there.

May Cay Bradley: I'm just suggesting that a letter to the editor or a footnote in the budget synopsis that y'all printed saying these number have been revised since the last meeting, since the last workshop would have been sufficient because at that point we would have known that, that's all I'm suggesting.

Frances Westbrook: Okay.

Mayor Bugg: Thank you.

Wayne Nunnally: Mr. Mayor.

Mayor Bugg: Yes.

Wayne Nunnally: My grandmother told me she reads, she believes everything she reads in the paper, except the stories she has personal knowledge of.

Mayor Bugg: Anyone else from the public? Yes sir.

Jason Trollip: Jason Trollip from The Tide's Inn. I wanted to just check whether the admission of the tourism grant was an intentional strategy or if that was an omission by mistake, we can conceive what the occupancy tax will do to this particular budget seems counterproductive to not try to increase our tourism in this area and doing so you are increasing our occupancy and revenues for the town. So, the other question I had is it not being shown because it's actually, it's not a real cost to this budget. If you are being reimbursed by the grant, it's not a real cost to the town. So, I wondered whether that was the reason why it wasn't shown. Either way we still believe as a hotel managers, and owners in this town that we should be summoning to drive a bit more foot traffic into the town and you know it was probably handled poorly the last 14 months, 15 months, we want to do it better, we want to work with the Town Council to do it better, but I was dismayed to see it wasn't on here, so that was my question.

Frances Westbrook: Currently I'm not aware of any grants that are out there for us to even apply for, so, there is nothing in the making, that doesn't mean that something might not be in the future. There is nothing there for us to base any figures on to include in this, and to your other point, when we have a grant sometimes it could possibly be a wash, but we are required by the State to show all incoming revenue no matter how it is generated.

Jason Trollip: Sure.

Frances Westbrook: So we have to be you know really transparent and keep all that updated. There is a couple of figures up there that you will see will be a wash between our revenue and expenditures but we do have to show them nevertheless.

Jason Trollip: Right.

Frances Westbrook: Okay.

Jason Trollip: There are no grants that have started to come, so I think we should just make them available to, just for budgeting purposes.

Mayor Bugg: Thank you.

Dudley Patteson: With all due respect, our business does contribute to the town and this particular grant has been an annual recurring grant and it is anticipated to be available in the future, which was the fall when we applied for it, so I think to appropriate funds for the tourism grant in this budget to have the funds available is an important step towards what Jason was trying to....

Frances Westbrook: That would have been good to know about a month ago while we were doing this. I mean this is sort of the 11th hour Dudley....

Dudley Patteson: Plus there was another grant this week for $20,000.

Frances Westbrook: Well then someone needs to bring that forward to the Town Council so that it can be considered and passed on to budget and finance....

Dudley Patteson: Well there are a number of people that do know about it and because they are on the VTC list and so, I'm just saying that it, I think not including it is a slap in the face to those that are in the lodging business because we work every single day to make tourist happy and to bring them to this town to contribute to the economy so that we keep our values of our houses and to ignore this which is leverage grant which means we put out money but we get more money back in trade for tourism support by the VTC.

Frances Westbrook: Well right now the town is on the hook for close to $20,000, we haven't gotten one red cent out of it....

Dudley Patteson: That's irrelevant because....

Frances Westbrook: No it's not because the grant, you know this is not the place to discuss this, now okay....

Dudley Patteson: It is the place, it is the place for it because we are in public session and what, the reason why we haven't gotten any money is because we have not submitted the forms to get the money for them....

Frances Westbrook: And why haven't we?

Dudley Patteson: That's a good question.

Frances Westbrook: We've asked it last month and the month before.

Dudley Patteson: Well, that, that's something for the finance side of....

Anthony Marchetti: There is an answer to that, also want to make a statement, Jason to your point, I did actually say I believe at one of our meetings, I asked about money for tourism and grants, and as you can see the overwhelming response is negative with this grant. I do think the town should be a partner with The Tide's, anybody whose revenue line item is that big, the town needs to do their part, so there should be some money whether it goes to a grant or, continuing what Flack Shack does, the town needs to acknowledge respect and be a partner to those that pay the bills quite literally. I did make mention of it and the response I got is the response you are seeing here which is negative, negative, no we haven't been paid. To Dudley's point, the reason we have not been paid is because Virginia Tourism council, we have not submitted our receipts. There was a plan to do so for full reimbursement and there is no reason to expect that we will not get the money that was promised to us. You know, it is going to be hard to quantify but maybe after this year you could argue that the town made more money by doing the grant, right, The Hope & Glory, Tide's Inn, that money goes to getting people in your rooms, which puts money in the town's bank account so, 100% do I support the town being a partner with The Tide's, Hope & Glory, 100% think that money should be in the budget, maybe we don't know what it is yet, there should be a line item for it. I asked for it, and then was shot down as it is being shot down currently. So, just so you know it's not, we are not all oblivious to it.

Frances Westbrook: I'd like to clarify also, please. I don't think it is that any of us are against tourism. We have had an extremely bad taste in our mouth because of the way this has happened from day one, we need to let go of that and move on, I agree with everything you just said, I'd like the town gets money back, that it is supposed to, that too goes back, because right now we are fronting all of it. Now having said that, the budget will go through an amendment process later in the summer due to the latest rendition of the American Recovery Act or whatever it is calling itself to which we will probably be recipients of some fairly large funds or at least large to the Town of Irvington and we are going to have to amend the budget to show that revenue coming in and we are going to have to have the conversation of how that is going to be spent, but we can't even hazard a guess right now because the rules haven't been passed down. So, when we get ready to amend this budget sometime this summer that is the perfect opportunity for this kind of thing to come up and be talked about in detail. But at the 11th hour right now when we are doing this, it is good to hear

the concern and the comments, but there is not too much that we can do about it right now tonight. There is a lot of details out there of grants that may be out there for us and it is, we are to do just a little bit of homework in order to know really what we are talking about in dollar figures from it.

Mayor Bugg: Yes sir.

Gabe Del Rio: Yes, I'm just confused, what is the purpose of a workshop if you can't make amendments, right, so I mean if this, if it is a perfunctory even where everything is kangaroo court, you know everything is already decided, then there is no purpose to a workshop, so it seems to be about feedback here, you've got a history, you know what the number is for last year, just like you carry forward future budget numbers you can carry last year's budget number forward, and make that amendment right here right now. What, could you just explain legally, is there a reason why that can't happen or isn't that the purpose of a public workshop?

Mayor Bugg: Nancyellen.

Frances Westbrook: This is a public hearing.

Nancyellen Keane: This is a public hearing and technically the public is supposed to give comments on these things to the council, the council is not really supposed to engage with you. A workshop was held April 22nd, I believe about the budget.

Gabe Del Rio: Which Anthony and Dudley both mentioned this in and was not then moved forward.

Nancyellen Keane: That was a workshop that council held for the budget, it was like a 2-hour plus workshop so there are different kinds of meetings, but that's the difference.

Frances Westbrook: And then the budget and finance held three, I think three workshops that the pubic was welcome to come and give us input at that time too.

Gabe Del Rio: So, I guess you're saying Fran now and Bonnie who was there at that meeting, that you would welcome that amendment in the future with an understanding of what the amount looks like for the grant this year.

Frances Westbrook: I'm saying it needs to be discussed, yes, my personal opinion is it needs to be discussed and, when we have some figures and we know what we're getting into then yes, let's talk about it and do it in times when we amend the budget in the summertime sometime then we've got it ready to go and we can plug it in if that is what is decided by Council.

Gabe Del Rio: Sounds like it would be a good fact for you to know and figure out what the amount is, line it up for the summer and get it done.

Frances Westbrook: Very possible.

Mayor Bugg: Thank you, yes ma'am?

Marsha Chapman: I never understood who is responsible for submitting what has to be submitted to get the reimbursement of these funds back. We talk about it, but no one, who is responsible for submitting the invoices and things for which we will be reimbursed.

Mayor Bugg: What was your name?

Marsha Chapman: Marsha Chapman.

Mayor Bugg: Okay. Thank you Marsha.

Frances Westbrook: That should come from the office, as those bills come in, it was my original understanding that they were going to be submitted on a monthly basis once they started coming in, I think we have a little bit of misunderstanding on what qualifies as actual expense that would be reimbursed and I believe, if I have it right, correct me if I'm not, that the Flack Shack expenditures which is all about the website aspect to this grant are the ones that should be submitted for reimbursement and I think we've been engaged with them since....

Anthony Marchetti: I think we have one more receipt and one more appropriation for Flack Shack for June and one that's done we can submit for full reimbursement altogether. You are correct it could have been done incrementally, it has not been done....

Marsha Chapman: I just wondered why....

Anthony Marchetti: ....so a lump sum submission for reimbursement for what the town is owed for the details of the grant.

Frances Westbrook: Initially we did ask for it monthly.

Mayor Bugg: Thank you Mrs. Chapman.

Wayne Nunnally: Dudley, The Tide's Inn and Hope & Glory supposed to give us something, and we then submit it back.

Dudley Patteson: We did.

Anthony Marchetti: They did.

Wayne Nunnally: A couple of months ago.

Anthony Marchetti: And the town had to spend X amount you know to do their part and we will have done that as of June 1st with the final Flack Shack payment and then we will have done our part and we will have all the receipts to submit for full reimbursement.

Frances Westbrook: The important part, my concern is that if we get this money back on this fiscal year, the monies have been expended, it would be really nice to have it all flow through this fiscal year.

Dudley Patteson: That's a good point to make with the VTC.

Frances Westbrook: Yep.

Dudley Patteson: And I'm sure there will be some....

Frances Westbrook: Yep.

Mayor Bugg: Anyone else from the public? Yes sir.

Klaus Schaschek: King Carter Drive, please let me point out three specific items in the proposed budget, our revenues allow for 57% on the local tourism industry and will probably get much higher, this will be fine for the near future with tourism based on the aftereffects of COVID-19 you now should plan for the future. Besides real estate taxes I cannot see how future additional income spread, therefore I would recommend to steadily increase the reserve in the contingency fund to be able to balance future budgets to function not be used to pay for unexpended, non-budgeted items we can easily achieve this goal by declaring CD1368 which has about $103,000 in there as restricted and for contingency use only. This has no impact on your balance sheet, nor on your P&L therefore it would appear on the operating budget. This will eliminate the reimbursement of $11,360 to the contingency plan for the proposed budget so you save a couple of bucks there. The second point that has been talked about already. It appears that you will get the $15,000 from the Virginia Tourism grant in this fiscal year since we have only 7 weeks left, in this case if we don't get it, I suggest that you add the expected amount to this budget so you have to add $15,000 there because it is an income revenue stream which is coming to the next fiscal year and my third point is the proposed budget shows three different studies, in the revised comprehensive plan, I do not believe that all these activities can be accomplished during the next fiscal year, therefore we should postpone the comprehensive plan by 1 year, push it out by 1 year this way it resolves both these studies can be incorporated into the plan. Thank you.

Mayor Bugg: Thank you Mr. Schaschek. Anyone else from the public? Yes sir.

Jeff Ewing: Jeff Ewing, 732 Chesapeak Drive, I'd like to comment on Mr. Schachek's comment if I may, one there is a proposed food tax that we are planning that is going to be implemented, two, a reserve of $80,000 is conservative for the town and I agree that we should be using that to X amount of months of time as we increase the revenues it should be easy to set aside increased reserve funds.

I don't think at this time setting anything in a restricted fund to make it a vote to get it restricted if we needed, a vote to get it unrestricted is really beneficial to the town except for adding a bunch of bureaucracy. I trust the town council to allocate on the budget on an as needed basis. I think that the Capital plan may be aggressive and they may not allocate all of those funds in the next fiscal year but adversely if they get things done and the comprehensive plan gets done maybe it is time to move onto the things in the comprehensive plan and that's why you have to have a budget so that in the future when these things get done you can enact them and not have delay after delay after delay. It is important to get things in the budget. It is just a budget. Every line item needs to be allocated and that is another time it goes in front of town council. If the town council wants to put the brakes on things they need to budget and then hold off on allocating until it is time to spend the money. Thank you.

Mayor Bugg: Thank you. Anyone else from the public? Council?

Wayne Nunnally: Move to adjourn.

Mayor Bugg: If no one has anything else to add from the public and there is nothing further, council it looks like we have a motion to adjourn. Is there a second?

Anthony Marchetti: Second.

Mayor Bugg: All in favor?

Group: Aye.

Mayor Bugg: Opposed?

Male: When are we going to have....

Frances Westbrook: The presentation...

George Kuper: ...the presentation of the budget, will we have that presentation of the budget before we adjourn.

Frances Westbrook: Don't we do that now.

Nancyellen Keane: Yes.

Frances Westbrook: We do that now.

George Kuper: Thank you, thank you.

Wayne Nunnally: You're not going to do it at the 6:30 meeting.

Frances Westbrook: No, we are going to do it now.

Wayne Nunnally: I withdraw my motion.

Anthony Marchetti: Make the 6:30 longer.

Mayor Bugg: Adjournment withdrawn.

Frances Westbrook: Can you see, let me know if you can't hear me, feel free to interrupt, ask questions or whatever, I'm probably going to have my back to you most of the time so you are just going to have to yell at me and I'm used to that, have at it. Alright I am just going to go over these things kind of line item by line item and kind of give you an idea of what generates the figures so you know how we arrived at it. So stop me if you've got questions. Alright, starting with our revenue side of the budget, on line 11 is the occupancy tax rate 4% remains the same as it did last year and those figures are derived from The Tide's Inn and Hope & Glory with their projected revenues that they graciously give to us. We did not include any short-term rentals this year, I may have already said that before but they are basically full time with the exception of a handful so they don't really add too much to our occupancy tax revenue so we are proposing $346, excuse me $196,500. On line 12 is a real estate tax it stays the same as it did last year. We have our actuals in the green columns there and I'm looking at the green column to the far right. We've collected $69, excuse me I'm on the wrong line again, we've collected $59,000 and some odd dollars so we held it at $60 as our projected revenue this year. I don't think we are going to quite reach the $63,000 we thought when we did the amended budget. We are holding that at $60,000. Local retail sales tax we are keeping roughly the same at $25,500. That money comes to us from the state. The sales tax is generated around the state then it is distributed based on school, age, population and we don't really have any say so on how that's divvied up but that is what we've been getting in the past. Personal property tax which actually that little $20 line item you see on your personal property tax for Irvington's auto tax, the licensing fee for you to be able to have a vehicle and that comes out to be about $9,500. So if you all will buy more cars then we can up that a little bit. Bank franchise $12,000, once again that is calculated based on I believe our one and only local bank and I think that is generated, the figure is generated by total deposits. So once again if you don't bank there it would be great for the town if you did. Cable TV/communications similar story $1,7—am I on the right line yes, $1,700 we all pay a little bit of tax on there franchise fee sort of thing and part of that comes back to the town. Town property rental $1,000. Once again that is the local bank, Chesapeake Bank we have a septic field directly behind the bank and they rent that space from us for their septic use so we charge them $1,000 a year for that. Permits, zoning and registration fees. Looking at $2,000 is a little bit of an increase from last year, I noticed when I looked at the last financials which would be through the end of April it looks like we have already garnered $3,000 and part of that is because we went up in the CUP fees of the zoning fees. Both, we went up on both of them, so we are anticipating not having as many CUP fees as we have had this year, we are going to eliminate the need for a couple of CUPs, but with a little luck maybe we'll get $3,000 next year. Interest income has gone way done and you all know the reason for that, so we only budgeted $1,000

for interest income. The fire grant and this is one of those wash throughs you are going to see. We have a grant from the State of Virginia for $10,000 and we are supposed to give that to a fire department of our choice since we don't have one here and we choose to give that to the White Stone which I believe is our first responder when it comes to fires and so you'll see that as an expenditure when you get down to that part of the budget. The Lokey Wiley fund is a CD that is about $20,000 and we use $2,000 of that each year to donate to the library in Kilmarnock. When we received those funds it was to be used for the town library and actually we had a little teeny tiny one wall kind of library in the old office but it seemed this was better used. Any questions on the revenue side of this? We went from $312,700 last year, we are going up to $346,000.

George Kuper: Would it be appropriate to ask the people who are here to generate that tax is that a realistic expectation.

Frances Westbrook: Which tax?

George Kuper: The occupancy tax.

Frances Westbrook: Whether we think it's $196,000?

George Kuper: Yes, the question is you are essentially doubling the, more than doubling the expectation of receipts.

Frances Westbrook: I don't know Mr. Trollip, I mean a large part of that figure came from you that I calculated on so I'm not going to share that figure if you don't want me to.

Jason Trollip: All I would say is that we are planning to be open many more months than we were, so we are trying to stay open we have been closed for 4 months of the year usually, so being open longer gives us better numbers. Obviously due to COVID and [inaudible], I'm just not sure whether, I mean if we decide to close for 6 weeks in January/February whether those numbers are shown there. I would have to check that, the numbers look okay.

Nancyellen Keane: Fran.

Frances Westbrook: Yes.

Nancyellen Keane: When you raised the tax, you doubled the tax in November and it didn't start coming in from anybody until December probably so the number that is up there, isn't it $90, I can't read it....

Frances Westbrook: You mean the year-to-date on actuals?

Nancyellen Keane: Well next to actuals, the budget from last year was $98,000....

Frances Westbrook: Uh huh.

Nancyellen Keane: ....it's doubling, a little higher than doubling....

Frances Westbrook: Well we doubled the occupancy tax.

Nancyellen Keane: Yeah we doubled the tax.

Frances Westbrook: So we doubled the tax, so that, yeah, is a good part of why it's, thank you Nancyellen.

Gabe Del Rio: It's too bad we didn't have this attendance at the workshop. I attended the budget workshop that Dudley and Anthony both spoke at about this grant and with this kind of feedback and interaction would be perfect for that workshop.

Klaus Schaschek: The problem with a workshop is that you can't talk at a workshop but specifically when the invite goes up saying very specifically it is invited but cannot talk basically.

Frances Westbrook: That's the official stance, of the town, however as you have noticed in public hearings we do tend to respond and personally as small a town as we are and we all know each other, it is kind of hard not to let someone say something but anyway.

Klaus Schaschek: Thank you.

Frances Westbrook: Your welcome. Anything else? Alright, then give me a minute and we'll move down to the next section. Pardon.

Bonnie Schaschek: You have miscellaneous down.

Frances Westbrook: Did I miss one? Oh, I'm sorry, I thought we were through with that, you're right. Alright so miscellaneous income, we always throw a little something in there, people will stop in the town office and buy little Irvington books or, so, we put a little bit of money in there and then prior year net asset, this is the COVID funds that we are working with now. We have approximately I think about $45,000 left in the $70,000 something fund that we haven't spent. However, we are estimating that we are going to spend about $20,000 of it before the end of the fiscal year because we are doing business grants again and we have a little bit more rent to pay and that came out of COVID funds. So, this is where you are going to see one of those other wash type situations I was talking about earlier. We've got prior year net assets of $25, and expenditures you'll see that being spent. Thank you Bonnie. Alright, let's see, alright the next group is our operating expenses, this pretty much represents most of what we call overhead, maybe a little bit more. Employee expense we've estimated $72,000. Now, the zoning administrator having basically a 20 hour a week job has recommended that this really is no longer a 20 hour a week job. She's is making 25 possibly 30 hours or whatever it takes to get this done in a manner in which it should be done.

So, we've added money into that category to increase wages for zoning administrator and of course that also ups our contributing payroll taxes we have to do, but this figure also includes our insurance bond for employees, our workman's comp. insurance and yes, that's what that represents, pretty much whatever the business has to do. Professional services, we have the attorney in there and we have accounting because we may well be off-shoring our accounting next year and so we have built in some money to pay the accountant to continue with our treasurer's responsibilities and we have talked about and are going to look at having some financial services a company come in and show us how we could do some of these things better, how us project, how we can service debt and give us a good long lesson in being better financial managers.

Wayne Nunally: We include psychiatric services?

Frances Westbrook: Well if we have any money leftover from....

Anthony Marchetti: Get them on retainer.

George Kuper: Fran.

Frances Westbrook: Uh huh.

George Kuper: Not having participated in the workshop I don't know how council feels about doubling a cost and whether or not they know that that is a legitimate expenditure since so far the citizens have not seen any benefit from that kind of expenditure.

Frances Westbrook: You mean for the employee cost?

George Kuper: Yeah, for the employee cost and actual services, both.

Frances Westbrook: Well, we are going from employee cost, we are going from $65,000 to $72,000.

George Kuper: Yeah.

Frances Westbrook: So that's not doubling, is that what you show.

George Kuper: I'm not talking about budget, I'm talking about actuals here. Actual to the budget.

Frances Westbrook: Yeah, we still have a full quarter to go.

George Kuper: Sorry, forgive me.

Frances Westbrook: I'm sorry yeah, those figures in that far right-hand green column represent our current year-to-date through the end of March.

George Kuper: I can't read, sorry.

Frances Westbrook: That's alright. I like to answer that one. Let's see, we did, so we are on insurance. We are insured by VML, Virginia Municipal League and that gives us our overhead, our billing and property insurance, public safety and code enforcement. Now this is where the fire grant comes in here at $10,000 and then we have another $500 in there for code enforcement and this is where if someone is letting their grass get too tall and we have to actually call and tell them to do it and they don't then we have to publish something in the newspaper and send letters and what have you, so that $500 is to cover any legal fees or newspaper fees we might have in trying to enforce code violations. Office expense is pretty self-explanatory $18,500 is up a little bit because it's time for us to get a new computer in the office and some new software to go on that computer so we have put in a little over I think $3,500 to meet that need. Municipal expense, now that covers elections, runs us about I don't know $2,400, $2,600 something like that is our share that we have to pay every time we have an election here in the town. It also includes paying the county for collecting our real estate tax and personal property tax, they assess us 10% of what is collected and then we also pay in addition to that the printers and postage and they farm out their printing and we have to reimburse them for that to so that's what that figure represents. Town council expenses, when we put ads in the newspaper for like these meetings, we put that as expense of town council. If any of our members go to a workshop or conference that is included in that figure there. What else, public notices and conferences basically. Planning commission, same scenario, public notices, conferences, but we have put in about $6,500 additional this year to cover a survey which we hope is going to happen this upcoming fiscal year and we have also put in about $20,000 if they start a comprehensive plan review and that money is used to bring in the professional to lead the group to make sure all the i's are dotted and t's are crossed and typically includes new maps, this figure also includes this year one new map that we are going to have to get because the last comprehensive plan had a map that was incorrect and it drives our zoning administrator crazy every time she looks at it. Utilities that is cut and dry, you know what those are, electricity, heat, water, septic. Town maintenance, this is the people who cut the commons grass, the north commons who clean the street once or twice a year, it is also our refuse and debris removal throughout the town for the town and town office. Mayor's discretionary fund, has been around $750, when we amended the budget last year we increased it to $2,000 because at the time we were selling the town office and we knew there were going to be some last minute costs there that we had to come out of some pocket so we put it there just to have a place for it to set, we'll take it back down to $1,000. Now what you see is year-to-date is only $255 but as of the end of April we have gotten very close to that $2,000 figure. The COVID Cares Act we have spent roughly $25,000 now. We don't have anything else planned for this year, we have already accounted for what we haven't spent in the revenue portion of it. Reimbursement of the contingency fund, excuse me office rent is next, that $9,400, we will get through December of this year using COVID funds to pay the first 6 months of this upcoming fiscal year rent, but we don't know what's coming so we budgeted the next 6 months, the last 6 months of the fiscal year and so we may have to pay it ourselves so that is what that $9,400 represents. It could be that it doesn't have to come out of our pocket, then we'll just have a little healthier bottom line if that doesn't happen. The contingency fund I think we referenced that earlier, we did use last year

some of the contingency fund to spend on some last minute things that came up. We didn't have line items for them so we used that, uh oh, hold on here a minute, that'll go away in a minute, I can't make it go away. So the balance we have there which is $11,360 is basically what we owe back to the contingency fund to bring it up to the level of $80,000. So, that is our operating expenses, $244,760. Any questions, comments? Yes sir, Mr. Kuper.

Mr. Kuper: Question about the contingency fund.

Frances Westbrook: Uh huh.

Mr. Kuper: Just mention the fact that it increased by the fact that, the reason we have a tax is because we wanted to be able to operate the town's without the Inn's revenue.

Frances Westbrook: That's correct.

Mr. Kuper: It's not a bad underwriting principal in which case we probably need to double if not triple this.

Frances Westbrook: I agree, I think that is a wise thing to do, and now what's it got going on up there. Do we want to change the color scheme? Our, we are aware that when a town like us has such a high percentage of its revenue coming from a single source that that puts us in a fairly high risk category and when we first started the $80,000 contingency fund that would have gotten us through our operating expenses for about 6 months if we had to, but now that doesn't work, it doesn't plug out, but it is possible now with us having more revenue stream that we can get that up there to make it more comfortable for us and protect ourselves a little bit better. Uh huh.

Mary Cay Bradley: May I suggest, Mary Cay Bradley, King Carter Drive, in the income line for coming in from the COVID you have $25,000, but if we look at the COVID 19 Cares Act here right $74,090 minus $25,321, minus the $11,360 which is reimbursing the contingency fund that is more than $25,000 so I just recommend you guys check what you put in the income line.

Frances Westbrook: Now you are saying that the COVID....

Mary Cay Bradley: Isn't the reimbursement of the contingency fund in part because you all used the contingency fund to pay things that COVID was going to cover.

Frances Westbrook: No, I don't think so.

Mary Cay Bradley: But even so $70,490 minus $25,321 is much more than $25,000.

Frances Westbrook: That's correct. You're correct and it'll show up. Yeah, we have about $45,000 that we haven't spent of the COVID funds but we are hoping we are going to spend about $20,000 of it before the end of this fiscal year because of the business grants we are going to do and

we still have a little bit of rent to pay, what is reflected on here is just through March, we still have April, May and June rent and then we also are looking at, looking at the business grants. I don't know why this keeps doing that, it hasn't done this before but any rate, anything else? Here we go, this is our community support and tourism promotion, such as it is. Our charitable donations that we give, Fire and Rescue $2,500, now you probably remember on the other sheet we have a $10,000 fire grant, all of that goes to White Stone as our first provider. We started a couple of years ago giving $2,500 additional out of our pockets to Kilmarnock because they also follow White Stone and our town so we want to keep these volunteers happy so as they are glad to come here and put out any of our fires, some of the questions here tonight maybe. We have Steamboat Era Museum, we donate $2,500 each year to them, the Lancaster Library, this is where I talked about the Lokey Wiley Funds, we bring in $2,000 cash it in from a CD so that we can give that to the Lancaster, actually it is a Kilmarnock Library for $2,000. Other things that we do community events, the $5,000 typically we do a 4th of July parade. We didn't last year because of COVID and we are not doing it again this year for COVID. If we were doing the parade that figure would be upwards of $10,000 so this represents our Christmas event, it pays the guy to hang the banners and the lanterns and what have you.

Mary Cay Bradley: I'm sorry, I have a question about the parade.

Frances Westbrook: Uh huh.

Mary Cay Bradley: The parade is July 4th, 3 days into the fiscal year and my understanding from previous meetings is that many of the expenses for the parade are actually incurred prior to....

Frances Westbrook: They can be.

Mary Cay Bradley: So if that's the case then that $5,000 actually means not only that we don't have the money in the budget for a parade this year but we don't have the money in the budget for a parade next year.

Frances Westbrook: That's a good point. Okay, alright so, we don't know what is going to happen with the parade but that is something worthy to think about when we get ready to do the budget. That's a good point. Thank you.

Bonnie Schaschek: I was going to say you are going to amend the budget for those types of considerations taking them in.

Anthony Marchetti: Absolutely.

Frances Westbrook: Alright, Steamboat Era Museum Crab Festival, we take part in that as a sponsor and so that is $1,200. WIFI we no longer have at the north commons. We have to leave figures until it cycles off in a 3-year period so hopefully next year you won't even see WIFI up there again. The trolley, we are not sure what the trolley is doing this year, it didn't run last year. Mr.

Trollip, do you have any idea they usually pick up guests from the Tide's Inn and take them into Kilmarnock, you haven't heard. Okay thank you. We don't know what it is going to do, we do know that we may be possibly adding two more stops in Irvington so we decided to raise that from $250 to $500. Do I see a hand, no, okay. Virginia River Realm is, we give $2,000 a year to help with that tourism advertising of our town. The tourism grant, I think we really did go over that pretty thoroughly so, there is nothing there now but we have the amending part of a budget coming up, that could possibly take place then. The Mayor's discretionary fund we took off of this and now it is in the regular part of the operating budget and we saw that. Miscellaneous support $250 and then the Irvington Mayor's Golf Tournament $2,000 that we have done for the last umteen years. Any questions on that part.

Nancyellen Keane: Fran?

Frances Westbrook: Uh huh.

Nancyellen Keane: We are at 6:30.

Frances Westbrook: Okay.

Nancyellen Keane: So do you think you have more.

Frances Westbrook: I do have a little bit more, yeah.

Nancyellen Keane: You can adjourn, not adjourn this meeting but gavel in the new meeting.

Mayor Bugg: Yeah.

Nancyellen Keane: And read the beginning of the new meeting and come back to this meeting.

CALL TO ORDER

Mayor Bugg: So we will pause this meeting and begin the other. Alright. Thank you everyone. For timing purposes we are going to pause the public hearing and we are going to now call to order the regular monthly meeting of the town council on May 13, 2021 at 6:30 p.m. I will call that to order, do a roll call and then we will suspend that meeting and move back to this meeting.

ROLL CALL

Mayor Bugg present.
Frances Westbrook present.
Bonnie Schaschek present.
Anthony Marchetti present.
Dudley Patteson present.
Wayne Nunnally here.
Jackie Brown present.

Mayor Bugg: Thank you council, we now move back to. We will suspend this meeting and go back to our previous public hearing.

Frances Westbrook: And I'm almost through, Anthony will take over and it won't be much longer I promise. So, the figures come down the prior year net we showed the revenue is now showing up in expenditures the same $25,000 that's a wash, we will be able to contribute to the capital budget $48,761 which is a difference between revenue and expense and then you see below where we balanced our revenues and expenditures. That $48,761 you will see how that flows over to the capital plan. Alright Anthony, it's all yours, I'll bring the capital plan up, there we go.

Cay Bradley: Can you make that a little bigger please.

Frances Westbrook: I don't know if I can.

Cay Bradley: Bottom right. No, no on the computer screen Fran.

Nancyellen Keane: It says 80% on the very bottom corner.

Anthony Marchetti: Okay.

Frances Westbrook: I'm not seeing. Alright the one thing to point out here real quick is column 20/22-20/23, the total funds available is different on your sheet, there is a math error we did not catch the $251 balance forward in the formula that tallied the total funds available so this is the correct figure, so if you want to make that notation on your copies.

Nancyellen Keane: Can you read it to, the figure.

Frances Westbrook: Yes, in the second column to the right 20/22-20/23 balance forward previous year is $251,741, when that is included in the formula then when we go over to total funds available it should read $1,116,741.

George Kuper: Again please.

Frances Westbrook: Pardon?

George Kuper: Again, $1 million what.

Frances Westbrook: $1-1-6-7-4-1.

George Kuper: Thank you.

Frances Westbrook: Okay and then of course that is going to affect the very bottom figure ending balance year same column, last figure will now be $4-4-6-7-4-1 and that is a formula error there, no tricks in the numbers.

George Kuper: Where does this go?

Frances Westbrook: The very bottom of that same column.

George Kuper: New balance per year.

Frances Westbrook: $4-4-6, yeah $4-4-6-7-4-1. I'm just going to watch this because something keeps popping up on it and keep that square for you.

Anthony Marchetti: Alright moving on to the capital budget. I am hopeful that there will be some comments, lots of comments on the capital budget, personally I want direction from the town, a lot of big decisions on here, a lot of big numbers, personally not ones I am comfortable making without having input from the people in the town, so please you know speak up, share your thoughts. The top part is, shouldn't be contentious yet, cash assets on hand, then we have the year-end contributions which this comes from the bottom of the budget we just went through. We have a restricted funds, the Lokey, and bike path, the COVID money we are carrying over, our contingency fund, we have cash on hand from the sale of the town hall last year, this current fiscal year, and that put total funds available at $399,241. Moving down to some capital expenditures, we have $50,000 for commons improvements essentially that line item is for storage, that may get moved into whatever potential master plan there is on the north commons. For now, it is just a line item. If the storage becomes part of the architectural plan, that $50,000 just going in toward the overall expense of the buildout. There is a playground feasibility study, I don't know if anybody has tried to go down the slide recently over there on the north commons but, if you tried to go down in July I'm confident some of your legs are still stuck to it. Yes sir.

Tom Chapman: Anthony you have a feasibility study of the playground and there was an estimate given much earlier in the year but there is no capital, that makes it look like you are going to do a feasibility study and then not do anything.

Anthony Marchetti: Sure, and so honestly, you can see the rest of the, really there is not much moving beyond this year that is populated. It needs to be, we want to hear feedback, we want to....

Tom Chapman: You have money in there for the town hall basically and you have some mortgage costs spread out, why don't you put your current budgetary estimate of a playground on there.

Anthony Marchetti: One reason, it's a good point, and to Jeff's point earlier, I personally would like to see things on the budget and then if we need to pump the brakes great, if you can't spend it, it's not there, so I agree with that line of thinking. The playground could go from $50,000 to $250,000

so, I think we want the feasibility study to see. I mean if we want to spend $500,000 we can but probably not realistic, probably doesn't make sense for our town.

Tom Chapman: You know so little about the total number....

Anthony Marchetti: Lara Brown, zoning administrator, she actually did, prior to her current position, had done some homework on it and came back with a pretty wide range, she says bare minimum probably $75,000 but if you want to spend $200,000 it can happen pretty quickly so....

Tom Chapman: So you are going to revise that when you get a feasibility....

Anthony Marchetti: We can review it when we have a better idea. Yes sir.

George Kuper: Ask them to build us a playground?

Anthony Marchetti: You'd like to ask him?

George Kuper: He did, it's there.

Anthony Marchetti: So, yeah, playground I personally think it would be a great asset for the town, I know my family, we get in our car and we leave Irvington which we don't like to do and don't do often but we leave Irvington to go to a Kilmarnock playground. If we had a nice maybe playground is not the right word, I think, some Lara's research it was a multigenerational outdoor space is probably a better word for it. Anyway so it would be an asset for the town. Obviously the one we have is dated, quasi dangerous I would argue but it could draw people here which obviously is beneficial to businesses. So some budgetary line items that all apply to potential building on the north commons. Obviously there is going to be a lot of opinion and feedback on if that happens, what it looks like if it does, budget. Some of this, we don't know what could be done until we finish this master site plan which I believe Bay Design is on for June. To do a presentation of their initial site plan and basically enlighten us all on what can be done there and where it can be done so I think it is a good first step. It is hard to go a lot further without knowing. The architectural fees would be for you know design and what could it look like, what should it look like. The septic is if we did an engineered system, we know that is what we needed and then dropping down you got a town sewer feasibility study which it sounds like there is a lot of interest in exploring the town sewer. I'll just make another quick comment on the north commons, it is by far going to be the most expensive option for finding the town a home. You know, be a lot of conversation about whether it is the right option, I just encourage everybody to and I don't have a formal opinion one way or the other, but look at it as a, while it is amortized over 15 to 20 years, if there was a new town commons it's really a 50 or 75 year fix for the town or solution so whatever the town spends money on you know if it is an existing building what's the expected life cycle of it. A lot of it is the feedback, what do residents want from the town, I mean we need an office, we have to operate, every business has an office, you need space to do that, you know I think a lot of it is what could that space be, what do you want it to be. You know it could be public restrooms, it could a place to park and disburse into town, again,

real restrooms so we don't have to use port-a-potties at the Farmers Market. I think there is a lot of possibilities. You know is it too expensive, does it make sense, I don't know hopefully people will chime in and let us know what they think but right now we are going down the path to explore the north commons, the town owns it and that's why you see some of those items on this capital budget. Total capital improvements $147,500 end of the year balance and then when you jump over to the next year, carrying the balance forward, notable there you see for 22/23 is a possible line item for income from a meals tax. Big number but could be a great way to fund town sewer project, potentially the town office, a good way to fund the $500,000 playground.

Tom Chapman: Excuse me, where are you looking at, I don't see that anywhere.

Frances Westbrook: Yes it is. That's the year end, yeah contributions.

Anthony Marchetti: I'm on the top of the column 22-23.

Tom Chapman: Oh, $150,000....

Anthony Marchetti: Oh sorry, sorry, that $100, excuse me, I didn't realize that, the $150,000 line item under year end contributions that $150 comes from a projected estimated if there was a 2.5% meals tax, which is a pass through tax that as we've learned is a very lengthy, a lot of details on what foods count and don't count, but essentially if you go to Kilmarnock, if you go to White Stone both localities have them, go to Middlesex, basically go anywhere and I'll call it a tourist tax, it's not exactly but if you don't want to pay the tax you don't have to. But it's seemed like a really good way to fund an expensive super project, playground and again without raising real estate taxes it is also a potentially good way to diversify the town's current revenue streams as we found out last year during COVID we are pretty solely reliant on the occupancy tax which was affected so, right now it is just an idea to show you what it could look like, but the idea is that it all passes through capital, capital expense.

Tom Chapman: Ball Park numbers but I assume that the $150,000 is the same year end contribution for next year's budget, so $40 or $50,000 of it is going to be the excess of income for expenses so it is only like $110,000 more of revenue or is the $150,000 all of what you expect.

Anthony Marchetti: Good point, if we, again, we did some quick numbers not knowing anybody's sales, so there was a lot of other than, I can attest to one restaurant's sales, which would probably be the smallest contributor to that number but it was an educated guess, the $150 was purely meals tax, it potentially would be if we carried over $48,741...

Tom Chapman: That would be $200,000....

Anthony Marchetti: Potentially $200,000 carryover to that, good point. The $150 was a projection for 2.5% meals tax.

Albert Pollard Jr.: Anthony, if I could speak about that line item with the town feasibility study, the sewer feasibility study?

Anthony Marchetti: Of course.

Albert Pollard Jr.: I was going to save these remarks for the public comment period and I'm sorry I didn't realize that this capital budget was up for adoption right here and I should have been on top of that, so I am going to speak a little but, but not speak later, to me, I don't think, personally I do not want sewer extended to Irvington, you know if you squint real hard on the other side of the ball park you can start to see that it starts to look like Gloucester down Route 17 with just stuff growing up and that is going to come into Irvington. The question isn't if we can, but should we in my mind. You know, to me it is not a question of work quality, work quality, Carter's Creek is improving. They are harvesting some oysters now they weren't doing that 10 years ago, water clarity is improving which is common measure of water quality, and what I hear most residents talk about is walkability and traffic problems in town and if we send water, or sewer if you already have water the national chains will follow, there will be, I don't know whether it is going to be an IHOP or a Denny's in downtown Irvington in the next 10 years and you can snicker at that but now they are talking about putting a Starbucks in Kilmarnock right now and I wouldn't have thought that was possible a year ago. You know we've got any lot that was plotted in Irvington before 1989 is by right a duplex, you bring water and sewer in here and you are going to have developers buying homes, tearing them down and putting up duplexes both inland and waterfront and I don't want to live in that town, I don't think other people do. I'm not saying that people, that you're advocating that, I'm just saying this thing needs to be thought through all the way. Then there is both the question of cost, the cost just not to build it, but to maintain it, when you look at the Town of Kilmarnock it is $120 a month is their lowest price for what you would pay now that is water and sewer now they base your sewer on how much water you use and for me that would be $1,000 a year for getting something at the quality of life that I don't want. So I don't really understand it, I think we can do it, but I don't think we should do it. So I just wanted to say that and thank everybody for their public service and you know I don't think we have the zoning and other protocols in place to extend sewer.

Klaus Schaschek: Talking about the sewer, you have to consider most of these towns there is a connection to and that is between 25 and $35,000 per connection and then additional monthly fees.

Anthony Marchetti: I'm obviously not qualified to speak on it, I mean, I feel like I can....

Albert Pollard Jr.: I kind of jumped on you....

Anthony Marchetti: That's what it's for, that's what the feasibility study is for.

Sam Van Saun: May I say something?

Anthony Marchetti: Sure.

Sam Van Saun: I think that any of the real estate agents around here will tell you that based on our experience in the past 2 years, sewer is going to become necessary here. We have had a lot of septic systems failing. The new septic systems that are being required to put in are often and usually especially in Irvington engineered systems which as you all know cost a whole lot more than the regular conventional septic systems. At one point many years ago actually when Matt Terry was the counsel, legal counsel for town council he said we need to put in sewer in our time and our way because there is going to become a point in time when we are forced to do it and we are not going to be able to do it our way, so just keep that in mind it may come a time when there is not an option if the weather continues to change and we continue to get the rain patterns that we've had over the last 2 years. I think that is a really important consideration. We may not, I feel like the town with the ordinances can adjust things like keeping chains out, keeping Denny's out, but what we can't do is we can't instantly solve a problem if all of us have everybody's septic fail then the town is really going to stink and none of us are going to want to live here.

Mayor Bugg: Thank you.

Anthony Marchetti: I think all good points, all good feedback. I think the feasibility study gives us some definitive answers, what exactly are hookup costs, who is going to be required to do it when, I don't know, great points by everybody, the purpose of these but hopefully the feasibility study is just that. Yes sir.

George Kuper: George Kuper, I think we have had a microcosm of interest expressed over these last few minutes and bringing in a budget item for a town sewer feasibility study is in advance of what good management would suggest you do. Let's explore the options to deal with the current set of problems that we have and anticipated problems and understand what options we have available to us short of a feasibility study. So instead of a sewer feasibility study let's have a facilitated discussion of residents and their problems with sewage. We all have them, some of them have them really badly and they can't flush their toilets. Some of us don't want to walk down the street when it has rained because it stinks, there is no doubt about it, but whether or not the sewer is the answer is going to be asked.

Anthony Marchetti: Fair point. I mean, I think with a feasibility study if somebody says do you want sewer or not, I am going to say how much does it cost, how does it get put in, where does it get put in, what does that mean, I don't know the answers and I don't know how we can have a conversation unless we know some of those answers, so point taken but I think to advance that conversation there has to be some, if we start with the septic, I know, a local septic person, to give us their 2 cents but again, I think part of my job is I'm not here to make decisions or help decide things about today but I'm thinking about my kids, my grandkids, like some of these decisions you have to look 10, 15, 20, 40 years down the road, you know what is best for Irvington, so I don't know but I am interested in finding out or having all the information at hand so that we can find out.

Wayne Nunnally: Anthony, Jackie and I did some investigation on these two points, we haven't presented it to the council but I just wanted to, we talked to Kilmarnock and realize the expenses and stuff that is involved.

Anthony Marchetti: Sure, I know nothing about it, so I'm not pretending to be like I do, I think just getting information out there is the first step and then the conversation can proceed or not proceed from there so. But it sounds like something at least a topic that needs to stay on the radar of the town and of the people so.

Greg Kirkbride: Anthony?

Anthony Marchetti: Yes sir.

Greg Kirkbride: Just a comment, whomever you contract with for the feasibility study, please be sure to look at their background to ensure not only that they are competent but they're not in effect, they don't look at it as a turnkey operation, I would like the numbers to be as accurate as possible without some agenda to be…

Anthony Marchetti: Without somebody being motivated to giving you those numbers, sure. Noted, understood.

Albert Pollard Jr.: If I could just second that, in my experience, with things like these feasibility studies it is an engineering firm that works closely with builder and they say oh yeah you can do it and there won't be any problems, they are not thinking about what the zoning code says that every lot that was plotted before 1989 is legally by right a duplex and if the town changes that that is a taking, that, so I appreciate just following up making sure that it is a legitimate do we want it study as well as can we build it study.

Anthony Marchetti: I think the very first step is usually the free step is collecting facts, something I didn't know, let's get all the information that we do know without having to pay somebody to do it, but all points well taken, thank you.

Mayor Bugg: Nothing further. Thank you public, your comments are so very, very important and we appreciate all of you being here. Yes.

George Kuper: We've not had a discussion about the elephant in this budget which is maybe we asked whether or not we asked whether we wanted to spend $750,000 building a north commons for offices for our staff. I don't recall being asked that question. The fact that you are already spending money on that agenda item would indicate that you have come to a conclusion that that is something that we need to do. I'm unaware that the citizens have been informed of that and I think we've got a problem. Going forward with a capital budget like this would I think be dangerous.

Mayor Bugg: Thank you and I believe council has taken some important steps to get as much feedback and they can especially Mrs. [Lara] Brown to move forward with the planning commission to take charge of that and get a survey going as well.

Anthony Marchetti: I don't remember the dates but there was a…

Sharon Phillips: November 18th.

Anthony Marchetti: There was a special called public meeting specifically for discussing north commons development, being told it was November 18th, so there was at least one dedicated time but I mean any public comment obviously is a good time so. Yes sir.

George Kuper: This is just a place holder…

Anthony Marchetti: Correct, none of this money has been spent, correct.

Tom Chapman: A survey among other things that is going to be planning around this that hasn't been done yet. This is just a place holder.

Anthony Marchetti: None of that money has been spent, it can't be spent if it is not in the budget.

Tom Chapman: There is no scope….

Anthony Marchetti: Mr. Cooper there is still time and opportunity to have discussions before any of the money you see in the capital budget is spent.

George Kuper: Is there a time to discuss alternatives and are alternatives being explored and if so, can we ask council to let us know what they are thinking.

Anthony Marchetti: Absolutely, one of the things I personally have expressed I think there needs to be, right now I'm not sure we have anything concrete to present. We have done, Lara has done a lot of homework on some new construction, I think it is worth hopefully soon we can come to the table with a PowerPoint you know here's option A, build on the north commons, here's what it is going to cost, here is what it could look like, here's how it could grow, develop, expand and you know here's your cost. Option B or C, here's what it looks like here's how much it is, here's the money that has to go into it, here's you know the expected life of it and present some options and people can weigh in and say there is an $800,000 option but that gets us you know 75 years, there is a $300,000 option but we have to put $200,000 into it and we are still left with an 80 year old building, I would love to bring that, I don't have that information yet, we don't have that information but as I said earlier I'm not comfortable making a decision of that magnitude without hearing from the public and right now we don't have anything to decide on.

George Kuper: Thank you, I understand you are all volunteers, we are grateful to you for that, but I think exploring alternatives is very important.

Anthony Marchetti: Sure and it is.

George Kuper: It is taxpayers money.

Anthony Marchetti: And it is being explored.

Wayne Nunnally: George to your point I know we have looked at, I'm the facilities chairman, we have looked at several buildings that are for sale in town that could accommodate the office at a much lower price than is in the capital budget so other areas are being explored other than that huge number to be built.

Anthony Marchetti: Absolutely, some it needs to be side-by-side, what is it we are looking for in the town office, is it three offices for zoning, clerk, treasurer, do we need additional meeting space, do we need storage, do we need parking, what are the needs, there is obviously your basic 'has to have' and then your 'would be nice to have' knowing that the more boxes you check the bigger expense it is, but again I'm not making any decision until I hear feedback but I don't think we have anything to present yet so, but encourage everybody to chime in.

Male: …comprehensive plan as well. Does it include the comprehensive plan.

Ian Ormesher: I'm just trying to find out when this budget is up for approval being as you are presenting it now.

Sharon Phillips: First reading is tonight.

Anthony Marchetti: This is the first reading and then June is the second reading where it would be voted on correct.

Sharon Phillips: June 10th.

Ian Ormesher: At that time we are going to realistically review what the options are for a north commons development.

Anthony Marchetti: No, no, I mean on June 10th we'll have the presentation from Bay Design about a site plan, no, so definitely not by then, as Tom asked or pointed out they are just place holders, not money has been spent, can't get spent until we appropriate it, there will be an amended, we will have to amend this budget, whatever passes we will have to amend it because of the American Recovery Funds, so fortunately for all of us we get to go through the process again hopefully there is only a few minor tweaks but will be a good opportunity to make changes based on the feedback we have tonight and between now and then.

Ian Ormesher: Obviously the operating budget is the binding budget while the capital budget is the preview of what is going to come perhaps into next year's, the, into the operating budget so it is a look into the future, the operating budget is the, this capital budget is for information purposes only right now to start discussions, get some ideas but has to be done…

Anthony Marchetti: Obviously I want everybody sitting to help populate the capital budget, you know what does everybody want to see in the town, from the town, basic needs but honestly it is going to be driven by everybody sitting in the room so.

Mayor Bugg: Alright we have a lot to go over at the town council meeting. Thanks to the public, it is so important.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL PUBLIC HEARING
THURSDAY MAY 13, 2021 5:30 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Marsha Chapman	62 Old Mill Cove
2.	Tom Chapman	62 Old Mill Cove
3.	June McGeorge	220 Sanders Lane
4.	Snowy McGeorge	220 Sanders Lane
5.	Klaus D. Shaschek	394 King Carter Dr.
6.	Mary Cary Brady	991 King Carter
7.	Lal Arnold	90 The Rose Pasture
8.		Hyden Park
9.	Jason Tally	480 King Carter Dr.
10.	Russell Kipp	81 King Carter Dr.
11.		
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 8, 2021 6:30 PM

AGENDA

A. CALL TO ORDER – *Mayor Bugg*

Mayor Bugg: This is the Irvington Town Council Regular Monthly Meeting held at the Irvington Baptist Church Thursday, April 8th, 2021, at 6:30 p.m.

B. ROLL CALL – *Mayor Bugg*

Mayor Bugg: I will start with roll call. Mayor Bugg present.

Members of Council Present:	Frances Westbrook present. Bonnie Schaschek present. Dudley Patteson present. Anthony Marchetti present. Wayne Nunnally present. Jackie Brown present.
Staff Present:	Nancyellen Keane, Esq., Town Attorney Lara Brown, Zoning Administrator Sharon Phillips, Town Clerk, FOIA Officer
Guests Present:	See attached sign in sheet

C. APPROVE AGENDA

Mayor Bugg: The next item will be approval of the agenda. Council have you had a chance to review that.

Frances Westbrook: Mr. Mayor.

Mayor Bugg: Yes.

Frances Westbrook: I would ask that we strike under the minutes those referencing budget and finance committee. I'm not sure why they're on here, we don't typically review and pass committee meeting minutes so….

Mayor Bugg: Any thoughts on that….

Bonnie Schaschek: ….under old business….

Mayor Bugg: ….yes…

Nancyellen Keane: There was an amended version of the agenda that was sent out a little earlier and it had a correction on one item and the addition of appropriations.

Frances Westbrook: So what's happening with old business #3,

Nancyellen Keane: That's what's really supposed to be #2. It was worded wrong and not correctly worded and I think the mayor is going to talk about it, the actual wording is what is in the highlight.

Frances Westbrook: Well also the budget 2021/2022....

Nancyellen Keane: ...that's part of what ya'll are going to....

Frances Westbrook: We're going to talk about.

Mayor Bugg: Yeah, that was the goal of that.

Bonnie Schaschek: Are we going to make a motion to accept the contract because we are still waiting for additional information, this is not in the current budget.

Frances Westbrook: Right, that's what we are going to talk about, on the agenda.

Bonnie Schaschek: So, it is just a discussion.

Frances Westbrook: You're correct.

Bonnie Schaschek: No motion, only discussion.

Mayor Bugg: ....to remove the new agenda....

Frances Westbrook: I'm sorry under approval of minutes part 3, we were going to strike item B, E, and G. They all reference budget and finance committee.

Mayor Bugg: Got it. Would you like to make that motion.

Frances Westbrook: I can, I certainly will. I move that we strike from the agenda items 3B, 3E, and 3G.

Mayor Bugg: All in favor.

Group: Aye.

Mayor Bugg: Opposed. Those changes to the agenda are made.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION THAT WE STRIKE FROM THE AGENDA ITEMS 3B, 3E, AND 3G IS PASSED 6-0.

Nancyellen Keane: Is new business 8 and 9, is that additional or is that.

Mayor Bugg: Yes so, we would need an amendment to add item 3 under old business and 8 and 9 under new business.

Frances Westbrook: So moved.

Mayor Bugg: Is there a second.

Anthony Marchetti: Second.

Mayor Bugg: All in favor.

Group: Aye.

Mayor Bugg: Opposed. Those amendments are made as well. Thank you council.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION TO ADD ITEM 3 UNDER OLD BUSINESS AND 8 AND 9 UNDER NEW BUSINESS IS PASSED 6-0.

Bonnie Schaschek: What is #7
Sharon Phillips: That 7, didn't take it off, 7 is appropriations to be determined and that the addition of 8 and 9.

D. APPROVAL OF MINUTES AND ACCEPTANCE OF TREASURER'S REPORTS

Mayor Bugg: The next item would be approval of minutes and acceptance of treasurer's reports.

Bonnie Schaschek: Wait, did we approve the amendment.

Frances Westbrook: Yeah.

Mayor Bugg: Yeah. [lots of talkover]. Well Bonnie, you brought it up, would you like to make the final motion regarding the agenda.

Bonnie Schaschek: I move that we approve the amended agenda.

Dudley Pattteson: Second.

Mayor Bugg: Any further discussion. All in favor. Opposed.
Group: Aye.

Vote:		
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION TO APPROVE THE AMENDED AGENDA IS PASSED 6-0.

1. **Minutes Initially Presented on February 18-25, 2021 Agenda**
    a. October 8, 2020 Meeting
    b. October 15, 2020 Meeting
    c. November 17, 2020 Meeting
    d. November 18, 2020 Meeting
    e. December 10, 2020 Meeting

Mayor Bugg: The amended agenda is approved. Again, the next item on the agenda is approval of minutes and acceptance of the treasurer's report. As you can see on the agenda these have been broken down into three different groups. The first one would be the minutes presented prior to February 18th, the five sets of these meeting minutes. I believe council has had these for about 2 months. I am unaware of any edits that have been received by the clerk. I've read these and they appear to be in good order roughly 88 pages and considering these minutes, I would like to move to a vote up or down vote to go ahead and approve these minutes and again these are the first proofing of minutes so, with that I will turn it over to you council.

Bonnie Schaschek: Well, I read through this first group and I have changes to all of them.

Mayor Bugg: Have you presented those changes.

Bonnie Schaschek: No. I was waiting until I finished the next batch to send them over.

Frances Westbrook: She's listening to the tapes.

Bonnie Schaschek: I'm listening through the tapes and going through it. So I do have changes.

Dudley Patteson: Are they material?

Bonnie Schaschek: In some cases yes. In some cases minor. I'm going to be honest with you, I read through this whole stack the other night, we need to decide on what we are going to do here because unless you listen to the tape and follow through these, these minutes don't make any sense. We either need to go back to a summary and if anybody wants any more detail they can ask for the tape of it, because you have half sentences in here, wrong names on who is saying what, that's why I'm saying if you are not listening to the tape you are not really seeing what's being said here. I mean, has anybody else read through this and experienced any of that.

Frances Westbrook: I have read through it and I know there has been several cases, now I can't tell you exactly which ones, I have my notes at home, but I'm saying things that wasn't me that said.

Bonnie Schaschek: I didn't say it, right, that's what I'm saying there's.

Frances Westbrook: There is a little lack of confidence on my part only in that, the only way it is going to be absolutely positively correct is if each one of us listen to those tapes and okay parts that are assigned to us. I think that there is, voices aren't being recognized on the tape for whatever reason. There is some material for me is just the fact just like I've said some things I haven't and vice versa.

Mayor Bugg: These are verbatim minutes, correct.

Bonnie Schaschek: But they're not. You've got a sentence and then all of a sudden somebody is talking and dot.dot.dot.dot and then it would say something like Jackie well blah-blah-blah, well Jackie didn't say that. I said it.

Sharon Phillips: So, the reason that you see the dots, are because quite frankly council does speak in broken and interrupted sentences and when you all speak over each other that is the only way that it can be captured. So, I appreciate that reading the verbatim minutes does appear to be rather fractured and it is absolutely difficult to follow, but it is not because they are inaccurate. The content is correct. They are verbatim minutes. I can appreciate council's frustration with incomplete sentences, but that has nothing to do with the clerk.

Bonnie Schaschek: I'm not saying it is.

Sharon Phillips: I'm not sure how you would want to make a complete sentence out of an incomplete sentence. If they are verbatim, they are verbatim.

Frances Westbrook: We had the conversation before and quite frankly I would love to see us go back to summary minutes. As a council, as a body I don't ever discussing moving to verbatim. We never talked about it, we never voted on it, and I'd like to see us go back to summary and if there are any big questions, we still have the tape that we can refer back to. We have to keep the tapes. I mean they are public record; we can't do away with them and I think it would make our job a lot easier, also the fact that we are trying to go back and look at minutes that are so far back. I'm totally dependent on what I might hear on the tape versus what I hold in my memory because the minutes go all the way back to October. I had a much easier time with this last group of minutes because they were basically March. The short ones we don't have a problem at all but the March 11, I remember that meeting so it's a lot easier for me to deal with those even though they were verbatim. I would like us to consider going back to summary.

Dudley Patteson: Well at some point we need to move forward on.

Frances Westbrook: Yes, we do.

Dudley Patteson: And I personally think that 2 months is ample time for any one of us to present to the clerk and to ourselves any material changes that need to be made and I would like to suggest that at least for the first section of these minutes that are the oldest that are 2 months old, that we approve them and move forward and then at a subsequent meeting we can do the same for the next set and keep going, and that gives anyone here on council time to review the next set and to present to the clerk and ourselves.

Frances Westbrook: Have you listened to any of the tapes yourself?

Dudley Patteson: I haven't listened to any tapes, I've read them.

Frances Westbrook: Well it's hard to remember…

Dudley Patteson: …it is hard to say what a person has said or not, but, at some point we have got to focus on and….

Frances Westbrook…. I agree, I'm tired of dealing with them, these meetings are 5 months old.

Dudley Patteson: So I make a motion that we approve the set of minutes that were presented in the February 18-25, excuse me, agenda and get on with this and approve them.

Wayne Nunnally: Dudley how could we do that in good conscious if we have a member

Dudley Patteson: …wait a minute let me finish….

Wayne Nunnally: …express concern over the ones she's read so far, with errors that are meaningful. I don't see how we can do it. Where the real problem is getting these things this late. I mean once we get back on schedule, and we get the minutes for the prior meeting before the other meeting, that would solve a lot of problems. But, I am certainly not comfortable approving minutes that a fellow council tells me, there are mistakes in it, until we can get that part straight you cannot approve them. When you get a set of minutes like this, I understand were ready to me on Friday, Good Friday, I didn't pick them up until Tuesday, but I weighed it, it's only 3½ pounds and an 1¾" thick to read, so I would oppose your motion

Mayor Bugg: The motion is on the floor is there a sec----

Dudley Patteson: The motion is on the floor and um….

Anthony Marchetti: I'll second.

Dudley Patteson: There's a second.

Anthony Marchetti: I've read through them all and I agree with Dudley I'd like to see this move forward, I've got staff saying that they are verbatim. If there has been 60 days, if there was any significant material changes I feel like or issues that's ample time that somebody should have been brought before somebody to raise a red flag. The audio tapes still exist so material or immaterial somebody can go back and listen from October 8, October 15th if they need to.

Frances Westbrook: The problem is once we pass these they are considered a legal document.

Bonnie Schaschek: There are changes to every single one of the documents.

Sharon Phillips: But you always have the audio.

Frances Westbrook: …the audio once they are passed and accepted and they are put in the book. They are put in the book and that represents exactly what was done and said. So I mean we have gone back over minutes before. We remember these meetings differently but because it's not, it wasn't captured in the minutes then we have to go with what the minutes said, there is no argument about it. It is what it is once this is passed.

Dudley Patteson: I just find it odd that we don't have before us 2 months later…

Bonnie Schaschek: I just started this last month.

Dudley Patteson: ....it has been a month and we have a business to run here at this town and at some point unless you have something which you don't have I don't believe that is, that says it is a material difference in the audio from what is in the minutes we have been provided, we need to move on and get them approved.

Wayne Nunnally: Call the question...

Frances Westbrook: Well, wait a minute let me make suggestion if I may.

Dudley Patteson: Sure.

Frances Westbrook: Let's consider allowing Bonnie to continuing to work on the first two groups....

Dudley Patteson: Okay.

Frances Westbrook: ...and we will take a third group which personally I'm prepared to act on the third group, those are in my mind, I did have some changes, but yes I am prepared to deal with the most recent, but I think it is incredibly important that we get sections 1 and 2 absolutely correct and what's it going to do if we don't do that tonight. Absolutely nothing, it just means that we don't have those voted on yet. I mean it is not like it is going to hold up any town business or anything.

Wayne Nunnally: Call the question please

Mayor Bugg: I want council to know that both sides have expressed their concerns and I think both sides have the goal of doing this right and getting this right and I believe we should move forward with approving these minutes, saying that I appreciate all your input and this is a basic function we need to accomplish and approval of minutes is meets our basic function as Mr. Patteson said just keeping things moving forward so, I think we should go ahead and approve these but again thank you for all your comments with that. Let's go ahead and take a vote in proving the minutes. All those in favor of approving the first group of minutes say aye.

Dudley Patteson: Aye.

Anthony Marchetti: Aye.

Mayor Bugg: Opposed.

Wayne Nunnally: Opposed.

Bonnie Schaschek: Opposed

Frances Westbrook: You want to show....

Mayor Bugg: Yeah, I'll do a roll call vote.

Frances Westbrook no.
Bonnie Schaschek no.
Dudley Patteson yes.
Anthony Marchetti yes.
Wayne Nunnally no.
Jackie Brown no.

THE MOTION TO APPROVE SECTION 1 OF THE MINUTES IS DEFEATED 2-4.

Mayor Bugg: Motion fails. 2-4. With that....

Frances Westbrook: May I make a motion just to table these...

Mayor Bugg: Yes.

Frances Westbrook: With the sincere thought that we will take care of these definitely at the next meeting.

Sharon Phillips: Mr. Mayor.

Mayor Bugg: Yes.

Sharon Phillips: I'd like for there to be an established process tonight, again, Ms. Schaschek explained in the March meeting that she would make an appointment with the clerk and bring her concerns to the clerk prior to this meeting, there seems to be no concerns about the second set, or excuse me the third set of meetings. Ms. Schaschek said she was going to make an appointment with the clerk, come into the office, and handle this situation, so let's please, those documents should be submitted in writing and the clerk will, IF they are not material, again, that time frame was supposed to have occurred. That action was supposed to have occurred prior to this meeting. We challenged council at the last meeting to take this seriously.

Dudley Patteson: I also feel that each council member if they have any changes as the clerk has said, present them to the clerk well in advance of the next meeting in order.....

Wayne Nunnally: What is well in advance, Thursday or Friday before the Thursday meeting.

Anthony Marchetti: We've had these for 60 days. I read every single minute on this page.

Wayne Nunnally: You mean on 1 and 2.

Anthony Marchetti: And 3. I gave up free time, I read after the kids went to bed. I have read every single set of minutes including budget and finance that is listed on this. I made time....

Dudley Patteson: At the moment we have zero, absolutely zero, zero concerns....

Anthony Marchetti: ...I want it to be right as well, but I'm trusting, based on my recollection from my readings, and I'm trusting that staff says it is verbatim, I am comfortable saying it is good.

Wayne Nunnally: We disapprove 1 and 2, only talking about 3.

Frances Westbrook: We haven't acted on the second group.

Mayor Bugg: Before we move on....

Anthony Marchetti: What's going to change from this meeting to the next one when this is supposed to be, the last meeting to this one.

Mayor Bugg: How about a motion that any comments or concerns are expressed to the clerk a week in advance of the next meeting.

Sharon Phillips: More than that, Mr. Mayor, please, a week before the meeting is nothing but meeting. If Ms. Schaschek is going to bring to the table 12 sets of minutes that require me going back through the audio that is hours of work. That, council has had these since the first week of February because the meeting was on the 18th and the documents were posted prior to that.

Wayne Nunnally: We are just taking a vote to not approve 1 and 2, and move on to 3, approve that, that's the next order of business. We don't need to discuss what should have been done.

Sharon Phillips: To your point, you asked me what was considered reasonable times, if Ms. Schaschek has done those edits I'm not sure why they would not be in the town office tomorrow.

Bonnie Schaschek: I was waiting to give them to you all at one time. I never said that I would get them to you before this meeting.

Sharon Phillips: You did.

Wayne Nunnally: We don't need any bickering.

Frances Westbrook: Can we move on. Please.

2. **Minutes Initially Presented on March 11, 2021 Agenda**
    a. September 23, 2020 Workshop
    b. December 17, 2020 Meeting
    c. January 7, 2021 Joint Public Hearing
    d. January 7, 2021 Meeting
    e. January 14, 2021 Meeting
    f. February 4, 2021 Meeting
    g. February 18 - 25, 2021 Meeting

Mayor Bugg: Let's go to item 2. Item 2, minutes prior to March 11, these are 7 sets of minutes. I believe council has had these for 1 month. Any comments regarding these minutes and again this is set #2. With that is there a motion to approve.

Anthony Marchetti: I've read them all, I was not at the December 17th meeting, I have not heard the audio on that one, but a, c, d, f and g, all look accurate to the best of my recollection.

Mayor Bugg: Anything further council. Is there a motion to approve.

Anthony Marchetti: So moved.

Dudley Patteson: Second.

Mayor Bugg: Any further discussion council. All in favor.

Anthony Marchetti: Aye.

Dudley Patteson: Aye.

Mayor Bugg: Opposed.

Wayne Nunnally: Opposed.

Frances Westbrook: Opposed.

Jackie Brown: Opposed.

Bonnie Schaschek: Opposed. There's changes on every single one of them.

Sharon Phillips: Do those changes affect the motion?

Bonnie Schaschek: No, none of them affect the motions that were made in the minutes. Those are all accurate. It's the conversations that are inaccurate.

Frances Westbrook: Mr. Mayor I move that we table these second set of minutes.

Wayne Nunnally: Second.

Mayor Bugg: All in favor.

Wayne Nunnally: Aye.

Frances Westbrook: Aye.

Bonnie Schaschek: Aye.

Jackie Brown responded Aye.

Mayor Bugg: Opposed.

Anthony Marchetti: Aye

Dudley Patteson: Aye.

Mayor Bugg: They are tabled.

THE MOTION TO TABLE THE SECOND SET OF MINUTES IS PASSED 4-2.

3. **Minutes Initially Presented on April 08, 2021 Agenda**
    a. September 10, 2020 Meeting
    b. November 11, 2020 Budget & Finance Committee
    c. December 8, 2020 Joint Public Hearing
    d. December 10, 2020 Joint Public Hearing
    e. March 2, 2021 Budget & Finance Committee
    f. March 9, 2021 Town Council Public Hearing
    g. March 11, 2021 Budget & Finance Committee
    h. March 11, 2021 Town Council Workshop
    i. March 11, 2021 Meeting

Mayor Bugg: Third, would be the minutes presented last Friday would be April 2nd, 9 sets and miscellaneous items in there as Mrs. Westbrook pointed out, there was a motion to remove B, G, and E so it would be all the remaining items on there.

Frances Westbrook: I will say on item 3b which we just took off of there, those are budget and finance committee minutes however the header for those minutes state that the town

council special called meeting to be held as a workshop and in fact it was budget and finance committee minutes.

Mayor Bugg: Okay.

Frances Westbrook: So, it's just a header on that that needs to be dealt with. Sharon I have that for you.

Sharon Phillips: Thank you.

Mayor Bugg: Is there a motion to approve this group.

Frances Westbrook: Oh wait a minute I've got a couple of changes on that one.

Bonnie Schaschek: I think we have to change all of them because administrative staff, Nancyellen Keane law firm is not administrative staff. That should be....

Frances Westbrook: Where do you see that.

Bonnie Schaschek: It's all over.

Frances Westbrook: It just says town council.

Bonnie Schaschek: ...under administrative staff present.

Sharon Phillips: The town attorney has always been listed in the Irvington Town Council minutes as staff.

Frances Westbrook: The staff has been listed on all of these not prior to these.

Sharon Phillips: Absolutely, Wes Charlton was identified in all of Irvington's minutes.

Bonnie Schaschek: Yeah as town attorney, not staff.

Frances Westbrook: It's fine with me to have that listed on there. I don't have a problem with that.

Wayne Nunnally: I'm lost what are we talking about.

Anthony Marchetti: I'd like to know how many minutes we've spent talking about minutes.

Frances Westbrook: Well that's what we are supposed to be doing.

Anthony Marchetti: There's other business we could be doing.

Mayor Bugg: Do we have a motion to approve these.

Bonnie Schaschek: The ordinance says they have to be read out loud at the meeting—read them.

Frances Westbrook: On the March 11th meetings, page 9 down at the bottom, I suspect this is not correct, but if Bonnie makes a comment on here and then Lara Brown's comment is I'm ignoring you. I don't quite think that's what she said.

Sharon Phillips: Actually she did.

Frances Westbrook: She did.

Sharon Phillips: In the minutes, it was a joke. It is verbatim.

Anthony Marchetti: It seems pretty futile but you don't have to go back and try to, I mean, try again, of course you want things are accurate but it seems like a colossal waste of staff's time if every time if you are going to be nitpicking over, it's conversational, I completely get the, it's hard to put it into a 2-D piece a paper and have it make sense.

Bonnie Schaschek: ...they never make sense....

Anthony Marchetti: To Mrs. Westbrook's, it's a conversation, this... -

Frances Westbrook: A summary would take care of the situation.

Anthony Marchetti: To Mrs. Westbrook's point, maybe a summary is the way to go, it would alleviate time from staff and you always have the audio. But if we always have the audio then I don't understand why we can't pass these minutes now because we always have the audio.

Frances Westbrook: Well I have some recommendations to make on the March 11th committee meeting which is the last group, the town council meeting itself, not the workshop. I didn't go back and look at previous minutes but in this particular group, I suspect it's probably the others too, whenever we take a vote, and the mayor calls for votes, he usually says all in favor and then it says opposed. It's opposed period. When you are reading this, the first time I noticed it, it was as though he didn't have a vote and if he did why did he oppose it. It took me several times to see that really he is asking for any opposition, so I would just object that wherever he says opposed that there should be a question mark there so it is a little more.

Mayor Bugg: Yeah.

Frances Westbrook: So, yeah, opposed question mark, as opposed to like I did, he was opposing the vote when he didn't even get a vote to begin with so, that was a little confusing. That's just a suggestion there and then and that happens throughout the document. With that, I think that's it on this one. I mean, let me doublecheck something else.

Dudley Patteson: Are there any other changes that we need to jot down for the regular meeting because this, this could be presented to the clerk and everything should be in advance and the item identified, and the correction should be according to the person that submitted it and we just need to go down the list and that's it and....

Frances Westbrook: We agree with that and we get these on Friday which have been very nice, and then we get to read them over the weekend, printed out, the week of the meeting is very, very busy for her, so I wonder about bringing that correction that week of so, once again.

Wayne Nunnally: The minutes the week after the meeting.

Frances Westbrook: Well we've talked about that before to, but I do think having singed minutes would address so much of this, it would take care of what we are having difficulties with.

Dudley Patteson: When did the change take place from summary to....

Frances Westbrook: I couldn't tell you, it has been.

Bonnie Schaschek: It happened overnight.

Frances Westbrook: All of a sudden it just appeared as being.

Sharon Phillips: May I speak to that as clerk. I do have some knowledge of when the transition from summary to verbatim occurred. Off the top of my head, I can't recall the exact time but I was hired in June of 2017 and I believe that we did summary minutes for about a year and due to confusion regarding motions, and other dialogues we tried summary minutes, we tried a short truncated minutes, we tried many things and council actually voted to use verbatim minutes.

Frances Westbrook: I do not...

Nancyellen Keane: At least twice.

Bonnie Schaschek: I don't think.

Nancyellen Keane: ...2018 and then again in 2019.

Frances Westbrook: I would like to see that, but in the meantime, but regardless, once again I do think summary minutes would take care of a lot of this.

Anthony Marchetti: I's probably in the minutes.

Bonnie Schaschek: The minutes that we don't have.

Mayor Bugg: Alright council what do we want to do with this group of minutes?

Anthony Marchetti: I've read them, I'm comfortable with what's there, minus the one workshop, I was not at.

Bonnie Schaschek: We don't approve the workshops anyway.

Anthony Marchetti: The one Lara spoke about the CUPS.

Mayor Bugg: Yeah. Is there a motion to approve these?

Anthony Marchetti: Motion to approve the third group of minutes minus the b, c and g.

Mayor Bugg: Correct.

Bonnie Schaschek: b, e and g.

Mayor Bugg: Yeah, b, e and g.

Dudley Patteson: I'll second the motion.

Mayor Bugg: Any further discussion? All in favor?

Group: Aye.

Mayor Bugg: All opposed?

Frances Westbrook no.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	abstain

Wayne Nunnally: I abstain. I didn't get them until Tuesday and I will confess that I have not read them. So I cannot vote, I say I abstain.

Nancyellen Keane: I just want, what was your vote Jackie.

Jackie Brown: I, I voted.

Mayor Bugg: In favor.

Mayor Bugg: Okay, that motion passes.

THE MOTION TO PASS THE THIRD SET OF MINUTES IS PASSED 5-1.

Anthony Marchetti: What's our plan for groups 1 and 2, happen and when?

Frances Westbrook: They were tabled until the next meeting.

Anthony Marchetti: Okay, are you comfortable, [talkover], the next meeting.

Sharon Phillips: So again....

Mayor Bugg: So again, confirmation as to when these comments be to the clerk and it's got to be sooner than the week of the meeting.

Sharon Phillips: So, and then Mr. Mayor how is council going, this is only one person's edits, so council is just going to be given the opportunity to revise, again that's where, is it the material? Again, so in the May meeting we will bring all of these minutes forward with one person's proposed changes.

Wayne Nunnally: Unless somebody else has them that would be the correct answer.

Sharon Phillips: I think that you all....

Dudley Patteson: How many are there Bonnie?

Bonnie Schaschek: I know in the first one there is quite a number and a lot of it like I said is you know a man said this, so it's putting in the name of the person, I said something which I know I didn't, I knew Jackie said it and then, it had me saying something which was actually Sharon not me.

Nancyellen Keane: Do you have the most recent version of every one of them because I don't remember seeing anything where a man said, a woman said.

Sharon Phillips: So every now and then I have a male, so if someone speaks, or speaks and I don't know who spoke or I can't decipher who spoke, I'm not going to assign that to someone incorrectly.

Wayne Nunnally: Can we move on to real business.

Dudley Patteson: Do we have a procedure for council submitting changes to the prior minutes, we don't. Mr. Mayor….

Mayor Bugg: Is there a proposal that anyone….

[talkover].

Anthony Marchetti: Once the changes are submitted they need to be verified.

Sharon Phillips: She has them prepared. I think it would be reasonable for them to be dropped off at the town office tomorrow and again, that is going, it is going to be a substantial amount of work and then again, do I make those changes? How would you like for me to bring them back to council?

Frances Westbrook: I imagine it would have to be redlined.

Wayne Nunnally: …has to be done and explained this is, just like you said, I move that the minutes be amended to say this.

Anthony Marchetti: ….do we listen to the audio to verify, if we are going to….

Wayne Nunnally: ….It would be done in an open meeting…

Anthony Marchetti: ….the tapes, so we can….

Frances Westbrook: Well that's the point of trying to get them to Sharon so she can….

Bonnie Schaschek: So is she going to then resend everything out again.

Frances Westbrook: I would imagine that you would approach it using a redline, Sharon is that how you would do it.

Sharon Phillips: You know what, I'm not sure how to handle this.

Bonnie Schaschek: Just approve them. I'm done.

Anthony Marchetti: At this point, at this point if it is material then it should be brought and reviewed.

Mayor Bugg: Do you want to vote again?

Frances Westbrook: We have already taken a vote on it.

Dudley Patteson: Let's vote again. If Bonnie's okay with moving forward then I think we....

Mayor Bugg: Are you okay with moving forward....

Bonnie Schaschek: Do whatever you want.

Mayor Bugg: Yeah, let's vote again. We vote motion to approve group #1 of minutes. Is there a motion?

Anthony Marchetti: So moved.

Dudley Patteson: Second.

Mayor Bugg: All in favor?

Group: Aye.

Mayor Bugg: Opposed.

Group: Aye.

Frances Westbrook: Roll call.

Mayor Bugg: Roll call.

Frances Westbrook, no.
Wayne Nunnally, no.
Anthony Marchetti, yes again.
Jackie Brown, no.
Dudley Patteson, yes.

Frances Westbrook: Do what you want to do.
Bonnie Schaschek: I'm just tired of this to be honest.

Mayor Bugg: I'd love to move forward.

Wayne Nunnally: Stick to your conscience and character.

Bonnie Schaschek: Okay, makes it 3 to 3.

Male: So far.

Frances Westbrook: 3-2.

Bonnie Schaschek: Quite honestly, I'd like to see us move forward, can I give Sharon the changes that I have and they can just be put in the file. They don't significantly change any part of the voting that we did, it is all conversational. Who said what and when type of thing.

Mayor Bugg: Good suggestion.

Bonnie Schaschek: Rather than, unless, I don't know.

Frances Westbrook: So you're saying there is no material?

Bonnie Schaschek: No, it's mostly whether you said it or I said it, or this one said it or that one said it. It doesn't change our voting, it's more about who said what and when. So I mean.

Frances Westbrook: Those are my comments, I have questions on, it's definitely who said what, so.

Nancyellen Keane: Did everyone vote on this.

Sharon Phillips: Bonnie needs to vote.

Dudley Patteson: Bonnie needs to vote.

Bonnie Schaschek: I'm going to say lets move forward, but I am going to give Sharon my changes that I have and if anybody else wants to listen to the recording and make changes, so be it.

Nancyellen Keane: Is that a yes?

Bonnie Schaschek: Yes.

Nancyellen Keane: Okay, I just want to hear it.

Mayor Bugg: That is a tie and my vote is to approve. Hallelujah. Those are approved.

THE MOTION TO APPROVE THE FIRST SET OF MINUTES IS PASSED 4-3.

Mayor Bugg: The same thing for item 2. Is there a motion to approve?

Dudley Patteson: So moved.

Anthony Marchetti: Second.

Mayor Bugg: All in favor.

Group: Aye.

Wayne Nunnally: No.

Mayor Bugg: Opposed? Roll call vote.

Frances Marchetti: Anthony said Aye.

Anthony Marchetti: Aye.
Wayne Nunnally, no.
Jackie Brown: I don't care.

Jackie Brown: What was important to me is that these are legal documents, and they need to be were accurate and they aren't accurate in some respects and I think that the people voting against it were voting in good conscious because it's very important that our documentation is correct and it's been very difficult between mask and you know all this other things that we've gone through that are COVID to get understandable minutes. I'm not faulting Sharon, I'm just saying we need to have minutes that are accurate and that's what I was concerned about, but when it gets to this place where it's just ridiculous, I don't know, maybe it will come back to bite us, when somebody has to go back and you know look at the conversation, I don't know.

Bonnie Schaschek: That's what I was concerned about.

Mayor Bugg: You're a yes.

Jackie Brown: My vote is I don't care. Yes, go ahead.

Frances Westbrook: I think what Jackie is saying, I feel it. I am hung up on the legal document aspect of it but I'll vote with a yes.

Wayne Nunnally: I'll switch my vote to yes.

Mayor Bugg: Dudley?

Dudley Patteson: Yes.

Mayor Bugg: Yes, group #2 approved. Last vote in terms of vote will be the treasurer's reports.

THE MOTION TO APPROVE THE SECOND SET OF MINUTES IS PASSED 6-0.

4. March Treasurer's Reports (4)

Frances Westbrook: I assume you got a new balance sheet because that's....

Nancyellen Keane: Bonnie, did you vote?

Bonnie Schaschek: No. They just skipped me. I happen to agree, but like I said, I will still continue listening to the recordings and if I find anything significant I'll let Sharon know. In the meantime, let's just move on.

Mayor Bugg: Yes, thank you. Mrs. Westbrook, anything about the treasurer's report.

Frances Westbrook: We got a new balance sheet with the corrections on that.

Wayne Nunnally: I wondered why the town office is still being listed since we've sold it.

Frances Westbrook: I'm going to address that a little bit later in the...

Mayor Bugg: Yeah.

Frances Westbrook: Yes, that has been corrected on the balance sheet, but once again, these are filed for informational purposes only we are still going through the audit.

Mayor Bugg: Okay.

Frances Westbrook: I did speak with Charlie, the attorney about that and he felt like that was the best way to handle it for right now so.

Mayor Bugg: Do we need a motion to approve these as well?

Frances Westbrook: We are just filing them as informational.

Mayor Bugg: Alright well we'll move on to the next. The next item on the agenda. Public thank you for your patience.

E. PUBLIC COMMENT

Mayor Bugg: That brings us to public comment so, if you would like to say anything, please raise your hand and state your name and address and you can take the floor. Yes sir.

Ian Cheyne: Where would you like for me to stand?

Mayor Bugg: In the middle, wherever you're comfortable.

Ian Cheyne: Okay, Mr. Mayor, members of council, good evening. Thank you for the opportunity. What I'd like to talk about is the article that was in the Rappahannock Record last week about the short-term rentals and the intentions thereof. So, I've actually given Sharon something in writing, so I'm not going to spend a lot of time other than to you know, my wife and I, we've lived in this town for 30 years and we've only found one other occasion when I thought it was necessary to come and do something, that was when Quarles was going to build a propane tank down by the school which I thought was a pretty alarming thing and fortunately they decided to withdraw from that. My concern here is not so much about the nitty gritty, although I do feel that the comments that Mr. Nunnally made at the last meeting should be given plenty of airtime that we should not have unconstrained development of something like the short-term rentals because it is a radical change in the zoning within the town. We are a small town, there's only a little over 200 residences in this town and I think historically we've had a good balance between business and the community and gradually over the 30 years that we've been here, Irvington has changed and I will say for the most part it has been positive changes and it really has remained a great community, but wildlife habitat here in communities are under attack all over and disappearing and we can probably attribute many of the social problems that we have in society today to the destruction of communities and one of the reasons that we are here, we had no association with Irvington 30 years ago, but discovered this place and found a community that is really quite rare and unique. And so, I think this body has a lot of responsibility on how these short-term rentals are allowed and developed going forward. You just have to go to the Outer Banks and see a community of all short-term rentals. Is that what we want? I don't think so. So, rather than moving to a totally business community, maintaining the balance of a people community and business community is a critical thing and I hope that you will plus the planning commission will think carefully about how this is achieved. Now there is a handout here that my wife and I put together with a list of concerns and, they are the usual things that one would expect. I think what we feel the most important thing is the preservation of this really, really very unique and special community and I have to say the discussion that we just sat through, reinforced my confidence that you will do the right thing to maintain an effective community in Irvington. Thank you so much.

Mayor Bugg: Thank you. Anyone else from the public. Yes.

Julie Harris: Julie Harris, King Carter Drive. As president of the Village Improvement Association, I would like to make an additional request after item #6 on the agenda in regards to the VIA.

Sharon Phillips: So you are just going to preface it.

Julie Harris: I can do that. Well in the VIA we have a welcome committee that we put together a welcome bag with coupons in it, different items for the newcomers and one of the things that we've been including in this bag are the books about Irvington, the orange books that are in the town office and the VIA would like to propose to buy those books so

that we can continue to put them in the new resident's bags so we would like to make an offer. We have a meeting in April and so I would like to get a number and then come back to you to make an offer to buy those books.

Frances Westbrook: So we will be talking about this under new business is that correct?

Julie Harris: We will be talking about another proposal from the VIA, this proposal did not get on the agenda so I'd like to find out if that would be acceptable that we would offer to buy those books.

Wayne Nunnally: Do we sell them now?

Frances Westbrook: Yeah.

Wayne Nunnally: How much do we get for them.

Frances Westbrook: It used to be $7.00.

Wayne Nunnally: Are you asking for a price?

Mayor Bugg: Discuss this?

Julie Harris: We were considering to buy them all, we were thinking maybe $5.00 a book, but…

Bonnie Schaschek: How many are in the office?

Julie Harris: 40, 50.

Sharon Phillips: So again, you were just going to introduce it now and allow council to discuss it when they are talking about the other VIA things on the agenda.

Mayor Bugg: Excellent. Thank you. Mrs. Harris. Anyone else from the public? Yes Cay.

Cay Bradley: Sharon, there's one of these for you and Nancyellen, Dudley if you could pass those around the table there, there's one for you in that pile. As the queen of FOIA for the Town of Irvington, I've made copies for you as well. So those of that don't know me, I'm Mary Cary Bradely, King Carter Drive, I am going to try very hard to stick to the bold statements. I apologize for the length of my comments, but they are all sort of connected, so I needed to do them together. So, first of all council, thank you for hearing my comment last month regarding helping council and residents be ready to discuss items on the agenda by not adding to the agenda. So, thank you for that and I hope that behavior will continue. Regarding minutes, I'm glad y'all finally decided to pass minutes. I have been in the position of doing summary minutes and also doing verbatim minutes and I will tell you right now that if you type fast enough verbatim minutes are less effort than a summary and they are also less up for debate with whomever you are submitting them to. So, I don't know what y'all are going to do. I understand the volume because I get them all because remember I'm the queen of FOIA, but I do have caution and concern about summary minutes based on my own experience of preparing them. Alright, FOIA. I use

FOIA to ensure I'm informed of what's going on in Irvington and matters the council is considering, however recent actions lead me to be more concerned about the degree to which the council is acting in a transparent manner. One of my FOIA request is related specifically to the survey effort that was discussed at the March 2021 town council meeting, all materials discussed at the March meeting were shared in a manner that precluded the public from being aware of what was being discussed. First, a council member sent an email from a personal email to all other council members and the mayor at their personal email addresses. Based on my attendance at most meetings where FOIA has been discussed this is not the best practice. Second, even though the email included a publicly available document that included the results from a survey conducted by a town in Massachusetts. The subject line of the email was "Material for Tonight's Closed Session on Town Survey and Proposal, please do not share". I do not know the points that were made with the report that was available with the URL as that happened in closed session. I did not see anything suggesting that the report that was shared was completed by the company Quantisoft from whom council appropriated funds. I understand there is now a debate about whether or not y'all appropriated funds following the March closed session. Regarding the survey, following the March meeting I emailed Councilwoman Brown at both her town and personal email addresses as she had indicated it would be best to communicate with her through her personal email address. I would have preferred just to use her town email address, but I respected the fact that she regularly checks her personal email and not her town email and I wanted to be sure she saw my offer. I cc'd Councilwoman Westbrook on this email. That email which is attached, I shared that I have experience developing, administering and analyzing and reporting on surveys, as a matter of fact, that's what I do for a living. I offered to help and indicated some content that from my professional opinion should be included in any contract to conduct a survey. As part of my FOIA request thank you Mr. Marchetti for responding to the FOIA request I was able to get the contract document and the information on survey participants in particular seems insufficient. It simply says the survey will be distributed to approximately 400 to 500 Town of Irvington residents. It's not clear to whom surveys will be distributed. Based on my experience with the Common's survey I am assuming the land book will be used, however I do not believe that is updated until the fall so there is really no rush to do the survey now to get to new people since by definition they won't be in the land book that you are using. Collecting data both in paper and online format is great, but we, we the town should get the electronic data at the end of the day and when are they going to remove that data from their server because it will be stored on their server. Duties are assigned to the Town of Irvington but there was no discussion in open session or documented following closed session of who will complete those duties. I believe these are not light duties. They include how things are prepared in the mailings, 400 to 500 survey residents, there is a discussion about who is going to enter the paper copies. I'd like to share with you that for the Common's survey nearly 80% of responses were paper. So you're not talking about a few surveys that need to be entered. There is also no indication to what I refer to as a technical report which is clearly defined to whom surveys were sent, the number returned and in what format, and whether data was cleaned in any way and how results were tabulated and presented. At this point personally and professionally I would be skeptical

of anything that may come from the survey. To be clear, I support a survey but a survey done well and in a transparent manner. My final topic is related to the budget, the council returned from closed session in March and Councilwoman Brown made the following motion "I move that we put $6,500 in the budget to accept the contract with Quantisoft", which she then amended and for the mayor to review the contract, I mean for the lawyer, sorry not the mayor. However, there is no money in the current budget to support this activity. In the November 11th budget and finance committee meeting it appears Councilwoman Westbrook stated there was no money for the survey in the fiscal year 2020 budget and that Councilwoman Brown would need to bring information to the fiscal year 2021 budget planning process to ensure it was captured. That does not appear the way we are addressing the survey request. The contract is for $5,400 but the appropriation was $6,500. Previously when discussing contracts in open session council has indicated that they would prefer to see more than one bid before approving a contract, yet to my knowledge only one was presented. Council has discussed contracts in open session, yet this one was discussed in closed session. To be able to spend $6,500 for this contract we would need to first find the money and amend our fiscal year 2020 budget to allow it to be spent. Why would we start a budget amendment process when the new budget is being developed and why would we amend a budget with 3 months left. I haven't done the calculations but I'm not even sure we can get it approved before the budget year ended. Thank you for your time.

Mayor Bugg: Thank you Ms. Bradley. Anyone else from the public. Yes.

Sharon Phillips: On benefit, June and Snowy McGeorge, they asked if this could be read in their absence. Mayor Bugg and Council Members. In regards to short-term rentals at the March 11th, 2021 town council meeting there were numerous comments complaining about the proposed ordinance. It was too restrictive, too nitpicky, the town doesn't want tourism to help businesses. Well, here is the view from the other side of the fence. The residents born here and ones who have been here for years have worked hard for their homes and way of life knowing their neighbors, enjoying what the town offers, supporting The Tides Inn and local businesses. There were no taxes and businesses survived on their own. We personally don't want new neighbors every week or have a business next door to us in a zoned residential area. We already have strangers walking dogs and exercising in Vineyard Meadows behind our home. They walk through our yard, down our private lane, speed through town, ride bikes on the road with no regard to their surroundings. We never used to lock our doors but now we do. Our secure way of life is compromised. We do not want our town to turn into Nags Head or Nantucket. In regards to needing tourism to survive. We have owned a business in Irvington for 30 years. We have never advertised or asked the town to donate to a website to advertise for us. We have not asked the town to help in getting grant money. We promote by word of mouth and having loyal customers. We never complained or asked the town to take on the burden of doing our job and using taxpayer money to promote a private business. We think that the proposed short-term rental ordinance is appropriate with one exception. The primary guest should be at least 21 instead of 18. You have to be 25 to even rent a car so you would think you would want a more mature person in charge. We also feel the restrictions and guidelines outlined in the

ordinance are necessary. We have the same restrictions and guidelines for our marina tenants. We also have a conditional use permit. Short-term rentals are a business and should fall under the same restrictions that we have to follow. There have been problems with some of the short-term renters in the past disturbing neighbors with partying and noise. Why was this not brought up and discussed at the last town meeting. The town residents need to be aware of these issues. Snowy and June McGeorge. Thank you sir.

Mayor Bugg: Thank you Madam Clerk. Anyone else from the public. Yes sir.

Barry Robinson: Barry Robinson and I am resident of 137 York Road and you know with all due respect, you know, I sit here and listen to all these comments and I'm just not, I wasn't prepared to say anything tonight but I am dismayed. From my perspective looking at it this plan the town completely dysfunctional and while I certainly respect the people who have lived here for a long time and value the way of life, it just seems to me that what you're saying is that you value your way of life that you don't want any outsiders in and look at the news, what this country is about is the complete opposite of that. I don't understand why this community doesn't welcome guests. These guests spend money at the restaurants, they are paying taxes, I briefly looked at the budget. There is more and more money coming into this town with absolutely no plans for it. It just seems to me, you ask why I think it is dysfunctional is because I see no plan on what this money is going to be used for other than build a town office which I don't understand why you even need one and we love to take tax money in from short-term rentals or The Hope & Glory or The Tides Inn but we don't want any strangers. I, it just completely does not make any sense to me. I mean The Tides Inn has been here for decades and somehow or another people are concerned about short-term renters, think of the people that use the bikes that are offered to them free of charge at The Tides Inn, both ride through your neighborhoods, in front of your houses, this is a public street, you know, my question is that are we trying to run an HOA here, because if so there is Ford's Colony and Kings Mill and the Governor's Land and all kinds of other communities that some people may be happier with. These are public roads; people buy real estate here and by all rights they can do what they want with their real estate. With existing ordinances is perfectly allowed. Again, I say what I said last time. What problem are we trying to solve? What are we going to do with all the tax dollars? Why is The Town of Irvington website have and promote short-term rentals, why? So you don't think when people invest in this community and which by the way drives up your property values, that I'm assuming people care about, maybe not, maybe we are all, maybe we will be completely happy when we die, you know the courts or our kids take these houses and they wholesale them, people aren't going to want to live here. This body I challenge to try to look at the right thing and what's happening. I'm not aware of any issues with these short-term renters other than one incidence and I've talked to a lot of people and my question is, why didn't you just walk over and ask them to be quiet? I hear my neighbor who is over half mile away playing his stereo, do I have a problem with that, am I going to come in here and sit and say I want an ordinance not to play a steroid loud. Come on. These people are coming into this town are young families who want to be here and spend money and for us to judge them, I just, I, I, I don't understand what we're worried about. What are we worried about? Again, I, you know, I seriously question, well, I'm

not gonna say it, I don't understand what The Town of Irvington's function is other than zoning. I challenge us to be more transparent and if a big action like this is taken on this ordinance, which by the way I hear was just kind of put on the table, you know there needs to be a vote and let the people who live here, the taxpayers make the decision. Thank you.

Mayor Bugg: Thank you. Yes ma'am.

Juanita Pagano: Hi. I'm a new resident to Irvington, not fully there yet and we are in love with this town.

Mayor Bugg: What's your name and address?

Juanita Pagano: Juanita Pagano, Vineyard Grove Association and I just wanted, to second the gentleman, I wasn't planning to talk but he is so correct. I used to do Air B&B when I lived in New York just because I wanted to complement you know my earnings and to be able to pay rent, and I have to tell you, I have such experience and guest short-rental guests, you know they are actually even better behaving people than many residents because they respect the place. They know this is home. You know somebody else's home and they oooo and owwww and they keep on talking about how you know lovely, what lovely restaurants they visited, what lovely parks they visited and honestly for Irvington I think short-rental is not a problem. If you look at for example Air B&B app, and see how many of those dots are there, how many people rent out their homes, not enough to be scared of, not enough at all, and I have to tell you, these people they will be talking about how lovely The Local is, how beautiful Tides Inn, what they have local drinks, the shopping at Dandelion, there are things these people come, they put us on the map but in a good way. The good tourism actually brings a lot to town. It doesn't ruin it and in my more than 10 years' experience of Air B&B I would say that there is nothing to worry about. You know, I use to back those, you know Air B&B hosts, I used to vet people, I don't want someone like you know come to my house and possibly ruin it, the host, it's their house and they vet who visits and these people are usually truly nice. So, I don't know, I truly would like you to think about this, we do not want to be a town that turns away you know or some separate planet somewhere else. We are part of all this and I think that letting people know about us nothing bad. We will flourish, town will flourish I think. Thank you.

Mayor Bugg: Thank you. Yes ma'am.

Kristen Cheyne: I've been vaccinated, can I take my mask off.

Mayor Bugg: Yes ma'am.

Kristen Cheyne: I don't have a very big voice. Kristen Cheyne, Hayden Hall Road. I've been here 30 years as my husband said and just to answer the gentleman, we welcome people to Irvington, we're glad to see the guests at The Tides, etc. I think what we're saying is Air B&B's are opening and they're not regulated at all, they are businesses. Every other business in town has to have a permit. So, Air B&B is a mini hotel, it should have a permit. Also, in the unlikely event I do agree with you, my problem is the town needs some mechanism that if there is a nuisance that they can deal with it. If they have a permit

and there becomes a nuisance, they can review a permit. Also since they are residential areas, I'm not going through all this, I think if the property changes hands you should not grandfather a business permit, it's a residence and because there are residential areas, we welcome them as part of our world, but we have to think of balance. I think the residential area should be primarily residential and we welcome our Air B&B they have to be balanced for the community, so I think everybody is in this together, we understand people want to do businesses and that's fine and tax to the town but they have just been opening, go online and open a business. No business in Irvington can do that and especially since going into an area of town that really isn't zoned for business. We have to have some ordinance so that's my idea, and we welcome people to Irvington.

Juanita Pagano: Sorry, I missed that meeting. What happened? What was the problem?

Mayor Bugg: We can have our discussion about that but I just want to move the meeting along. No problem at all.

Barry Robinson: Thank you, with all due respect, town council members, I do appreciate everybody's service. I mean you guys spend hours and hours and you want the best for the town. I understand that completely. I respect your time but the town is changing, okay, and while I understand okay it's a business, you're right, but they are also paying taxes but as a residential business. In Europe people allow people into their homes all the time and are doing this kind of thing. I can argue the point and trust me I love The Tides Inn, but there is more risk of people coming to The Tides Inn than there are people staying in these houses. They are families staying in these houses who want to come down here and be with their family. You can't do that at a hotel. What you going to do pile in there and sit on a king size bed and say hello. They want a house to have family time. That's what, what VRBO's are for, families. People don't stay in these houses if they are going to come here for one or two days with two people, they are going to go to The Tides Inn. So, while I have no problem with registering, I question the whole CUP process because again I don't have any confidence that this body can objectively govern that. First of all, you're right, there's only 200 people here, there's too much power so if that means you'll approve them if it against their property because you don't like this guy, but if it's next to y'all's houses you'll approve it. I mean come on, how can you objectively do this. You can't. So, I'm open for ideas if somebody has something other than a CUP process, please we have paid employees that you're paying 15 hours a week and you expect them to manage all this stuff. I mean let's not be like the US government and create more work than we can't even accomplish. We can't even get minutes approved. So, again, all due respect, I think and I would be more than willing to help draft or input into something, whatever is proposed was way too restrictive and overreaching. So, I challenge let's stop talking about it and being upset about it and worried about it and locking our doors, and come up with something that makes sense. A register.

Mayor Bugg: Thank you. Thank you public and I wish I could wait but I do have some comments about the short-term rentals and a few other items but bear with me I will get through my mayor's report as efficiently as possible.

F. MAYOR'S REPORT

Mayor Bugg: The first item on my mayor's report is the Town of Irvington versus James Campbell, that is a case currently in the circuit court of Lancaster County. An order was entered on March 29th, 2019 for the special commissioner to pay over to the Clerk of Lancaster Circuit Court $16,505.31. These were funds with an interest to five parties to a prior partition sued from around 2009 involving the North Commons property. The town interest in this money is only $181.13. If the funds are not claimed they will go to the state. I have asked the town attorney to claim back the town's portion. Just wanted to bring all of you up to speed on that. I just got notice from the clerk on this.

Wayne Nunnally: Can you claim it all? Can you claim it all?

Mayor Bugg: I would like to, but we'll get our portion at least. It was a partition sued back in 2009 involving the North Commons, I don't have all the background on that.

Wayne Nunnally: It is a piece of property, heirs are involved.

Mayor Bugg: Exactly.

Wayne Nunnally: Heirs never showed up.

Frances Westbrook: The North Commons, not the Commons.

Mayor Bugg: We'll get that taken care of. I do have some comments about use of the tennis court. I am going to move that just to round table so I can move along with my mayor's report and get to the topic that is so important to everyone in this room. That would be the draft short-term rentals ordinance. I promised at the last meeting to discuss this with the staff and get back to you with comments. I know this is on the agenda later in the meeting and the public has just spoken about it, but I want to make sure that this input is given now. The draft ordinance is a combination of legislation seen in a number of Virginia's larger jurisdictions like Richmond and Blacksburg. It covers the registry, zoning and taxes all in one document. This would likely have to be separated into more than one ordinance if ever adopted. At the last meeting we heard comments from the public and tonight questioning the need for this and asking what problem is it that the town is trying to solve. We need to define all of this before acting. If these concepts are all adopted the language should be made consistent with the transient occupancy tax sections of the code as this draft ordinance conflicts with the terms of tax rate as well as definition of a transient. There are some other legal issues with the draft ordinance. Grandfathering would need to be defined. It is possible that the grandfathered STR's could exceed the cap of 5%. Having a cap limits the registry as well as the revenue. What is the purpose of this draft ordinance? Is it to discourage STR's or to collect revenue for the town? Those were issues that the public just questioned as well. Enforcement is important to consider. The penalties and violations would need to be clear in order that we have the ability to enforce

them without litigation. Interpretation, administration and enforcement will naturally involve the time of the clerk, the zoning administrator and the town attorney. Therefore, I ask the council when discussing this draft ordinance please consider the following questions. First, the purpose, again, what is the purpose of this legislation. Second, a needs assessment. What additional time will be required for the clerk, the zoning administrator and town attorney to administer the registry and enforce the zoning requirements and taxes. Third, how would this be enforced. We do not currently enforce the transient occupancy tax or the recently passed golf cart regulation so how is this any different. We just decided to reduce requiring CUPS for pools and docks and now it is suggested to add a new CUP for STR's. Council please ask yourselves why? Fourth, transients pay the tax and the property owners are remitters. So will the transients who visit hotels be included or excluded from this ordinance. What about the definition of a transient? What about the tax. Next will the zoning requirements apply to all transients as defined by the code? Current revenues from STR's not including hotels is under $5,000. This means there is not a lot of revenue attributable to these STR's that can be used to pay for additional services to administer and enforce the law. Most people agree we should start with a simple registry. Doing this will allow us to identify registrants, create a registry with annual fee, it will enable more consistent collection of taxes. Thank you and council I ask that you take all that into consideration when discussing this. Mr. Nunnally again you got the ball rolling and it is certainly rolling, so there is my thoughts and comments concerning what I received from staff and we will certainly work through all of this.

Frances Westbrook: Would you consider sharing those points and stuff with each of us, maybe send out, I know they were....

Mayor Bugg: I can do that, were six or seven in there so.

Frances Westbrook: That's be great, very helpful.

Mayor Bugg: Absolutely.

Bonnie Schaschek: Don't we already have a register for....

Frances Westbrook: No, that's the first step of doing anything you have to have a registry first.

Wayne Nunnally: I thought we were getting fees.
Bonnie Schaschek: I thought we were getting fees for it and I thought the town..

Frances Westbrook: We have occupancy tax, that's in the ordinance, but we don't have a registry.

Mayor Bugg: We don't have a registry.

Frances Westbrook: The owners don't have to register with the town.

Bonnie Schaschek: Oh, so it's just voluntary.

Frances Westbrook: Yeah and we have no way of identifying because they are not required to come forward and let us know.

Mayor Bugg: Thank you. I'd be happy to get that out to you council. Next item I'd like to speak about would be elections. As many of you may have read, in Whitestone today in the Rappahannock Record the General Assembly passed legislation moving town elections to November beginning with elections after January 1st, 2022. That would move me into the next item that I would like to speak about which would be the mayor position. I informed everyone that I intend to resign from my position as mayor in the near future. I will let you know that date with more certainty by our next meeting. In the meantime, I asked the town attorney to advise about the process concerning the vacancy and the position of mayor and what the town's obligations and deadlines are. Any qualified town voters who are interested in serving as mayor should write a letter of interest, attach a resume, and send both documents to the town clerk for circulation to council and thank you for that and being here for my report and with that item, I will turn it over to the town attorney for her report.

G. REPORT FROM THE TOWN ATTORNEY

Nancyellen Keane: The mayor asked me to review, do some research on the process when there's a vacancy in the mayor's position, so I did do that and when a vacancy occurs in the office of mayor the town council makes an interim appointment and has 45 days to do so from the date of the vacancy. If the council fails to make an interim appointment, then the court can make an interim appointment. Simultaneously or on parallel path with that once a vacancy occurs the town has to file papers with the circuit court seeking a special election to fill that position. That is why the mayor asked me to speak about this tonight because there's very little time in the time the vacancy occurs to when those papers have to be filed with the court. It's 15 days. I have drafted a....

Wayne Nunnally: Nancy, we have 45 days to make an appointment, is that when the 15 days start?

Nancyellen Keane: 15 days start on the date of the vacancy and the 45 days also starts from the date of the vacancy. You can appoint an interim mayor, but you have 45 days from the date of the vacancy to do that but there is an absolute deadline for the town to file petition papers with the circuit court before the special election within 15 days after the vacancy. So, I have drafted this which lays out, it's a resolution, a draft resolution.

Dudley Patteson: Want me to pass them out?

Nancyellen Keane: Sure. That would be great. Well anyway this lays out the code sections and so forth. Upon the resignation the council should make an interim appointment

pursuant to this code section within 45 days of the office becoming vacant and it goes on to say the state law also allows the court to make the interim appointment for the vacancy if the council fails to timely make this interim appointment and then it says also that the state will require the governing body to file a petition with the circuit court for writ of election within 15 days after the vacancy arises.

What this resolution would authorize is the town attorney to file the petition no more than 15 days after the vacancy occurs, that's basically what this is for. There is also a second paragraph under the resolution part on the bottom half of the page that talks about in the event there is a second vacancy which occurs by virtue of an interim appointment of a council member to the position of mayor then there would obviously be a vacancy in the council seat and there would have to be a second petition filed with the court within 15 days of that. So, this was drafted to give you all the background information of what the deadlines are and to let you know that the authorization to do this needs to be made before the vacancy occurs or else you are in a situation where you would have to call, it would be very short, it would be very tight to do it.

Frances Westbrook: The clock ticks.

Nancyellen Keane: Yeah, you can't, you have to meet and you have to call the meeting and you have to have two meetings to pass a resolution so usually this is done in advance. It is sort of.

Wayne Nunnally: The vice mayor is just not promoted.

Nancyellen Keane: No. The vice mayor would act, let's say you don't appoint an interim, make an interim appointment until like the 20th day, okay, the vice mayor would act in the capacity of mayor and do the things the mayor has to do if there are any in that period of time.

Frances Westbrook: But I believe also in that period of time I'm still a town council member so I retain my voting capacity.

Nancyellen Keane: Correct, there's no difference, you would keep your vote, yes.

Frances Westbrook: Right.

Nancyellen Keane: So, this is being circulated for questions, comments, but whatever going forward from this, this needs to be read twice and adopted in order to authorize me to file the papers when they are necessary and it has to be done before the vacancy occurs so that we don't have to have two meetings after, you know what I'm saying.

Frances Westbrook: You'd like us to go ahead and jump on this aspect it because it needs to be waiting in the wings....

Nancyellen Keane: Yes, it needs to be waiting in the wings. It spells out what the substance of it is so.

Wayne Nunnally: So is this the first reading?

Nancyellen Keane: If you want it to be it can be, but I was only asked to do this like yesterday so that's why you didn't get it before the meeting, so.

Frances Westbrook: Rather than it being the first reading, my preference would be that we've just gotten this and may generate a few questions you know the next couple of days.

Nancyellen Keane: You can make changes at a second reading if they are not material, so it's up to you, you do whatever…

Wayne Nunnally: Why don't we do make it the first reading now and make changes at the second reading.

Nancyellen Keane: You can.

Wayne Nunnally: So, I move that this be the first reading.

Dudley Patteson: Second.

Nancyellen Keane: And I think the resolution number maybe Lara you're aware or Sharon is it 9.

Sharon Phillips: No excuse me that's ordinance.

Nancyellen Keane: I think it's a 9.

Frances Westbrook: If it isn't we'll just have to start all over.

Jackie Brown: What's the November 2 date.

Nancyellen Keane: Let me explain, there are, there's a lot of detail that you have to read through to sort of sift it out. A special election will be called by the court to fill the position that's vacant. A special election can be called at certain times during the year. It can be on the same date as a general election. That is in the statute. It can also be called at another time but it cannot be called 55 days before a general election or 55 days after a general election. So based on the fact that we don't know when the mayor is going to resign yet, the safest pick probably is the general election date, it doesn't cause any more effort for the board of elections, they are already having elections, the judge's like to pick the general election date, you know, it is an easy, it is an easy pick and it's probably timely for what

we're talking about. When you back up from the general election date there's 90 days required before the general election and if this election were to be held on November 2nd as a general election is also the candidates would have to apply and they would have to file their papers by I believe August 4th so you're backing it up here and I believe in order, I don't know when the mayor is going to resign but the judge then has to review it and he may or may not have a hearing on it and probably will not have a hearing, most likely not, but I don't know and I'm just saying the time of it seems like the November 2nd would be the most reasonable. You can't have it 55 days before that and it would have to be earlier than September something and then you have to back up 90 days before that almost bumping into when the candidates would have to sign up if it was going to be a September election.

Wayne Nunnally: Call the qeustion.

Bonnie Schaschek: Are they going to have to apply with the Board of Elections or…

Nancyellen Keane: Yes. It will be just like the other election, they would have special forms, special ballots and so forth for a special election and listed as a special election even though if the judge agrees it would be on November 2nd, the general election date.

Bonnie Schaschek: So being that it is a general election date how are you going to segregate the Irvington residents from the general population that also votes here.

Nancyellen Keane: I don't know how they'll do that, but that is the new, that is the new normal starting next year anyway. This is, in fact the judge will say this is fine, the General Assembly just changed the law okay and the General Assembly is making all town elections now be in November so depending on whether they are even or odd years every jurisdiction and state will either have their election with the presidential election or it will be with the governor. It will be even or add so we have to deal with that issue and we will whether it's this November and it will be the following.

Frances Westbrook: Bonnie as far as them knowing, you know when you come in you give them your name and they know if you're voting….

Bonnie Schaschek: So are they going to have separate ballots, I mean…

Frances Westbrook: ….in addition to either the federal, state level or the district leve.

Bonnie Schaschek: That's gonna be an issue.

Frances Westbrook: It would have to be a separate ballot if it is just Irvington.

Wayne Nunnally: Call the question.

Mayor Bugg: Alright Mr. Nunnally.

Bonnie Schaschek: You are going to have and change our charter too….

Nancyellen Keane: Eventually.

Bonnie Schaschek: Yeah we do, because the election is changing, people are going to take office at a different time.

Frances Westbrook: Yeah, well we have known that we have to change that for a while we just haven't done it.

Nancyellen Keane: You did it a year ago.

Bonnie Schaschek: We just did it to…

Nancyellen Keane: We did it to make it right a year ago. I don't think you have to vote on anything tonight Wayne, you said call the question, you wanted this to be the first reading and the clerk can call Resolution 2021-09 and do you want to read the first paragraph and that….

Sharon Phillips: Resolution 2021 09, whereas the Honorable Albert D. Bugg, III was elected Mayor of the Town of Irvington in May of 2020 for a term of July 1, 2020 through June 30, 2024, which term was recently extended by an act of the General Assembly to December 30, 2024 and whereas Mr. Bugg has advised he intends to resign the Office of Mayor in the near future and whereas upon resignation the council will make an interim appointment pursuant to Virginia Code 24.2-228B within 45 days of the office becoming vacant under Virginia Code 2., excuse me, 24.2-228A and whereas state law also allows the court to make interim appointment to fill the vacancy if the council fails to make a timely interim appointment.

Nancyellen Keane: That identifies the resolution.

Mayor Bugg: Thank you.

Nancyellen Keane: The only other thing I had was the contract review for the Quantisoft, which I spoke with the Mayor about this afternoon. I looked at the contract and I don't have a whole lot of comments. I do have a couple, the question is do you want me to just put them in a….

Wayne Nunnally: I never knew that we even had considered the contract.

Bonnie Schaschek: We didn't.

Wayne Nunnally: Huh, we didn't.

Nancyellen Keane: The motion authorized me to review it.

Bonnie Shaschek: That was what the motion was.

Frances Westbrook: …we wanted you to take a look at it and see what you thought in general.

Nancyellen Keane: Right and I have some comments but I guess I can, it sounds like you want me to hold my comments.

Wayne Nunnally: Ian Cheyne

Mayor Bugg: Yeah, hold them. Okay. Is that it. Thank you.

H. REPORT FROM THE ZONING ADMINISTRATOR

Mayor Bugg: Next up would be the report from the zoning administrator, Mrs. Brown.

Lara Brown: Okay thank you. We had four zoning permits issued, well, we had two issued and we had two after the fact that are pending, Jackie Brown picked up on that earlier, why are we having zoning permits on the docket when they haven't been approved yet. There after the fact they are two signed permits that we will discuss later, a personal homeowner and a business owner apologized profusely for not aware of the sign permit that was made, very rapidly got it in after they were notified, anyway we'll get to that later on. There was one conditional use permit application submitted. We will also address that under new business and as you know there were the five conditional use permits approved at the last meeting. Under the proposed ordinance update we will also be addressing that under a first reading tonight regarding the piers and swimming pools inside the RPA, the CUP requirement and give you an update on that notice of renovation that was in regards to the property owner over here across from Chesapeake Academy that had the abandoned trailers and tool sheds and what not, this was a long complicated case because it was in an estate and we had to get so many estimates, the estate had to review estimates, anyway, Magic Tree Service is now under contract effective two weeks ago. The only problem now is that Magic Tree is backed up about 3 months, so there is a contract, they are onboard and I did speak to Magic Tree and they are going to get to it as soon as possible as they can, so those trailers will be removed shortly. North Commons update, you have a soil report that was provided to you, just FYI to give you an idea of what Bay Design Group, what they were thinking in regards to the location, and as I told you at the last meeting unfortunately the soils over there just do not allow for traditional septic so if the town moved forward with a possible building structure over there an engineered septic would have to be looked at which is of course more costly, more expensive, and then I know it's a long night but I would like maybe under round table or something get your advice on how you would like to proceed with Bay Design Group, we are paid up to date for services that they have completed so far, or what have you we can discuss how to move forward with Bay Design Group so that we can give them some guidance. Any questions?

Mayor Bugg: Thank you.

I. REPORT FROM THE BUDGET & FINANCE COMMITTEE

Mayor Bugg: Next up would be the report from the budget and finance committee.

Frances Westbrook: Alright, budget and finance committee has been on hold a little bit, I sort of had a minor accident and recovering nice, I want to thank the mayor very much for the flowers, he sent them on behalf of town council, that meant a lot to me thank you. I do want to thank Anthony too for being willing to step up and try and help the committee meetings carry on and also to Nancyellen for having to redo the schedule. So having said that, we will address in other new business the CUP schedule, not CUP schedule the new

budget and finance schedule carrying forward. The other thing I wanted to address is the transfer, there should be a transfer to occur from the Lokey CD to our general operating fund that paid for the library donation that we have recently done so the mayor and I are going to take care of that here in the very near future, also to report that the real estate proceeds have been received. They are being held at the town office until this body determines how we want to deposit those funds, what kind of instrument perhaps. I know we talked about it at a previous meeting, but I'm not clear that we had a concrete decision on how we want to deposit those funds.

Nancyellen Keane: I only recall that it was Chesapeake Bank account.

Bonnie Schaschek: It was a 7 month CD.

Sharon Phillips: A motion was made.

Frances Westbrook: Excellent so we'll take care of that. That is, that's it. There is one question though that I have, actually it goes back to, it concerns the fire grant. Did we make that payment to White Stone? Okay. When is that typically done.

Sharon Phillips: The income is generally received in June and it goes out in June.

Frances Westbrook: So that has not happened yet.

Sharon Phillips: You will see in the check detail that it has not been released. It was requested early and your interim treasurer is going to delete that check until....

Frances Westbrook: Excellent, okay that's going to be my next, we haven't received the grant funds yet is that correct?

Sharon Phillips: Grant funds come in in June.

Mayor Bugg: Great.

Frances Westbrook: That's my report.

Mayor Bugg: Thank you.

J. REPORT FROM THE FACILITIES, STREETS & SIDEWALKS COMMITTEE

Mayor Bugg: Wayne you have facilities, sidewalks and...

Wayne Nunnally: I'll save mine until next month.

Mayor Bugg: Alrighty.

K. REPORT FROM THE HR COMMITTEE

Mayor Bugg: Report from the HR committee anything.

Dudley Patteson: Just that the recommendation be made or suggested at the last meeting, I am suggesting that we wait until the investigation is over and I would like to meet with budget and finance to include that in the budget for next year which is the appropriate time to do it anyway.

Frances Westbrook: Yes.

Mayor Bugg: Great.

L. OLD BUSINESS

Mayor Bugg: That would move us to old business. Major topic again, short-term rentals. Ms. Westbrook I think you already headed down the path of…

1. Discussion of short term rentals – *F. Westbrook*

Frances Westbrook: I think so. So what we want to talk about here is getting the registry in place. That is the first step of action that we would need to take so that we know who is in town and operating short-term rentals and the registry even though we have the occupancy tax in place we don't necessarily know who is here and operating short-term rentals, so we need to get that going and in order to make that happen I think we should consider appointing Nancyellen to look at the registry language and to propose a registry ordinance for us.

Nancyellen: That's if you all vote to do a registry.

Frances Westbrook: That's if we vote to do a registry. We want to look at the wording you know before we actually take the official vote on the ordinance itself. You want to look at your language, but we need to ask her to draft….

Bonnie Schaschek: Didn't Lancaster County just create a registry.

Frances Westbrook: They did.

Bonnie Schaschek: So why don't we take a look at what they have.

Frances Westbrook: We can.

Frances Westbrook: Can't we just adopt theirs.

Frances Westbrook: I think we need to see it, it's just a matter of language.

Mayor Bugg: So you want to propose a motion that the town attorney look at that.

Frances Westbrook: I'll make the motion.

Mayor Bugg: Alright, so say it.

Wayne Nunnally: What are we doing, that is what I want to know.

Frances Westbrook: Have Nancyellen come up with a language whether she looks at the county's or we look at Richmond, whatever it will take, the verbiage of the state code anyway.

Nancyellen Keane: State statute.

Mayor Bugg: Registry, so yeah.

Frances Westbrook: Just a registry.

Anthony Marchetti: So we are voting on getting a draft so we can review.

Wayne Nunnally: To approve it at the next meeting.

Mayor Bugg: Discuss it, yeah.

Nancyellen Keane: Decide if you like it or, the language.

Anthony Marchetti: You are going to do the work and produce something for us to then review and the public, the people to review.

Wayne Nunnally: Yeah.

Lara Brown: Will the registry then kick off the transient tax, the two would be joined, the transient tax and the registry.

Bonnie Schaschek: We already have a transient tax.

Lara Brown: Would we then have something that's enforceable.

Nancyellen Keane: All a registry is going to do is give you the ability to know who the short-term rentals are as its defined are in the town you don't have the ability to know who the people voluntarily come through the door and give you money or to see them advertising it or something like that, you can ask them for it. There is already a transient occupancy tax Lara so as it is defined in that code section it applies to any transient which includes the short-term rentals that we have and it includes The Hope & Glory and The Tides Inn, the people who stay there. The difference is this particular document talks about transients in a different, it's a different definition for it than the document we had, that exists in our current code for transient occupancy tax.

Frances Westbrook: This would be in addition to the transient tax.

Wayne Nunnally: I swore I was not going to say a word about short term rental but I think there is a few things that need to be said. This is a wonderful welcoming town and we welcome people who come. The purpose of my ordinance was to get this discussion going. I never in any way thought that it would pass but it started the discussion so I feel like I did my job, with that I'd like to express just my opinion. I think the problem may be is people

coming in my house and do not live there and the first thing you see you've got three or four smaller houses being bought and being turned into basically a hotel. That is one concern that I had. I don't want some of our smaller cute houses to be boughy out by a monopoly and turned into small hotels. So we need more than, we need some type of definition of what a short-term rental is. That definition needs to come out of the planning commission after much thought it has to be controlled. We cannot let it just run rampid because if I decide to buy five houses and just turn it into short-term rentals and I don't even have to live here. That's not conducive to the harmony of this town and so it is creating more of Atlantic City as opposed to what we have so in addition to creating this registry, I would like at the same time for us to refer this definition problem to the planning commission and let them actually begin to get working on it. I think the sooner we can do it, the better so that the animosity that is being expressed by some people can be relieved. Nobody wants to, I have a very big house myself and I have thought about being at least, a B&B to compete with my friend across the street so I am in no way for or against short-term rentals but I do see the problem that we have if we don't control it. I would certainly like for our short-term rental people to be residents and not speculators. So yes.

Nancyellen Keane: I was just going to say that there is so many aspects to this and one of them is the registry that you are talking about, the other part that you are talking about maybe sending something to the planning commission, there is no zoning ordinances that are contained in that draft, there's things in zoning. How many cars you have to have in the parking lot, how many fire extinguishers you have to have, blah, blah, blah, insurance all this stuff, that's zoning. There is also the issue I've heard twice tonight of business or was read or one of these, Kilmarnock considers these businesses and requires a business registration. We do not require a business license in Irvington for any business so that is another aspect and see in Irvington, these zones are mostly R. Iin Kilmarnock they are getting business licenses and I'm not sure any of them are in R. I don't know the point is businesses, zoning, taxes, registry, there's all of these issues that cross over and the planning commission is not necessarily the entity to do some of those. They do zoning.

Frances Westbrook: If you remember at the previous monthly meeting we did touch on that a little bit and I had asked us to consider that since the town council has never discussed short-term rental ordinance. We did appoint a committee and that started some of the work but then it was quickly disbanded or whatever terminology you want to use and so we never got a chance of that work to come back to town council for us to begin our discussion, so I would like to see us before we make any assignments to whomever or whatever we decide to again try to go a committee route or what. We at least discuss as a body and decide how we are going to move forward with it and then take it from there. But right now we've got to talk.

Wayne Nunnally: Could we appoint the committee? I'm not going to serve on it. Maybe Dudley could lead it.

Frances Westbrook: Well that's something we could talk about once we sit down and actually have a meeting on short-term rentals. You know for us to decide....

Wayne Nunnally: What are we doing tonight Fran?

Frances Westbrook: What's that?

Wayne Nunnally: What are we doing tonight?

Frances Westbrook: Well, until you added your comments there, we were only going to talk about a registry because we have to do that no matter what if we are going to have short-term rentals. So, tonight was just simply to say that we need to do the registry and that we are going to authorize Nancyellen to do the research and draft a document to bring back to us to look at it. Once that registry is done, then we need to proceed to the other aspects of short-term rentals.

Wayne Nunnally: We can't do it parallel at the same time? I think my frustration is we created this huge brew ha ha and now I can't get any type of movement on it other than I guess at this point we are going to have a registry. I just would like to get it over with and done with and fully aired. To keep postponing it, it seems futile to me. Well I think if it worth doing it is worth doing right and to do it right it may require a little bit of time on our part and it may as much as I don't want extra minutes, I mean, I've been involved with extra minutes with budget and finance, Anthony and I both have so has the mayor and I think we are kind of meeting out, but this is a serious concept here and I think we are going to have to dedicate a meeting to it, a workshop of some sort. This discussion that you're going to have and I am too, I think it would take a lot of time in a regular monthly meeting just like it's taken up a lot of time tonight already on it and it is really not an agenda item other than to talk about the registry and take some public comments.

Wayne Nunnally: Well, I disagree with you a little bit because the agenda item was discussed short-term rentals that's it. It doesn't say registry, it doesn't say this or that, it says discussion of short-term rentals.

Frances Westbrook: I beg your pardon, I apologize but that was the intent to discuss short-term registry so....

Wayne Nunnally: ....the discussion we had on it and you know I don't see why the mayor couldn't appoint a committee we've had several people volunteer, where is Barry? put him on it, you know, put The Tides Inn on it, and let them fight it out and then present something to us, we will never sit around this table and come up with the ordinance.

Frances Westbrook: No, but I think it is worth having discussion among us first before anything like that...

Nancyellen Keane: You all don't know whether you want zoning, then I can't draft something for you to look at or the planning commission can't really talk about it because they don't really know what, what subject matter are you going down, business licenses, taxes only, registry only, zoning and all of it, CUPS, are you going to have a CUP for this, I mean, it's a lot...

Wayne Nunnally: I will end it quickly by saying this, we will pass the registry idea tonight.

Frances Westbrook: No, we are just asking her to draft a registry for us to look at. We will take care of that probably at the next monthly meeting.

Wayne Nunnally: We also have the discussion of whether or not we want the zoning at the next meeting and refer it to the planning commission.

Frances Westbrook: I think that is going to be a pretty long intense discussion, don't you, do you Nancyellen?

Nancyellen Keane: You are going to pass the budget6 at your next meeting.

Frances Westbrook: Yes, we've got budget at the next meeting.

Nancyellen Keane: ...public hearing...

Anthony Marchetti: ....probably gonna need it's own meeting.

Mayor Bugg: Yeah.

Bonnie Schaschek: Is this something that we could have the commission looking at?

Frances Westbrook: It's not pertinent just yet. We have to determine, their zoning if I'm not mistaken. We would have to....

Bonnie Schaschek: ...zoning and ordinances that we currently have?

Frances Westbrook: ....be able to task them with exactly what we want to do and we don't absolutely know that just yet. The same thing with a committee, I mean we are going to appoint a committee and it's the town council's responsibility to give them the task that they are to address and we don't know what that's gonna involve just yet.

Mayor Bugg: Lara.

Lara Brown: I thought of something because this has been brought up just recently, some other localities, someone needs to add to the list for your workshop is that, are, boaters who are staying on their boats you know, are they going to be included in the transient occupancy tax, are they going to be included, are we just talking about houses as short-term rentals, we do in some localities they are using boats as short-term rentals as well.

Nancyellen Keane: And condominiumizing docks.

Lara Brown: And condominiumizing docks, so I think if we are going down this route at all...

Nancyellen Keane: Yeah.

Lara Brown: As we are going down this I think we should look at everything so we don't have to come back later and update, but we do have some, we do have a lot of marinas here that people staying overnight on boats too, does that qualify as transient occupancy tax, I don't know.

Nancyellen Keane: I believe that they pay it at The Tides Inn for the boats. I believe they....

Frances Westbrook: They are considered a room.

Nancyellen Keane: ...you're talking about others, other docks correct.

Lara Brown: Correct.

Mayor Bugg: Good point.

Wayne Nunnally: Somebody heard I was getting a houseboat.

Frances Westbrook: So if I can just recap so we are perfectly clear, all we are doing right now is registry part in short-term rentals is asking Nancyellen to come up with a draft for us to take a look at at the next meeting and then maybe now or maybe at the next meeting we set a workshop date....

Mayor Bugg: Yeah.

Frances Westbrook: ....so that we can do all of this stuff about the rest of short-term rentals.

Mayor Bugg: Okay, that works. You made that motion, is there a second?

Wayne Nunnally: Second.

Mayor Bugg: All in favor?

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION TO AUTHORIZE THE TOWN ATTORNEY TO DRAFT A SHORT TERM REGISTRY IS PASSED 6-0.

Mayor Bugg: Thank you Nancyellen, thank you Fran.

2. Discussion motion made to appropriate $6,500 to Quantisoft and accompanying contract– *Mayor Bugg*

Mayor Bugg: The next item on the agenda will be discussion concerning a motion made to appropriate $6,500 to Quantisoft. As we touched on earlier, I just have some clarification regarding this and the reason it was added. The initial motion from the last meeting said that the motion was to put $6,500 in the budget to accept the contract with Quantisoft, there is no money in the current budget for this, this would have to be placed in the upcoming budget. Also we asked the town attorney to review the contract so the contract itself has

not been approved. We probably do not need to vote on the motion to ask that the funds be placed in the upcoming budget. This request probably is enough so.

Wayne Nunnally: Let me correct that statement. We never voted it on the Quantisoft contract.

Mayor Bugg: Yeah.

Wayne Nunnally: We never voted. The minutes reflect that we passed a motion to appropriate money to Quanitsoft, and in the closed session basically discussed the form of the survey which that was one of them as I understand it. At the end of that discussion, came a later in the closed session, I believe it was Bonnie, not sure, make a motion that we put $6,500 in the budget....

Frances Westbrook: That it be included in the new budget.

Bonnie Schaschek: Just so that we had a marker. We didn't know whether we were going to go with Quantisoft because we were still waiting....

Wayne Nunnally: I don't know how it got in the minutes...

Bonnie Schaschek: We were still waiting on two additional proposals. They hadn't come in yet, so this was just a discussion. I don't know, I don't think that...

Sharon Phillips: Mr. Mayor, again, minutes are verbatim, that's why this is on the agenda, just for clarification. I think there is quite a bit of confusion about...

Mayor Bugg: Just touching and we are all on the same page and it sounds like we are.

Frances Westbrook: Just to address, one thing, I want to address one of Cay's concerns, she is correct that the dollar amount that was on Quantim because we were not sure that Quantim was going to be it and get to get a figure that we felt comfortable with putting in the budget, we decided it would be $6,500. We initially rounded it up to $6,000 and then we decided at the last minute maybe $6,500 would be a more appropriate figure to put in the upcoming budget.

Wayne Nunnally: I don't understand how a document in closed session all of a sudden is out in the public. I don't know how that happened. I mean, we took no action on that contract except to review it and look at it. We have all this coming in but somehow or another, that public document, how did it get out in the public.

Frances Westbrook: It was probably because we came out of closed session and we gave it to the attorney and asked her to take a look at it, that's probably when it became public.

Nancyellen Keane: The motion included the name too.

Frances Westbrook: So that probably was....

Wayne Nunnally: I just want to get that clear.

Anthony Marchetti: We asked her to review.

Jackie Brown: Question on the planning commission. Would it be appropriate to task the planning commission to starting to formulate questions for a survey so that when the time comes we are able to act on this they will be ready to have their ideas for what kinds of things need to be asked and how the survey will be conducted.

Frances Westbrook: Isn't that what Quantisoft is going to do.

Bonnie Schaschek: We have to give them some sort of idea.

Jackie Brown: Quantisoft will do the mechanics of conducting the survey and wording the questions and evaluating the results, but the planning commission I think should be involved in working with them to, I mean the planning commission knows best about our town.

Frances Westbrook: It's part of the comprehensive aspect.

Jackie Brown: Right and they are going to be making some recommended changes to the comprehensive plan based on what the survey results are, so it seems like they should be tasked with starting to formulate what categories we want to ask about, so that they are ready to give that information to Quantisoft.

Bonnie Schaschek: Or whoever we choose.

Dudley Patteson: Or whoever we choose.

Magor Bugg: Yeah.

Jackie Brown: To get back to the information that the other company, I contacted them three times and they have not responded so I had to assume that they, I told you they had a death of one of their partners and all this stuff and I don't think that they are going to respond.

Wayne Nunnally: I think it is an excellent idea to get the questions started.

Nancyellen Keane: The question I have is it said in their proposal it's an opinion, it's for an opinion survey…

Jackie Brown: Excuse me.

Nancyellen Keane: Their proposal, Quantisoft's proposal says it's for an opinion survey….

Jackie Brown: Yes.

Nancyellen Keane: …and you just said something about the comprehensive plan, is it for a new comprehensive plan?

Jackie Brown: I think that we should use the results of the survey to create a community supported goals and comprehensive plan.

Nancyellen Keane: Then the planning commission should have it.

Jackie Brown: Pardon me.

Nancyellen Keane: Then the planning commission should have it.

Jackie Brown: That's what I'm saying.

Nancyellen Keane: They should be running it.

Jackie Brown: That's why I wanted to make the motion to ask them with running the survey and so that they can get started now as opposed to waiting until we finally vote on a contract and have the funding, you know it gives us some time to formulate their ideas.

Wayne Nunnally: Second. Call the question.

Nancyellen Keane: If it is a comprehensive plan it's definitely the planning commission. Is it going to lead to a new comprehensive plan like soon?

Sharon Phillips: Or is it on the North Commons.

Nancyellen Keane: We thought this was for the North Commons originally. Is this for a new comprehensive plan, we are not supposed to do a new one for a while.

Jackie Brown: Well the state says we have to do it at least every 5 years. We can choose when to do it and I think that since the 2017 comprehensive plan was not community supported I mean that is demonstrable, but we need to update our comprehensive plan to have goals that are in accordance with the majority of the residents.

Nancyellen Keane: Well then you are going to have to have more than $6,500 in the budget for that.

Frances Westbrook: I don't know, our past comprehensive plan and survey has always been a part of the cost figured, I don't know if it has ever been broken out, I'm not sure.

Nancyellen Keane: The planning commission does comprehensive plans.

Bonnie Schaschek: This is just the first step of it. The demographics of the town has changed so we need to have an idea going forward, if we are going to have this master plan to develop the North Commons or the existing Commons or anything else in town we need to have an opinion from the people on what is it that they really want to do.

Jackie Brown: Absolutely.

Bonnie Schaschek: The last one if you look at it, people don't want to do anything. They don't want a new town hall, they don't want any changes. So, this was the first step to find out what is the new demographics, what does the town want to do going forward. Things have changed since 2017.

Jackie Brown: I don't know how we can make decisions going forward…

Frances Westbrook: Well now when you say 2017, the last comprehensive plan, not the one that we addressed you know, what date.

Nancyellen Keane: The last one was 2017. It was amended.

Frances Westbrook: That's what I'm getting at, we discussed whether or not amending it would constitute that five year clock starting again and we decided that probably it could and but since we only amended a tiny fraction of that, addressing PUD"s that's the only thing that was really addressed in there, it still seems to be that in 2021 is when we will be on schedule to do a new comprehensive plan, so it could be that we can…

Nancyellen Keane: It could be a 10 year comprehensive. How long…

Frances Westbrook: Five year.

Nancyellen Keane: Every 5 years you are supposed adjust it…

Frances Westbrook: We are required to look at it every 5 years. So if we are this close to the five years, take it out of the scenario the little bit of when, then we are on target to do it anyway next year and we ought to get on with the business of starting a new comprehensive plan.

Wayne Nunnally: That's a motion on the floor isn't it.

Mayor Bugg: And we have a second.

Wayne Nunnally: All in favor?

Mayor Bugg: All in favor?

Group: Aye.

Sharon Phillips: So what was the motion?

Frances Westbrook: I understood the motion to be that we let them start a survey, not start a comprehensive plan.

Jackie Brown: I wrote a motion you can object to parts of it if you will but I'd like to make the motion that the planning commission be tasked with conducting in partnership with a professional organization a new town survey to poll stake holder concerning issues facing Irvington, one person, one vote. Once the results are established the planning commission shall complete a review of 2017 comprehensive plan and make updates to maps and demographic information as well as formulate goals and strategies that are community supported.

Frances Westbrook: Discussion on that please.

Mayor Bugg: Any further discussion.

Frances Westbrook: Usually when you hire someone to do a comprehensive plan you would hire a professional to come in and work with the planning commission, a year's process, I think you have a pretty, then part of their duties is to do a survey.

Jackie Brown: The partnership is with the survey, it is not to write the comprehensive plan.

Frances Westbrook: I understand that, all I'm saying is in the past when we have hired the people to come and lead the planning commission in doing the comprehensive plan that is part of what they do.

Nancyellen Keane: They are going to want to do their own survey. Here's what's going to happen, you are going to hire somebody to do a comprehensive plan, or the planning commission will and they are going to want to do their own survey.

Frances Westbrook: They are going to want to do their own survey and we are going to pay for it again.

Nancyellen Keane: Yeah, so.

Frances Westbrook: That's the point.

Jackie Brown: I don't think we need somebody like Craig Wilson to come in and write our comprehensive plan for us.

Frances Westbrook: I don't think it will be Craig Wilson.

Jackie Brown: Well, I know it won't, but…

Bonnie Schaschek: I don't think it's necessary.

Jackie Brown: I don't think it's that difficult using the 2017 comprehensive plan as a guideline to go through it section by section and update it to where we are now. I don't think we need somebody to lead us through that.

Wayne Nunnally: It's a huge expense.

Mayor Bugg: Yeah.

Jackie Brown: A planning commission as far as I can see has a lot of diverse talents on it.

Mayor Bugg: Agreed.

Jackie Brown: I think we have one of the better groups that we've had. I was on the planning commission for 10 years. I think we have one of the better groups that we have and unfortunately because of the conduct of the leadership of the 2017 planning commission and the liaison, okay, their role has been reduced to CUP hell as far as I can see. They are not doing anything and have not done anything real for 2 years and the other thing I was going to address in the round table is that we have a group of talented people who want to do this work and they are sitting on their hands because of something that happened in 2017 and I think it's time for the planning commission to go back to being the creative body that it used to be and for them to start to envision what Irvington could become, okay, what the residents want it to be, how we can plan for growth without losing the qualities of our town that are important. How we can respect our historic nature and you know, write a sign ordinance that reinforces our historic background which the state mandates that we do anyway in the comprehensive plans, okay, and moves the town in the right direction. These are complicated discussions that need to be had, which we never

have time to do on town council, and we always used to do before that 2016/17 group when Bob Morrison was the chairman and I'm not saying he is a perfect man, but we regularly had discussions about how you get from here to there in the Town of Irvington, what can we do to make this a better place to live, you know those kinds of discussions that are open ended but meaningful and I suggest that the planning commission be tasked with doing something that actually matters.

Frances Westbrook: Good for you.

Wayne Nunnally: I thought that they would be the right place to start the short-term rental discussion.

Anthony Marchetti: I agree. Doesn't make sense for them to sit there and wait for us to tell them something to do. Why they can't have their own agenda and bring stuff to us and whether we do something with it is up to us.

Jackie Brown: Exactly, let's…

Anthony Marchetti: Let's empower them to, let them help us, let them help the town, that seems to be the consensus….

Bonnie Schaschek: That's what our function used to be.

Anthony Marchetti: ….sitting there waiting for town council to give them a chore to go fetch coffee or something, it seems, to Jackie's point, a big waste of talent right now, I'm sure they are bored to tears and we are certainly underutilizing their capabilities and talents and willingness to serve. So I…..

Jackie Brown: We have a lot of hard work to do in this town and we need some help…

Anthony Marchetti: I agree.

Jackie Brown: …and I think that these people need to do something besides sit on their hands.

Wayne Nunnally: And do CUPS, yeah.

Jackie Brown: And it's our fault that they are sitting on their hands cause we have not given them anything to do.

Wayne Nunnally: I think Anthony has a wonderful suggestion that we empower the planning commission to come up with ideas and present them to the town council vis-à-vis, anything they want.

Bonnie Schaschek: Wasn't that the motion that Jackie just read.

Wayne Nunnally: I think so.

Frances Westbrook: It has to be zoning related as a comprehensive plan….

Bonnie Schaschek: Wasn't that the motion that Jackie just read?

Wayne Nunnally: The motion is on the floor.

Jackie Brown: Well my first motion was about this particular survey and moving on to the comprehensive plan, but the other comment had to do with the fact that we are not using this important body in a positive way. This could be a really great opportunity for us and we have not given them one assignment that I can think of that means anything in 2 years. And it's embarrassing to me.

Mayor Bugg: Very well stated and I agree.

Wayne Nunnally: Well, let me ask you this, does the planning commission have any rules, regulations?

Nancyellen Keane: Yes.

Wayne Nunnally: I mean can they meet and come up with an idea on their own or do we have to ask them.

Nancyellen Keane: You all specifically asked for them to, you passed new legislation in 2019 that authorized the planning commission and gave them their three or four bases for operating. One is they have to have a project assigned to them by the town council, number two is they have to, they do the comprehensive plan generally, and number three is they do anything else that is in the town code that specifies the planning commission is the body that does that and so there are places in the town code in the zoning section that talk about the planning commission has to give it a review or a decision on something and one of them was recently the exceptions and so forth when we were doing The Tides Inn if you will recall they did CUPS, they did exceptions, exemptions, those kinds of things, they would do subdivisions, we don't have any of that right now…

Wayne Nunnally: Right.

Nancyellen Keane: …so there are things that they do do that are in the code, it is specified.

Wayne Nunnally: Right, well do we have to specify do this zoning or can they just look at zoning in general on their own?

Nancyellen Keane: It is a project you have to assign them or bring it to you and get your blessing, that's one thing, but the biggest complaint that have, what started this whole thing was in 2017. I came in 2019 and I remember meeting with Jackie and Matthieson, Mike Matthieson and Cay Bradley and the request was that we needed to have something that made sure that the planning commission only did stuff they were allowed to do. That's basically what I was told.

Jackie Brown: And what happened was years before that when I was on the planning commission with a different leadership the planning commission acted entirely independently of the town council. They, they had discussions about what they thought was important to be addressed and then they gave suggestions to the town council, it was like another arm that was saying, well look at it this way, think about this.

Nancyellen Keane: I'm thinking that they thought they had the decision making authority and remember one of the first questions I was ever asked when I came to work for you all was is this an advisory board or not.

Jackie Brown: Well, when you....

Nancyellen Keane: ...the answer is yes.

Jackie Brown... when you came they had been thumped by the town council...

Nancyellen Keane: Yeah...

Jackie Brown: ....and unfortunately what happened was the town council punished the incoming planning commission and the incoming liaison instead of the people that had been responsible for that whole mess. Those people walked away and the rest of us got to carry the load.

Bonnie Schaschek: That's correct.

Jackie Brown: And it's time for that to stop. That's all I'm saying. We are losing a valuable resource by telling them that they can't do anything unless we tell them to.

Anthony Marchetti: Do something about it...

Jackie Brown: Huh?

Anthony Marchetti: ...I said let's do something about it.

Wayne Nunnally: Let's give them the power to initiate on their own.

Sharon Phillips: Change the ordinance.

Nancyellen Keane: It's not an ordinance.

Bonnie Schaschek: It's not an ordinance.

Sharon Phillips: Do you have to change the legislation?

Nancyellen Keane: We can amend the resolution that you all passed if you want to look at it next meeting.

Jackie Brown: I didn't pass, I wasn't involved.

Nancyellen Keane: You were on town council when it passed.

Jackie Brown: Well can you draw that up to amend that resolution?

Nancyellen Keane: Yes, but you all have to tell me what you want it to say and what it is you want to say. They can bring anything to you, they can do anything they want as long as it's zoning, they can, they have to bring you a request and you all have to approve it, no, you want them to just be able to do whatever they want to do.

Frances Westbrook: Could you send us the existing...

Nancyellen Keane: Yeah.

Frances Westbrook: …take a quick look at it.

Nancyellen Keane: All we have to do is amend it.

Bonnie Schaschek: If you send the existing one we will take a look at it.

Nancyellen Keane: Yeah.

Wayne Nunnally: May I ask Julie a question. Julie how do you see it working, how would you like to see it working.

Julie Harris: How would I like to see the planning commission work? Well as Mrs. Brown stated I think there are a lot of diverse talent on the planning commission, I have talked to different members, they have a lot of good ideas and would like to share those and so I would like to be able to come up with ideas and bring them up to council.

Wayne Nunnally: How do we put that in a motion?

Nancyellen Keane: Just let me write an amended resolution.

Mayor Bugg: Yeah.

Wayne Nunnally: We couldn't do it just by a motion tonight?

Nancyellen Keane: You can't amend the resolution by a motion.

Jackie Brown: Can you send me a copy of the resolution and I'll send you some ideas.

Bonnie Schaschek: Send it to all of us.

Jackie Brown: Are we going to vote on this motion for them to start working on the survey?

Wayne Nunnally: It's on the floor.

Mayor Bugg: It's on the floor and Wayne seconded it, so, any further….

Anthony Marchetti: I think we all agree on the value of the survey…

Mayor Bugg: …yeah, yeah…

Anthony Marchetti: ….beyond just how it applies to the comprehensive plan, that'd be really only about information when we try to get together to do a capital budget which, I mean…

Frances Westbrook: We won't get it in time for this capital budget this year.

Anthony Marchetti: …we won't but it doesn't mean we shouldn't get the input and…

Frances Westbrook: We'll use it next time.

Anthony Marchetti: …to some of the comments, what do the people want the money spent on?

Bonnie Schaschek: Exactly.

Anthony Marchetti: That's not a decision I'm comfortable making without their input so the survey seems valuable to me if it can be used if for nothing else just for decision, general decision making I agree 100%.

Wayne Nunnally: Call the question.

Anthony Marchetti: If it can be used for comprehensive planning or amendments, great, obviously we don't want to spend money twice for the same thing, but I see a lot of value in the survey so.

Mayor Bugg: Alright.

Anthony Marchetti: Appropriately done survey.

Frances Westbrook: Can we have the motion read again please.

Jackie Brown: I would like to make the motion that the planning commission be tasked with conducting in partnership with a professional organization a new town survey to poll stakeholder opinion concerning issues facing Irvington. One person, one vote. Once the results are established the planning commission shall complete a review of the 2017 comprehensive plan and make updates to maps and demographic information as well as formulate goals and strategies that are community supported.

Mayor Bugg: Thank you.

Wayne Nunnally: And I second it.

Mayor Bugg: And Wayne seconded it. Any further discussion council? All in favor?

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION THAT THE PLANNING COMMISSION BE TASKED WITH CONDUCTING IN PARTNERSHIP WITH A PROFESSIONAL ORGANIZATION A NEW TOWN SURVEY TO POLL STAKEHOLDER OPINION CONCERNING ISSUES FACING IRVINGTON. ONE PERSON, ONE VOTE. ONCE THE RESULTS ARE ESTABLISHED THE PLANNING COMMISSION SHALL COMPLETE A REVIEW OF THE 2017 COMPREHENSIVE PLAN AND MAKE UPDATES TO MAPS AND DEMOGRAPHIC INFORMATION AS WELL AS FORMULATE GOALS AND STRATEGIES THAT ARE COMMUNITY SUPPORTED IS PASSED 6-0.

Mayor Bugg: Opposed? Motion passes. Thank you Mrs. Brown for your input and council this is a good thing and Nancyellen you will circulate that…

Nancyellen Keane: I will.

3. Discussion of purchase of microphones – *B. Schaschek*

Mayor Bugg: …on that. Next item, next two items will be yours Ms. Schaschek, the.

Bonnie Schaschek: I'm going to make this very brief.

Mayor Bugg: Okay.

Wayne Nunnally: Good.

Bonnie Schaschek: I've contacted two or three companies, I've gotten one proposal back already, I'm still waiting for the second one. I was hoping that Barry Robinson which I see he has left had dropped the information off to Lara that he was going to give to me, he didn't. Yeah, I was afraid of that. Once I have the other two proposals in, I'm going to have to meet with the church because everything looks like now it's got to be tied into the internet or speaker. I know that they have recently updated their system so I'll have to meet with them and talk whether it is something we can piggyback on, or whether we have to approach it a different way. That's that on the microphones.

4. Discussion of Small Business Grants – *B. Schaschek*

Bonnie Schaschek: As far as the small business grants. We have a lot of funds left over from COVID. I know we did $1,000 grants at the end of November, beginning of December, it was a very rushed process because at the time we thought you know we had to get all this done by December 31st. I would like to make a suggestion that we open it up again and do another round of grants for our small businesses here for $1,000 each. I think we already have the forms and the questionnaires, I don't see that we have to reinvent the wheel and ask all this again, I think we just need to take and put a schedule in place for them, get it advertised and let them know we are going to be doing this again.

Wayne Nunnally: Is that a motion? Second if it is.

Frances Westbrook: Have you finished your report.

Bonnie Schaschek: Yes. I guess so. I was going to add something to this though before we do the motion. I did have the opportunity last week to sit on a zoom meeting with Senator Warner and he was talking about this next set of COVID funds that are coming through, the app that came in place, according to him the town is going to be receiving two additional more payments, this is what they are projecting. It is going to be in two pieces. The first piece that comes through is going to be for COVID type activities. The second piece will be more towards the later half of the year, you are going to be able to use the funds for anything you want, whether it's infrastructure and they are still finalizing the

dates on it. There were a couple other small towns, a little bit larger than Irvington on the call who had similar problem, similar situations where they don't have their own fire department, they don't you know, pay for their roads, and they had a lot of funds left over from the first COVID go around and they are approaching, they approached them was it possible to use those funds for something else and, he is supposed to be looking at it and getting back to the people that were on the call.

Wayne Nunnally: It would be wonderful if we could use it for the police force.

Bonnie Schaschek: To have our own police force?

Wayne Nunnally: Yeah.

Bonnie Schaschek: That's something that you can…

Wayne Nunnally: If we could use it for anything, for that second round…

Bonnie Schaschek: ….yeah, second round, infrastructure…

Wayne Nunnally: Maybe we can buy us a car with a siren.

Frances Westbrook: Do they get one bullet?

Bonnie Schaschek: I think Tripp has got the sheriff's badge. That is something you know with the changing times in Irvington, maybe we want to look at having, I mean there was a police force way back when, maybe we want to have another one again. But anyway, I'd like to make a motion that we move forward with $1,000 grants to our small businesses and get together a schedule, use the existing forms and put an ad in the paper advertising it.

Wayne Nunnally: Second.

Mayor Bugg: All in favor? Opposed? Excellent, thank you Bonnie.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION THAT WE MOVE FORWARD WITH $1,000 GRANTS TO OUR SMALL BUSINESSES AND GET TOGETHER A SCHEDULE, USE THE

EXISTING FORMS AND PUT AN AD IN THE PAPER ADVERTISING IT IS PASSED 6-0.

M. NEW BUSINESS

1. Adopt a revised schedule for FY2021/2022 Budget, Tax, and Fee Rates

Mayor Bugg: That will bring us to new business. Adopt a schedule for fiscal year 21 and 22 budget, tax and fee rates. Has everyone had a chance to review that? Any discussion about that schedule?

Nancyellen Keane: Can we specify it's the schedule that ends on June 10th.

Mayor Bugg: Yeah.

Nancyellen Keane: Just to make sure we are looking at the same one.

Frances Westbrook: Anthony and I did look at this and talk about it and the first option schedule 1, first page does end on June 10th, the second option ends May 20th or 27th but it requires us to add an additional meeting to our schedule. The first option which I believe is the one that Anthony and I said that we favored because it does not add any more additional meetings to our individual schedule so.

Mayor Bugg: I like that.

Frances Westbrook: We are recommending that we consider the first schedule.

Bonnie Schaschek: I agree.

Mayor Bugg: I agree.

Bonnie Schaschek: And you always have that date in case something happens on the 13th, that you can always slip that in.

Frances Westbrook: Our original intent was to have this finished by the end of May actually have the budget voted on but as I made reference to earlier, I've been a little under the weather and everything has kind of come to a halt, so that's the reason why we are having to adopt a new schedule and unfortunately it does take us to June 10th but we still have the rest of that month if we have to call an additional meeting for whatever reason, but I see no reason why we can't complete this on the 10th, do you Anthony?

Anthony Marchetti: Let's do it without having to stress anybody with an extra meeting if we can, so, I think if we target this and then, as Bonnie said if we have to do something we will, so.

Frances Westbrook: And I apologize, I am the one that has caused this change here, but I do appreciate your working with budget and finance on that.

Mayor Bugg: Definitely understandable. I like option 1.

Frances Westbrook: Should we make a motion?

Mayor Bugg: Yeah.

Frances Westbrook: I move that we adopt schedule 1 as our new budget and finance schedule for this year.

Mayor Bugg: Is there a second?

Anthony Marchetti: Second.

Mayor Bugg: Any further discussion? All in favor? Opposed? Schedule is adopted.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION THAT WE ADOPT SCHEDULE 1 AS OUR NEW BUDGET AND FINANCE SCHEDULE FOR THIS YEAR IS PASSED 6-0.

2. 1st Reading Resolution 2021- 08 (CUP) extend food and beverage service to front patio in B1

Mayor Bugg: First reading resolution 2021-08 CUP extend food and beverage service to front patio in B1.

Lara Brown: Can we do a reading first and then discussion or do you want to do a group discussion and then the reading and.

Mayor Bugg: Either one.

Frances Westbrook: I don't think it matters which way.

Mayor Bugg: If you want to discuss it, go ahead.

PLEASE NOTE THAT DUDLEY PATTESON JOINED THE PUBLIC DURING THIS PORTION OF THE MEETING AS HE HAS A CONFLICT OF INTEREST.

Lara Brown: Town council this is conditional use permit application for The Hope & Glory Inn, they are requesting to extend their food and beverage service to the front lawn, as you can see on the last diagram of the application and this will just extend the service that they were doing in the back where the fountain was, to the front lawn. The hours of the proposed extension were listed in the application, which would be primarily to serve lunch on the front lawn, on occasion food and beverage may last a little bit beyond 5:00 p.m. but generally speaking it'll end around 5:00 right Dudley for the most part. All required permits will be in place. That would be ABC permits, Department of Health, Town of Irvington, Lancaster County if needed. They are also proposing to just extend the picket

fence that they already have. There is a small section that is not fenced in on the right side between their yard and the....

Bonnie Schaschek: And the graveyard.

Lara Brown: ...church yard. Well no, I mean it is down by the graveyard but it's on this side closest to King Carter, so the proposal is that this would be like for nonregistered guests, this would not be for their guests that are paying to stay there overnight, so they would limit those individuals that are coming to the front lawn for lunch and/or a glass of wine, to just have access to the front. They would have a gate on the side so that they are not going to the rear of The Hope & Glory, they would not be mingling inside The Hope & Glory, it's just to kind of grab lunch, glass of wine, and then leave and exit. The applicant has been in contact with the ABC Board, the permits are forthcoming, I don't know they already received them or not, the last we talked they were still in the process of doing them.

Dudley Patteson: [from the audience] Verbal on sanitation health and okay on ABC and okay from the county, just waiting for this town.

Lara Brown: So anyway this tonight is the opportunity for you to discuss it and it will be the first reading and then there will be a public hearing, and then of course the second reading as on the schedule. So.

Wayne Nunnally: Does it require any more off street parking?

Dudley Patteson: Mr. Mayor...

Lara Brown: No.

Dudley Patteson: ...let it be known, that I have recused myself from the session here on this subject.

Mayor Bugg: Thank you.

Lara Brown: The same parking that Hope & Glory currently uses would also be used. Or...

Bonnie Schaschek: Which is street parking.

Dudley Patteson: We have street parking and we have, we also grandfathered in on many things. It's in the file.

Frances Westbrook: Dudley you talk about a temporary tent depicted on the diagram...

Bonnie Schaschek: ...didn't see it.

Frances Westbrook: ...I know I'm trying to find it on here, is that the cross hatching?

Dudley Patteson: Yes the cross hatching.

Lara Brown: The rectangle on the bottom.

Frances Westbrook: So it's going to be one solid tent, not little individual tents?

Dudley Patteons: I'm sorry.

Frances Westbrook: It's going to be one solid tent?

Dudley Patteson: One tent.

Frances Westbrook: Does the county get involved with that?

Lara Brown: Yes.

Dudley Patteson: Yes, yeah, yeah, I have the permit.

Lara Brown: That would require the temporary permit.

Jackie Brown: How temporary is it going to be?

Dudley Patteson: It will be taken down every year and stored.

Jackie Brown: Taken down what?

Dudley Patteson: It will be taken down every year and stored and cleaned and we aren't certain how many months it will be up for you know, it won't be up all year let's put it that way.

Frances Westbrook: Will there be something done to the tent so that it looks, I don't know how to word this, does it look like a tent stuck in the front yard.

Dudley Patteson: Um.

Frances Westbrook: And I'm sorry if I'm being unkind to phrase that.

Dudley Patteson: As you might know with The Hope & Glory aesthetics....

Frances Westbrook: I know.

Dudley Patteson: Our look is everything...

Frances Westbrook: Yeah.

Dudley Patteson: ...this is what it will look like.

Frances Westbrook: Oh cool.

Dudley Patteson: That's a good reaction.

Jackie Brown: Pass that around.

Frances Westbrook: So you've got the lights all around, of course that wouldn't be in the daytime but still.

Bonnie Schaschek: So this is in the front on the King Carter side?

Dudley Patteson: Yeah, it would be on the front on the King Carter side yes.

Bonnie Schaschek: Where is this?

Dudley Patteson: This is another location. This is identical to what we…

Bonnie Schaschek: Oh okay, I was like wait a minute.

Dudley Patteson: So it'll, we are very sensitive to the look of The Hope & Glory as you can imagine and so we are not just putting a tent up, we are putting up something that will enhance everything and enhance the town as well.

Wayne Nunnally: How many seats?

Dudley Patteson: Uh, 40.

Frances Westbrook: And do we get a discount?

Anthony Marchetti: I was gonna say can I get a reservation…. [laughing].

Dudley Patteson: What did you say, I'm sorry.

Frances Westbrook: I said do we get a discount? [laughing].

Dudley Patteson: I hope so. [laughing].

Mayor Bugg: Any further questions council? Okay first reading.

Sharon Phillips: Resolution 2021-08TC conditional use permit application to extend food service beverage service to patio at B1 tax map 33436 whereas the Irvington Town Council reviewed a proposed conditional use permit, application 2021-CUP1_Hope & Glory to extend food and beverage service from front patio in B1 zoning district, tax map 33436 at 65 Tavern Road and whereas the joint public hearing on the application was advertised in the Rappahannock Record on April 29th and May 6th and whereas council and the planning commission held a joint public hearing on May 11th, 2021 to hear public view on the application and whereas the planning commission considered the application at its meeting on April 13th and May 11th, 2021 and whereas the town council considered the application at its meetings held on April 8th, and May 13th, 2021.

[MR. PATTTESON REJOINED THE COUNCIL MEETING]

Wayne Nunnally: This is for my information, I am amazed that we are approving something so far in the future. Why don't we put those dates even in the ordinance at this point.

Nancyellen Keane: You have to have two readings of it…

Mayor Bugg: Yeah.

Nancyellen Keane: …and you can't pass and vote on it until the second and so you have to, you have to put everything in, by the time you approve it, you have to put in the resolution…

Wayne Nunnally: I realize that, tonight May 11th hadn't happened and…

Nancyellen Keane: …right.

Wayne Nunnally: …I don't know why we say we've done it. That's all I'm saying. It's confusing to me.

Mayor Bugg: Thank you Madam Clerk.

3. 1st Reading of 2 Ordinances
   - Ordinance 2021-01
   - Ordinance 2021-02

   Eliminate CUPS for all private docks and for swimming pools outside RPA in R1/R2 zoning districts

Mayor Bugg: The next item will be the reading of the two ordinances, ordinance 2021-01 and ordinance 2021-02. That's going to be limited CUPS for all private docks and for swimming pools outside RPA and the R1/R2 zoning districts.

Nancyellen Keane: Well, wait a minute before you do that, does anybody have any changes, questions or comments about it before she reads it? This is, this should reflect the comments that you all have made and what you wanted, I mean I want to know if there are changes to address it, okay.

Sharon Phillips: Ordinance 2021-01 repeal reenact town code Section 154.051 use regulations in R1/R2 zoning district whereas the Irvington Town Council proposed a repeal and reenact town code 154.051 regarding use regulations in R1/R2 zoning districts and whereas this ordinance 2021-01 will eliminate the requirement in zoning districts for R1/R2 for conditional use permit for private docks as well as swimming pools outside the resource protection area and whereas a notice of a joint public hearing on this ordinance 2021-01 was advertised April 29th and May 6th, 2021 pursuant to Virginia Code Section 15.2-2204 and whereas the joint public hearing on ordinance 2021-01 was held May 11th, 2021 and the public also had the opportunity to speak about the ordinance at its meetings held on April 8th and April 13th and whereas the planning commission recommended passage of this ordinance to council on May 11th and whereas this ordinance 2021-01 was read twice before approval at the May 8th and May 13th town council meetings. Be enacted and ordained by The Town of Irvington as follows. One, council hereby repeals town code section 154.051 use regulations, two, council hereby reenacts town code 154.051 use regulations as follows. 154.051 use regulations A, in residential districts R1/R2 structures to be erected on land shall be used for one or more of the following uses for major difference being acreage requirement…

Mayor Bugg: Nancyellen is that enough or do we need….

Nancyellen Keane: That's enough.

Sharon Phillips: Thank you.

Nancyellen Keane: I'm gonna see if there is a typo on that, what you just read.

Sharon Phillips: Do you want me to at least talk about the highlights?

Frances Westbrook: It's pretty straight forward. But why is, are the numbers 6, 7, 8, 9.

Nancyellen Keane: I'll explain, if you look at the paper where the yellow highlighting is the part that talks about the swimming pools, do you see that at the bottom, that used to be up under churches so when I took it out of there I had to renumber the rest of them.

Frances Westbrook: Oh okay.

Nancyellen Keane: So the numbers are changed before these but the text is all the same. The reason swimming pools was pulled down and under accessory buildings and structures is because swimming pools were incorrectly listed I believe as a primary use for a parcel in R1/R2 before where you could have had a lot in Irvington with the way the code exists now and have just a swimming pool on it.

Frances Westbrook: Oh.

Nancyellen Keane: This, moving this under accessory building and structures means that a pool has to be an accessory building or structure to a house in R1/R2. If you don't agree with that, tell me.

Bonnie Schaschek: I don't agree with it.

Nancyellen Keane: Okay.

Bonnie Schaschek: Let's say I have two lots, my house is on one lot and I want to put the pool on the other lot, right next door.

Nancyellen Keane: Well you could also eliminate the property line between them if you wanted to do that, the way it exists now. The reason this came up, this came up in the course of a conversation on another case we had where it was clear that the code was written so that a pool, you could, somebody could open up a pool and just have it be, yeah.

Frances Westbrook: But the property owner would have recourse to redraw the property line.

Nancyellen Keane: Well if they wanted to....

Frances Westbrook: ...if they wanted to...

Nancyellen Keane: ...lots together, yeah...

Frances Westbrook: The whole BZA deal if they have to.

Nancyellen Keane: If you do not want swimming pools to be an accessory to a house, I can put them back up in the lineup the way they were okay, um and I'll just have to do that, that's not a material change, I don't believe, because it's just moving something. So, I can move it and change it back to the way it was, but that's why it appears the way it does.

Wayne Nunnally: Is there a benefit one way or the other?

Nancyellen Keane: If you are a person who would like to be able to buy a lot in Irvington and just put a pool on it and nothing else, you would want me to put it back up in the lineup, if you don't want people to have pools on just a lot and you want them to have a house and put the pool next to the house, you would want it this way.

Anthony Marchetti: Leaves the door open for somebody to buy a lot and put a pool on it and nothing else.

Bonnie Schaschek: Somebody could buy a lot next to Jackie's old house and just put a pool there.

Wayne Nunnally: So we want it to be an accessory.

Frances Westbrook: Yeah, I would think so.

Nancyellen Keane: Bonnie you are grandfathered anyway.

Bonnie Schaschek: I know I am, but I'm thinking of a neighbor they are thinking about putting up a pool and he has a lot.

Lara Brown: A similar example is also in our zoning ordinance it states that you cannot build a garage on a lot before you build your house so that's like a similar scenario.

Frances Westbrook: We had one of those incidences....

Bonnie Schaschek: Yeah it happened...

Lara Brown: So just to give you a comparison I know a pool is not exactly a garage but that is just something that we stated in our ordinance.

Anthony Marchetti: I think a pool should be an accessory to a house.

Mayor Bugg: Yeah.

Anthony Marchetti: So I think the way she has moved it...

Frances Westbrook: I think so too, I'm happy with that...

Anthony Marchetti: ...is reasonable.

Bonnie Schaschek: It's reasonable, it's just somebody....

Frances Westbrook: ...but they have to wait...

Wayne Nunnally: Ready to move on?

Mayor Bugg: Yeah, next one.

Nancyellen Keane: The next one is 02 and it's the companion ordinance but it is amending, it is basically repealing and reenacting a different section on one that deals just with boat docks and piers and its pretty self-explanatory.

Lara Brown: It's what we talked about...

Mayor Bugg: Yeah.

Lara Brown: …this still states that the landowner would still have to go through VMRC and the Army Corp of Engineer permitting process before…

Nancyellen Keane: And you still have to get a zoning permit.

Lara Brown: ….right, they would come to get a zoning permit.

Sharon Phillips: Ordinance 2021-02, repeal reenact town code section 154.215 boat, docks piers, generally, whereas the Irvington Town Council proposes to repeal and reenact town code 154.215 regarding general regulations for boat docks and piers and whereas this ordinance will eliminate the requirement in the zoning districts R1 and R2 for a conditional use permit for private docks and piers and whereas a notice of a joint public hearing on this ordinance 2021-02 was advertised April 29th and May 6th pursuant to Virginia Code Section 15.2-2204 and whereas a joint public hearing on ordinance 2021-02 was held May 11th 2021 and the public also had the opportunity to speak about the ordinance at the meetings held on April 8th and May 13th and whereas the planning commission recommended the passage of this ordinance to council on May 11th and whereas this ordinance 2021-02 was read twice before approval at the May 8th and May 13th meeting.

Mayor Bugg: That's enough. Thank you. Discussion about that one. Alright we will move on.

4. Motion to Approve Sign Permit; George Hutchins/Craig Dodson; 19 King Carter Drive.

Mayor Bugg: The next item on the agenda is the motion to approve the sign permit, that's George Hutchins that's 19 King Carter Drive.

Lara Brown: I'd like to pass that down. The applicant is getting an after the fact signed permit he had already, he has already placed it on his structure, this is a 32" round sign which is 5½ square feet, 8 square feet is the maximum allowed for a fixed business sign, so he is asking for your forgiveness and approval.

Wayne Nunnally: We approve it.

Mayor Bugg: Second?

Anthony Marchetti: Second.

Mayor Bugg: Any further discussion? All in favor?

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

Mayor Bugg: Motion is approved.

THE MOTION TO APPROVE SIGN PERMIT; GEORGE HUTCHINS/CRAIG DODSON; 19 KING CARTER DRIVE IS PASSED 6-0.

5. Motion to Approve Sign Permit; Linda Caron/Ollen Richey; 5160 Irvington Road.

Mayor Bugg: The next item would be to approve the sign permit by Linda Caron/Ollen Richey, 5160 Irvington Road.

Lara Brown: Ms. Caron and Mr. Richie have installed a house sign, 10½" x 35½" it measures 2½ square feet, 6 square feet is the maximum for owner property name signs and again they are very sorry they are asking for your forgiveness and your approval.

Wayne Nunnally: Move we approve it.

Mayor Bugg: Second?

Bonnie Schaschek: Second.

Dudley Patteson: Second.

Mayor Bugg: All in favor?

Group: Aye.

Mayor Bugg: Opposed? Motion passes.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION TO APPROVE THE SIGN PERMIT BY LINDA CARON/OLLEN RICHEY, 5160 IRVINGTON ROAD IS PASSED 6-0.

Bonnie Schaschek: How is the sign for the new town coming?

Lara Brown: Oh the town office.

Mayor Bugg: The town office sign do we know anything about that?

Lara Brown: I don't think the design has been created yet.

Mayor Bugg: Got it.

Lara Brown: We have the permit but we need a design.

Mayor Bugg: Excellent.

6. Consideration of a motion to allow use of Town Commons for Boot Sale; VIA.

Mayor Bugg: The next item would be consideration of a motion to allow use of the Town Commons for the Boot Sale and yes. [laughing].

Frances Westbrook: What's your part for some reason I didn't key in the fact that you were sitting here all this time for that.

C. J. Carter: That's okay.

Frances Westbrook: It's okay.

C. J. Carter: I'm C. J. Carter of 157 Chases Cove Lane, I am also the boot sale coordinator, on behalf of the Irvington Village Improvement Association the VIA. I'm here to request use of the Irvington Town Commons for the 2021 annual Boot Sale which will be on Saturday, May 29th, Memorial Day weekend. The Town of Irvington allows the Farmer's Market to be held during August through November and they allowed it to be held August through November in 2020 per the agreement between the VIA and The Town of Irvington and the Boot Sale will follow the same protocols as Farmer's Markets with the necessary safety precautions to address COVID-19 in accordance with Governor Northam's safer as home base guidelines for all business sectors. I am asking for an indication that we can hold our Boot Sale so that I can begin to run publicity to attract sellers. We are proposing 60 sellers within the Farmer's Market setup which allows for 87 sellers, so we are limiting, reducing the number that we had in 2019 we had 82 sellers and we are only asking for, proposing 60 just to keep the numbers down and the crowds small, thank you.

Frances Westbrook: Well the vehicles will be driving on the field?

C. J. Carter: Yeah, like they did in 2019, drive on, we have them spaced out, they open up the trunks of their car or their boots and, pickup truck, it was great, it was a huge success in 2019. I sent out a little, we hope this can happen to last year's sellers and I think I can fill it just with them.

Frances Westbrook: We just ask you to be mindful where the septic field is…

C. J. Carter: Yeah, yeah…

Frances Westbrook: …I think you know all of that, where it is, I know that.

Sharon Phillips: What is the date?

C.J. Carter: May 29th, Saturday.

Frances Westbrook: And the time?

C. J. Carter: 8:00 to 12:00 so setup would begin at 7:00.

Mayor Bugg: Is there a motion.

Frances Westbrook: So moved.

Jackie Brown: Second.

Bonnie Schaschek: Second.

Mayor Bugg: All in favor?

Group: Aye.

Mayor Bugg: Opposed? Motion passes. Thank you.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION TO ALLOW USE OF TOWN COMMONS FOR BOOT SALE; VIA (SATURDAY MAY 29TH) IS PASSED 6-0.

C. J. Carter: Thank you.

Anthony Marchetti: This is a bit off topic but it reminded me of it, for something similar for Halloween, like a trunk or treat in the Commons area. Have you ever seen that where people park their cars.

Julie Harris: VIA talked about that for last year but at the time we talked about it we were told that not many other places in the area were going to have....

Anthony Marchetti: Yeah last year obviously...

Julie Harris: Right, but we do have the Halloween costume parade so are you suggesting add a trunk or treat to that?

Anthony Marchetti: Yeah with so many young kids we've seen trunk or treats where people decorate the backs of their cars and they pass out candy, it would be really nice where you could do it in conjunction with the costume contest, maybe the judges walk around or maybe that's part of it, but if the kids could come there, do costumes, do a lap through and be done with not having to run up and down the streets and...

Bonnie Schaschek: And giving out bags of candy when they're there so that they don't go trick or treating...

Anthony Marchetti: So we can come there and when we leave we are done and don't have to chase kids through the dark.

Nancyellen Keane: We should have had that 25 years ago.

Anthony Marchetti: Great idea and I think you would see other, I mean you would have people from outside of Irvington come as they do for the costume contest. They would come and be able to keep kids and people from scattering across the streets and me losing a toddler in the dark between houses. Just a thought, give a lot of people to participate, you

know residents and, some residents might not ever see trick or treaters but they can set up a trunk, they can set up a car and trunk and get to see kids in costumes and pass out candy.

Mayor Bugg: Yeah, yeah.

Anthony Marchetti: Just a thought, anything, the Boot Sale in 2019 a huge turnout for it, it was wonderful.

C. J. Carter: Yeah it was.

Dudley Patteson: C. J. when do you want to distribute information to those that are participating, would you kindly ask them to since it starts at 8:00 and The Hope & Glory is right next door....

C. J. Carter: Right.

Dudley Patteson: ...be mindful that there is, the lodging tax people are right next door. Thank you.

C. J. Carter: Setup is at 7:00. Thank you.

Mayor Bugg: Thank you.

Dudley Patteson: Julie did you have anything to add regarding...

Julie: I don't know whether, to make my request again, but the VIA would like to buy the remaining books to put in our welcome bags.

Mayor Bugg: Would anyone like to make that motion?

Jackie Brown: Sell them all the books they want.

Wayne Nunnally: How many do we have?

Frances Westbrook: I'd like for the town to hold at least a few.

Bonnie Schaschek: That's what I was thinking.

Frances Westbrook: Visitors may stop in there or whatever, it would be nice to just hand one to them or something...

Bonnie Schaschek: You said is 50 of them there.

Sharon Phillips: There are two boxes, to be honest that is not an accurate count, it is a guesstimate I would assume that each box would hold maybe 30.

Julie Harris: I'll be glad to count them.

Bonnie Schaschek: If we just keep like five or six.

Sharon Phillips: I would urge council to keep a dozen.

Frances Westbrook: That's what I was thinking, yeah.

Bonnie Schaschek: And then you can buy the rest.

Sharon Phillips: So the next part of that is what value are you going to offer.

Julie: Well we would like to offer $5 per book but…

Bonnie Schaschek: That's fine with me.

Wayne Nunnally: I move that we accept the $5 offer for the books and retain 12 for ourself.

Bonnie Schaschek: I second it.

Jackie Brown: What account are we going to put this money in?

Frances Westbrook: Yeah, miscellaneous income.

Mayor Bugg: There you go.

Frances Westbrook: Or we can credit it back to office so that they can…

Wayne Nunnally: That's the budget committee.

Mayor Bugg: Is there a second?

Bonnie Schaschek: I already did.

Mayor Bugg: Oh you did, all in favor? Opposed? Thank you. Excellent.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION THAT WE ACCEPT THE $5 OFFER FOR THE BOOKS AND RETAIN 12 FOR OURSELF IS PASSED 6-0.

7. Consideration of a motion to appropriate $2,778 from Community Support & Tourism; Flack Shack

Mayor Bugg: Item #8 is consideration to appropriate $2,778 from Community Support & Tourism. Is that Flack Shack?

Sharon Phillips: It is. It's the May bill.

Mayor Bugg: It looks like it is. The May bill.

Sharon Phillips: So of course if you appropriate tonight it can be held until the end of April but to wait until your May meeting the bill will be delinquent.

Mayor Bugg: Got it.

Anthony Marchetti: So it's due for the first of the May?

Sharon Phillips: Yes.

Anthony Marchetti: Basically pay in advance correct.

Sharon Phillips: Services rendered.

Anthony Marchetti: Okay.

Mayor Bugg: Is there a motion?

Anthony Marchetti: So moved.

Mayor Bugg: Second?

Frances Westbrook: Second.

Mayor Bugg: All in favor? Opposed? Motion passes.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION TO APPROPRIATE $2,778 FROM COMMUNITY SUPPORT & TOURISM; FLACK SHACK IS PASSED 6-0.

8. Consideration of a motion to appropriate $420.04 from General Operating; US Bank.

Mayor Bugg: Consideration of a motion to....

Bonnie Schaschek: Can I ask a question, have we received any income from the Virginia Tourism Grant, we paid all this money out?

Mayor Bugg: Matching funds....

Frances Westbrook: Come back, have we been submitting invoices is that what you're asking? Have we, have we been submitting invoices for reimbursement to Flack Shack?

Sharon Phillips: So the invoices from Flack Shack have not been submitted to the Virginia Tourism for reimbursement.

Frances Westbrook: When do you anticipate that?

Sharon Phillips: Council can advise.

Frances Westbrook: I thought we were going to do it monthly as the came in but I would like to see us start recovering some of the monies.

Mayor Bugg: Yeah.

Anthony Marchetti: Are we able to at least quote to spend all the money we are required to this fiscal year and then receive monies back based on receipts. I think that's what we want to do is have it closed out in this fiscal year.

Frances Westbrook: Well that's what I was going to say particularly if we can get all this in that we are entitled to up to this point before the end of June so it all goes on this year's fiscal books.

Anthony Marchetti: Yeah, that's what I'm getting at, I think the whole thing can be wrapped up in this fiscal year.

Frances Westbrook: Yeah, that would be nice and have it....

Dudley Patteson: It is also my understanding that soft contributions by the Steamboat Era Museum, Tides Inn and The Hope & Glory all can be used to college hard dollars from the VTC so do we know.

Sharon Phillips: Those are soft, we need to capture the partner's receipts but they don't apply to reimbursement.

Dudley Patteson: I was told differently by the head of the program.

Sharon Phillips: I know.

Frances Westbrook: Alright so we need to get receipts that do apply from the partners.

Sharon Phillips: Which would be the invoices to Flack Shack.

Bonnie Schaschek: But the invoices from the partners are not part of the reimbursement to the town?

Sharon Phillips: They are part of, they are part of the grant reimbursement program, but if The Hope & Glory submits $10,000 worth of receipts the town does not get $5,000.

Anthony Marchetti: It's part of what we do to qualify...

Frances Westbrook: It's confusing to me.

Anthony Marchetti: Sounds simple send receipts to Flack Shack. That's pretty, it seems quite easy.

Frances Westbrook: So whatever we have to do to get money back in.

Mayor Bugg: Sounds good, consideration of a motion to appropriate $420.40 from general operating US Bank, is this the printer?

Sharon Phillips: It is Mr. Mayor and this is actually a contract, you have a 3-year lease with this printer and if council would be agreeable to appropriating that so it is not a monthly, it is a contract, just and it's under office supplies.

Mayor Bugg: Okay.

Sharon Phillips: Actually, it's under general operating.

Frances Westbrook: Could we wait and start that in July with a new budget year and just continue what we set up to the end of this, we only have two more months to go rather than changing horses mid-stream and then when we get ready to approve the new budget then we start appropriating like we used to all in one big swoop then we can do that then but I'd rather see us just stay the way we are for the last 2 months and then we are through with this budget year.

Mayor Bugg: Yeah.

Anthony Marchetti: Good with me.

Mayor Bugg: Sounds good. Would someone like to make a motion for the $420.

Wayne Nunnally: Just table it don't you.

Frances Westbrook: What?

Anthony Marchetti: We still gotta appropriate the money.

Frances Westbrook: We have to appropriate the money.

Mayor Bugg: You made the motion? Is there a second?

Anthony Marchetti: Second.

Mayor Bugg: All in favor? Opposed? Motion passes.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION TO APPROPRIATE $420.04 FROM GENERAL OPERATING; US BANK IS PASSED. 6-0.

Anthony Marchetti: Do we need any sort of motion for submitting receipts for the grants.

Frances Westbrook: We can do a motion if you want I think she said we're just waiting tell her to do it. Do, do, do…

Anthony Marchetti: I'm just asking…

Frances Westbrook: I move that we submit all…

Nancyellen Kean: It's in the contract that you have to submit….

Frances Westbrook: No, we are talking about Flack Shack…

Anthony Marchetti: If we don't need it, we don't need it, just make sure that we…

Frances Westbrook: A loose string.

Mayor Bugg: Excellent.

N. ROUNDTABLE

Mayor Bugg: For round table I have that one item I mentioned and turn it over to you guys obviously also but the tennis instructor who came and spoke Frederic is interested in beginning lessons he already has Chesapeake Academy students in the courts now he is bringing this back up and we table it, so I just wanted to bring it up to you guys and see what you want to do about that, Nancyellen research and possibly put together a proposed contract in terms of protecting us as much as we can regarding liability but that's where things are, no action was ever taken regarding this, we tabled it.

Frances Westbrook: We talked about maybe charging him.

Nancyellen Keane: Yeah, the fee thing y'all never decided so I need you to tell me what you want to do about that before I can put it in there.

Mayor Bugg: He suggested 10% of any income from coaching to the town.

Sharon Phillips: He volunteered it.

Bonnie Schacshek: He volunteered, oh my goodness.

Mayor Bugg: He volunteered it yes.

Sharon Phillips: I think his email reads that he realizes that weighty town council was currently taking under advisement and that he was currently using the courts for Chesapeake Academy instruction and he volunteered to remit 10% of his personal training fees.

Frances Westbrook: Not just for the Academy.

Mayor Bugg: Yeah.

Anthony Marchetti: I think it's a nice asset.

Sharon Phillips: My question to council on this, are you letting people use the courts right now because the repairs haven't been made, the repairs are tentatively scheduled to be made the end of April or May possibly a bit earlier since we have seen a reprieve in the weather where the ground water has dried up in some places, the average daytime temperatures are…

Frances Westbrook: People are definitely over there.

Mayor Bugg: Not locking them up and going through that again. Keep going.

Frances Westbrook: Well I would say he could use it up until we make repairs and then after they're done he could pick back up, that's the only.

Bonnie Schaschek: Do you have a contract for Chesapeake Academy?

Nancyellen Keane: It's a license agreement with Chesapeake Academy.

Bonnie Schaschek: So it doesn't have liability or anything in it.

Nancyellen Keane: It has the liability, it doesn't have any fee, they are not paying us anything, it was done as a license agreement because it is not really a lease or rental, you know what I mean.

Bonnie Schaschek: Can we do it the same way with a little fee.

Mayor Bugg: Great.

Frances Westbrook: Will he coordinate the use of the actual use of it, the dates or whatever with Sharon or…

Nancyellen Keane: The tennis coach there so that would make sense. I was gonna say coordinating use is the other issue, it may not ever be a problem but it could be, you know but if he is both the coach for the school and he is doing his own coaching then he's obviously going to have to use it when the school is not using it.

Frances Westbrook: Yeah but say some guests from Hope & Glory are over there using it and he has decided at 2:00 he is going to teach a class but there's people over there using it then is he going to say sorry I'm getting ready to teach a class you have to leave.

Bonnie Schaschek: He needs to give a list of when the classes are going to be so it can be posed that it will be in use during that time.

Dudley Patteson: Plus we need to get everybody a plan of when the repairs are going to take place, people will go over there and they will be torn up and they'll be upset.

Frances Westbrook: Well we'll have to lock it then won't we.

Dudley Patteson: I think you need to advise him in whatever way you do because the last thing you want to do is disappoint people.

Nancyellen Keane: When you give somebody a license I mean they are going to be above just the general public, so like Chesapeake Academy comes before the general public does now and this guy would be another person that would come before the general public.

Frances Westbrook: But is it unreasonable for us to think that maybe he will give us a schedule that on Tuesdays and Thursdays from this time to that time, it's every Tuesday and Thursday.

Nancyellen Keane: We can require him to but who is going to post it him, are you going to ask him to post it…

Frances Westbrook: I'm just throwing out food for thought here.

Anthony Marchetti: Any limitations like a max allowable usage per week I mean I don't know. Probably not going to be a problem but…

Lara Brown: Aren't there two courts over there so he's using one there's still another one for the general public?

Anthony Marchetti: Maybe, can be no more than one court at a time.

Frances Westbrook: That might be a good way to…

Anthony Marchetti: If he goes to use it and if both courts are full then both courts are full.

Bonnie Schaschek: Are there two courts?

Lara Brown: Yeah I think there's two courts over there.

Bonnie Schaschek: I can't remember.

Anthony Marchetti: Two courts.

Nancyellen Keane: Okay I'll whip up something.

Frances Westbrook: Wave your magic wand.

Mayor Bugg: Excellent, I don't have anything else, council or did you mention Bay Design.

Lara Brown: Oh is this round table are we in round table.

Mayor Bugg: Yes.

Lara Brown: Yes, is there any directions that you would like for you know to consider regarding Bay Design Group them doing any of the other work or now that they have given us the good/bad news on the septic, do we need to think about that, do we wait for the survey, what I just kind of need a…

Wayne Nunnally: I really think we should wait for the survey personally and just put them on hold, we can do that.

Nancyellen Keane: If you put them on hold you have to put it in writing. Just FYI.

Bonnie Schaschek: They've been working on an overall site plan, have they given us the overall site plan you're saying, no.

Lara Brown: They haven't completed all the parts yet, now they have been paid monthly for services completed to date but they haven't completed all the services that….

Wayne Nunnally: We contracted for.

Frances Westbrook: Why don't we finish the site plan. Finish the site plan first…

Bonnie Schaschek: At least we have some idea going forward.

Dudley Patteson: Some idea of what we can do.

Mayor Bugg: Yeah that makes sense.

Bonnie Schaschek: I'd rather complete what we started.

Anthony Marchetti: I think that's valuable information that we proceed….

Frances Westbrook: More than likely.

Wayne Nunnally: Stop it I don't want to wait I want to go ahead.

Bonnie Schaschek: What did he say?

Frances Westbrook: He doesn't want to wait he wants to go ahead.

Mayor Bugg: Keep proceeding as planned.

Anthony Marchetti: Initially the full scope of what we…

Lara Brown: They were going to have to wait to see what type of septic would have to be used….

Anthony Marchetti: ….before they could proceed.

Lara Brown: …before they could go any further because now that this is an engineered system that is going to limit your footprint because this will be one of those big humps and it is going to limit where you can put parking and the building and so forth so now that they kind of have an idea of what kind of septic we would have to generate now they can move forward.

Anthony Marchetti: So is that the next, we give them approval, authorization, verbal to…..

Wayne Nunnally: Continue….

Anthony Marchetti: …with a complete site plan.

Lara Brown: Site plan, right.

Bonnie Schaschek: I would say we continue, we need it.

Lara Brown: Okay.

Bonnie Schaschek: I mean, yeah, we don't otherwise be back to the drawing board again.

Wayne Nunnally: Do we need a motion?

Lara Brown: No we don't need a motion because we already have…

Mayor Bugg: Already have a contract.

Lara Brown: …a contract.

Mayor Bugg: Okay good. Anything else.

Nancyellen Keane: The only thing you would need a motion for is if you want to put them on hold and notify somebody to tell them to stop.

Wayne Nunnally: Go ahead.

Mayor Bugg: Anything else for round table?

Bonnie Schaschek: Did we vote on this schedule?

Mayor Bugg: Yes we did.

Frances Westbrook: That's a CUP schedule, that's a, no, that's a CUP…

Bonnie Schaschek: We did?

Lara Brown: Which one is that?

Nancyellen Keane: Is that the Dudley one?

Dudley Patteson: This is the revised.

Bonnie Schaschek: Zoning ordinances for CUPS.

Lara Brown: That's what I called you on your consensus on that.

Bonnie Schaschek: Oh so we don't have to vote.

Nancyellen Keane: No because you did the first step of it, unless you want to vote.

Mayor Bugg: Good. Excellent. Anything else, anything else for round table. That will take us to announcements.

O. ANNOUNCEMENTS

Mayor Bugg: Anyone have any announcements? With that we will move into closed session. Thank you public, thank you for being here for 2 hours, you're given an award so.

Cay Bradley: Can I just make a comment. It's just interesting to me that you guys just voted to have Bay Design do a site plan but you're also going to do a survey to get input from the public for what they'd like to have done, those two things seem a little at odds to me, that's all I'm going to say on my way out the door.

Bonnie Schaschek: They have been working on a site plan, they have to decide what you can do.

Nancyellen Keane: You have to read them.

Frances Westbrook: Oh I'm sorry.

Nancyellen Keane: Cause you have to vote to go into…

P. CLOSED SESSION

1. Pursuant to "2.2-3711(A)(1) for personnel matters concerning the zoning administrator.

Frances Westbrook: I, Frances Westbrook move to go into closed session pursuant to 2.2-3711(A)(1) for personnel matters concerning the zoning administrator.

Jackie Brown: Second.

Wayne Nunnally: Second.

Nancyellen Keane: A second and a vote.

Wayne Nunnally: Second.

Mayor Bugg: All in favor?

Group: Aye.

Mayor Bugg: Opposed? Motion passes.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 6-0.

Q. RETURN TO OPEN SESSION

Frances Westbrook: Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act and whereas Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with the Virginia Law now there be it resolved that the Board hereby certify that to the best of each members knowledge that one, only public business matters lawfully exempted from open session requirement by Virginia Law were discussed in closed session to which this certification resolution applies and two, only such public business matters were identified in the motion convening the closed session were heard, discussed or

considered by the Board. Is there any member who believes that there was a departure from the motion to go into closed session, if so, state the departure.

I, Frances Westbrook, so certify.
I, Bonnie Schaschek, so certify.
I, Dudley Patteson, so certify.
I, Anthony Marchetti, so certify.
I, Wayne Nunnally, so certify.
I, Jackie Brown, so certify.
I, Tripp Bugg, so certify.

Mayor Bugg: It is certified, we are back in open session.

R. ACTION TO BE DETERMINED

Wayne Nunnally: I move that we have Lara meet with the committee of personal to develop an ad for the zoning administrator.

Mayor Bugg: And then after the consensus with council that advertisement be placed in the…

Wayne Nunnally: Exactly.

Nancyellen Keane: I didn't hear this.

Wayne Nunnally: Call a question.

Mayor Bugg: He just made a motion for Lara to meet with Dudley and HR and myself to discuss advertisement and after discussing that advertisement, we obtain a consensus of the council regarding approval of that advertisement so that it can be placed in the newspaper.

Anthony Marchetti: Second.

Mayor Bugg: All in favor? Opposed? Motion passes.

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Anthony Marchetti	Aye

THE MOTION FOR LARA TO MEET WITH DUDLEY AND HR AND MYSELF TO DISCUSS ADVERTISEMENT AND AFTER DISCUSSING THAT ADVERTISEMENT, WE OBTAIN A CONSENSUS OF THE COUNCIL REGARDING APPROVAL OF THAT ADVERTISEMENT SO THAT IT CAN BE PLACED IN THE NEWSPAPER IS PASSED 6-0.

S. ADJOURN

Mayor Bugg: Is there a motion to adjourn.

Wayne Nunnally: I motion we adjourn.

Respectfully submitted,

Sharon L. Phillips, Clerk

Albert D Bugg, Jr

Albert D. "Tripp" Bugg, Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, APRIL 8, 2021 6:30 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Mary Cary Bradley	991 King Carter Dr
2.	Julie Harris	1099 King Carter Dr.
3.	CJ Carter	157 Chase Cove Ln.
4.	Jeff Ewing	732 Chesapeake Dr
5.	Ian Cleyne	63 Haydon Hall Lane
6.	Kristin Cleyne	63 Haydon Hall Lane
7.		
8.		
9.		
10.		
11.		
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL
REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
MARCH 11, 2021, 6:30 PM

NOTICE: the Irvington Town Council will hold a Regular Monthly Meeting on Thursday March 11, 2021 6:30 pm; Irvington Baptist Church.

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: I will call this meeting to order. Notice: The Irvington Town Council will hold a Regular Monthly Meeting on Thursday, March 11, 2021 at 6:30 p.m. at the Irvington Baptist Church. I'd like to first start with a moment of silence. Thank you. This meeting has been called to order, that will take us to the roll call.

B. ROLL CALL – Mayor Bugg

Members of Council Present:	Mayor Bugg present. Frances Westbrook present. Bonnie Schaschek present. Dudley Patteson present. Anthony Marchetti present. Jackie Brown present. Wayne Nunnally present.
Staff Present:	Nancyellen Keane, Esq., Town Attorney Lara Brown, Zoning Administrator Sharon Phillips, Town Clerk, FOIA Officer
Guests:	See attached sign in sheet.

Mayor Bugg: Great. All present. Thank you council and I thank you to the public for joining us this evening.

C. APPROVE AGENDA

Mayor Bugg: Next item on the agenda is the actual approval of the agenda. Council have you had a chance to review this agenda.

Wayne Nunally: Mr. Mayor, I'd like to amend it, I make the motion for the report of the facilities, streets, sidewalk committee to be held in closed session.

Mayor Bugg: Excellent and....

Nancyellen Keane: Are you going to move it to the end or leave it where it is?

Wayne Nunally: If we move it to the end, I don't want anybody waiting around.

Mayor Bugg: Yeah. Okay.

Lara Brown: I'm sorry, what's the amendment.

Mayor Bugg: ....of closed section. This is for real estate purposes under Code 2.23711A3 and I believe Mrs. J. Brown may have a motion as well concerning legal matters that we be seeking advice from the town attorney, the town attorney during closed session as well, is that correct?

Jackie Brown: That is correct.

Mayor Bugg: And would that be your motion as well?

Jackie Brown: Yes.

Mayor Bugg: Okay.

Wayne Nunally: So, we are putting it right after announcements.

Mayor Bugg: Correct.

Wayne Nunally: Right before adjourn.

Nancyellen Keane: Mr. Mayor there is a bunch on the second page that was added, I don't know if you have it....

Mayor Bugg: I do. So right after announcements?

Wayne Nunally: Yes sir.

Mayor Bugg: Okay.

Frances Westbrook: Mr. Mayor, you and I had talked and I asked if you would please put under new business committee discussion.....

Mayor Bugg: Okay.

Frances Westbrook: And I don't see it on here so if you could add that under new business, Item, it would be Item #9.

Nancyellen Keane: What committee do we know.

Mayor Bugg: What other committee's so we can just narrow it down.

Frances Westbrook: I think we are just going to talk about the committee in general and....

Mayor Bugg: Alright Mr. Nunnally has made his motion is there a second concerning a closed session for real estate matters.

Bonnie Schaschek: Second.

Mayor Bugg: Any further discussion. All in favor.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO AMEND THE AGENDA TO INCLUDE A CLOSED SESSION FOR REAL ESTATE PURPOSES UNDER CODE 2.23711A3 IS PASSED 6-0.

Mayor Bugg: Opposed. That is added to the agenda as part of the closed session. Next, we will come to Mrs. J. Brown with a motion for legal advice from the town attorney. Okay is there a second?

Wayne Nunally: Second.

Mayor Bugg: Further discussion. All in favor. Opposed.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO AMEND THE AGENDA TO INCLUDE A CLOSED SESSION FOR LEGAL ADVICE FROM THE TOWN ATTORNEY IS PASSED 6-0.

Mayor Bugg: Mrs. Westbrook I will let you state your motion.

Frances Westbrook: I move that we add a topic of committees under old business, I mean under new business, Item #9 please.

Wayne Nunally: Second.

Mayor Bugg: Any further discussion.

Dudley Patteson: I'm sorry what was that again.

Frances Westbrook: Item #9 under new business committees.

Mayor Bugg: Any further discussion. All in favor. Opposed.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO AMEND THE AGENDA TO ADD THE TOPIC OF COMMITTEES AS ITEM 9 UNDER IS PASSED 6-0.

Bonnie Schaschek: May I ask a question, I have a subject that I want to talk about, can we just do it in round table.

Mayor Bugg: Yeah, that's alright.

Sharon Phillips: Mr. Mayor are you going to do your highlighted items.

Mayor Bugg: Thank you Madam Clerk. There are a number of items to also be added to the agenda under new business.

- Item #3 consideration of a motion to allow us of the Town Commons use for VIA for 2021 Farmer's Market dates, next item is consideration of a motion to appropriate $2,000 from community support and tourism, Lancaster Community Library.
- Next item would be consideration to appropriate $498.71 from the general operating, US Bank.
- Next item will be consideration of a motion to appropriate $2,000 from general operating, mayor's discretionary fund.
- Next item would be consideration of a motion to appropriate $1,901.85 from the CARES Fund, ICN Enterprises, property insurance.
- Next item is consideration of a motion to appropriate $172.44 from general operating, Safeguard.
- Last we have consideration of a motion to appropriate $399.77 from general operating, Rappahannock Record.

Mayor Bugg: Would someone make a motion....

Wayne Nunally: Is that consideration of a motion to appropriate $1900 be 7, is that coming out of your $2,000.

Mayor Bugg: Yes, and I understand why numbers may be off. If you look under 6 and you read down, you'll see the third line down from 6 it begins with consideration, that should be 7, 7 should be 8 and 8 should be 9 and then we'll have 10 committee's discussion.

Frances Westbrook: Very good.

Mayor Bugg: So, would someone like to make.

Wayne Nunally: I so move.

Dudley Patteson: Second.

Mayor Bugg: Further discussion. All in favor.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO AMEND THE AGENDA TO INCLUDE THE FOLLOWING ITEMS IS PASSED 6-0.

- **Consideration of a motion to allow us of the Town Commons use for VIA for 2021 Farmer's Market dates, next item is consideration of a motion to appropriate $2,000 from community support and tourism, Lancaster Community Library.**
- **Next item would be consideration to appropriate $498.71 from the general operating, US Bank.**
- **Next item will be consideration of a motion to appropriate $2,000 from general operating, mayor's discretionary fund.**

- **Next item would be consideration of a motion to appropriate $1,901.85 from the CARES Fund, ICN Enterprises, property insurance.**
- **Next item is consideration of a motion to appropriate $172.44 from general operating, Safeguard.**
- **Last we have consideration of a motion to appropriate $399.77 from general operating, Rappahannock Record.**

Mayor Bugg: Opposed. Those items are added as well

D. APPROVAL OF MINUTES AND ACCEPTANCE OF TREASURER'S REPORTS

Mayor Bugg: Next item on the agenda will be the approval of the treasurer's reports. Council it looks like we have 11 sets of minutes, so what would you like to do.

1. September 23, 2020 Workshop Minutes
2. October 8, 2020 Meeting Minutes
3. October 15, 2020 Meeting Minutes
4. November 17, 2020 Meeting Minutes
5. November 18, 2020 Meeting Minutes
6. December 10, 2020 Meeting Minutes
7. December 17, 2020 Meeting Minutes
8. January 7, 2021 Joint Public Hearing Minutes
9. January 7, 2021 Meeting Minutes
10. January 14, 2021 Meeting Minutes
11. February 25, 2021 Meeting Minutes
12. Treasurer's Reports (4)

Frances Westbrook: I would like to point out that we have one set of January 7th minutes which was our meeting that followed the joint public hearing minutes, do we not, we don't have the joint public hearing though or I don't.

Mayor Bugg: I have not seen them I don't think. Anyone else.

Wayne Nunally: I would just like to make a point, I've never seen and I may be the only one but I haven't seen the August minutes.

Nancyellen Keane: I thought they were approved.

Dudley Patteson: Mr. Mayor I'd like to suggest if any council member has an issue such as the one that Mr. Nunnally suggested that they contact the clerk and see what she can do to satisfy whatever the shortcoming is. We don't need to deal with it at our meeting tonight.

Wayne Nunally: Dudley it is not a matter of shortcoming it is a matter of reading the thing and putting them together so we can approve them or not. Right now we've got what 358 single spaced....

Dudley Patteson: Excuse me 358...

Wayne Nunally: ...yeah or so pages single spaced to work with and trying to remember back to September. It's going to take a little time to get the things read.

Dudley Patteson: I think all of us are under a lot of pressure, 5 years ago there was 27 total meetings that council was involved in, town council meetings were 13, planning commissions 12, etc, we are up with meetings 167% since 2016, 167% going from 27 to 80 meetings a year and if we are going to do that and put our staff in a position where thay can't win....

Wayne Nunally: We are going to prevent a lot of that by changing our pier and dock and swimming pool appointments....

Dudley Patteson: That was like, that was Lara, this I'm referring to the position of clerk and I think that we need to while the investigation is going on, we need to wait until the end of that for any human resource issues and certainly none being....

Wayne Nunally: ...human resource, we're talking about minutes....

Dudley Patteson: ....you were com--, I just said if there was an issue just please check with the clerk and not take the time of council thank you.

Frances Westbrook: Well, I think once we get caught up, hopefully we'll stay caught up, so we won't have an issue.

Dudley Patteson: Thank you.

Wayne Nunally: Have you read all the minutes.

Dudley Patteson: Pardon.

Wayne Nunally: Have you read all the minutes?

Dudley Patteson: No.

Wayne Nunally: Well, how can we approve them if we haven't read them.

Bonnie Schaschek: I have read ¾ of them, and I am not going to approve them because they are several errors in it and there is omissions in them, I will be sending a request in to the staff to request recordings because the only way I'm going to be able to verify and who said is by listening to the recording and comparing it, because I know in some cases, I didn't say it, Jackie said it, or Fran said it or I did say something and that is not what I said, so only by listening to the recording am I going to be able to verify the minutes so at this point in time, and I'm going to take the time to do it, I'm not asking anybody else to do it but I do plan on doing it, I will not approve the minutes as they stand right now.

Frances Westbrook: I don't think any of us really want to approve them tonight necessarily because I doubt any one of us has read all of them.

Dudley Patteson: But....

Frances Westbrook: It's hard to remember going that far back also.

Dudley Patteson: And Bonnie I think, yeah you do have a good point, I think that just get with the clerk get the...

Bonnie Schaschek: I will....

Dudley Patteson: And, and....

Bonnie Schaschek: ….[inaudible].

Dudley Patteson: Excellent.

Bonnie Schaschek: And that's what I said, I will do it, I'm just not in a position to pass this tonight.

Dudley Patteson: Okay, let's move on.

Bonnie Schaschek: ….I mean, it's an awful lot and you know, God bless the person who typed this all up.

Dudley Patteson: I know.

Mayor Bugg: Alright, so we are going to table these.

Wayne Nunally: Can't do anything else.

Mayor Bugg: Yes, yes, Madam Clerk.

Sharon Phillips: So, may I, how, how would we like to proceed with this, this will be the second time that they've all been printed, I'm not sure why, five of them were distributed on the last agenda when they were tabled the last time, and so I printed them all again, council was quite concerned with 317 pages, and this time if they are tabled again….

Bonnie Schaschek: I don't think you need to print them again.

Sharon Phillips: Okay, then we continue to add to them. I--

Wayne Nunally: We certainly don't need to print them….

Sharon Phillips: We talked about a process….

Wayne Nunally: …go over and over….

Sharon Phillips: …I appreciate Ms. Schaschek going through them and requesting….

Wayne Nunally: ….one [inaudible] why reprint the minutes that have already been presented.

Dudley Patteson: Well, let's,we will accept the minutes as presented at this meeting at our next meeting when hopefully we are closer to coming up with a solution.

Wayne Nunally: Certainly, we don't need to keep on printing them.

Dudley Patteson: I don't think so.

Frances Westbrook: No, no, don't.

Dudley Patteson: Everybody in agreement with that?

Frances Westbrook: So, we'll table these until next month. I'll make a motion.

Mayor Bugg: You make the motion.

Wayne Nunally: Second.

Mayor Bugg: Any further discussion. All in favor.

Vote: Frances Westbrook aye
Bonnie Schaschek aye
Dudley Patteson aye
Anthony Marchetti aye
Jackie Brown aye
Wayne Nunnally aye

THE MOTION TO TABLE THE MINUTES IS PASSED 6-0.

Mayor Bugg: Opposed. Council I will challenge all of you to try to and get these things done at the next meeting.

Bonnie Schaschek: I have some done already

Mayor Bugg: Good.

Wayne Nunally: Please let's, have this meetings minutes available to us.

Sharon Phillips: Last month's minutes are....

Bonnie Schaschek: They're here.

Mayor Bugg: We'll tackle them all.

Wayne Nunally: When we come back.

Bonnie Schaschek: No, they're here.

Wayne Nunally: You misunderstood, I want the minutes of tonight at our next meeting, I don't want to postpose those.

Bonnie Schaschek: I think they're pretty much caught up.

Frances Westbrook: I think after we get caught up then we'll be....

Bonnie Schaschek: I think they're caught up we just need to get them approved now.

Mayor Bugg: We're getting there. Treasurer's report. Mrs. Westbrook.

Frances Westbrook: Well once again as last meeting until we get the audit process completed I suggest we just kind of file these away as informational at this point and then we'll tackle that when we get the report.

Mayor Bugg: That works. Thank you to you and Anthony for your work and continued efforts in this regard.

E. PUBLIC COMMENT

Mayor Bugg: Next item on the agenda is public comment. By a show of hands can I see how many people wish to speak. Decent number okay. When you do talk, I just ask you to step forward, state your name and address and do the best you can to limit your comments so we can

keep things on schedule but certainly want to welcome you to say what you need to say this evening so. With that, yes.

Sharon Phillips: Mr. Mayor, I have two, two people that were not able to attend this evening, may I add them.

Mayor Bugg: Go ahead.

Becca Sterrett: Good evening, my name is Becca Sterrett and I along with my husband and two children are a full-time resident of Irvington. I was recently made aware of the proposed short term rental ordinance being proposed by the council. I have some significant concerns about the proposal. Although we do not own an STR we live directly across from one and only two doors down from another. In the 3 years that we have lived here, we have never been a problem with any of the short-term renters. The only reason we have ever even know someone is there is by the changing of the cars in the driveway. In fact, we have often used STR's ourselves to host family members visiting from out-of-town and it has been so lovely to have places like that for them to stay so close by. I am baffled that the town is taking such an aggressive stance against STR's. By actively trying to suppress this form of business the council is effectively stating that they do not want tourism in Irvington. By the same measure council is also actively working against the businesses of Irvington which thrive on financial support that visitors to our area provide. Should STR's be regulated? Absolutely. But the current proposal is extreme and frankly the language appears to indicate that it is emotionally driven. Example, our residential communities are not business districts. I have read over the proposed ordinance, excuse me, I have read over the proposed updates to the proposal by the Irvington Business Association and while the regulations are still stringent, they appear much more reasonable. I urge the council to support their reasonable STR regulations proposed by the Business Association rather than the unnecessarily extreme measures in the initial proposal provided by Mr. Nunnally. I appreciate your consideration and hope you take into account the voices of your constituents as well as the significant ramifications this decision could have for the businesses of Irvington. The second is from Laura Vickers and David Pumphries. Dear members of the town council and residents of Irvington. We have owned our historic Irvington home since the mid 2000's. We fell in love with the area after a visit to The Hope and Glory and we adore the peace and quiet and quaintness the town has to offer. Initially we had rented a house as a standard long-term rental. When our last long-term renter had to move in with her children due to health issues, we pivoted on renting short term, we pivoted to renting short term to allow us to improve and enjoy the house as well. In that time, we have never had a complaint from a neighbor. In fact, a few residents of Irvington and the immediate area have had overflow relatives and guests stay in our house. The majority of this guestbook for our house was to attend weddings at The Tides Inn or family reunions. Many come to explore the area for the first time or are returning because they too have been smitten with Irvington. All come to spend money at local businesses which we hardly promote. Many have gone on to visit repeatedly and several have been inspired to buy property in the area or stay while they are checking in on contractors working on their second homes. We are invested in maintaining the home and it is kept in much better shape than when it was a standard tenant occupy. Our guests are instructed that they are visiting a residential area and we make it clear that noise, events, parties or gatherings are not allowed nor tolerated. This has never been an issue for us. We already have hard-wired Nest smoke CO2 detectors which update us immediately if there is an issue. Due to the nature of our jobs, we have our phones with us 24/7. We also have a Nest smart lock for added security for

us and the guests and an outdoor camera pointing in our driveway. We do not allow more than four guests. We have a semicircular driveway that provides plenty of off-street parking to our guests. We have weekly trash pickup and have regular lawn cutting during the growing season. We have no issue having local representatives or adhering to common sense rules and regulations. Our house is covered by a policy specifically for short term rentals and is backed by Lloyd's of London. It has and always has been our intention to be good neighbors with the eventual goal of living full time in the community. Short term rentals allow for people to explore the area at various price points and bring a boost to the economy. We have seen others join us with offering short term rentals and appears that they work hard and maintain their properties as well. Thank you for your consideration. Laura and David, excuse me Laura Vickers and David Pumphrey. Thank you sir.

Mayor Bugg: Thank you.

Frances Westbrook: Who was the first one from Sharon. I'm sorry.

Sharon Phillips: Becca Sterrett.

Frances Westbrook: Thank you.

Mayor Bugg: Yes.

Sam Van Saun: Sam Van Saun, 146 Virginia Road and I am here with my hat on of President or Chair of the Irvington Virginia Business Association. I'd like to speak concerning the STR ordinance that Wayne Nunnally offered up the last town council meeting. It was about a year ago, I'm sure you all remember that Rannie Ransone, Mayor at the time, called for a process to begin to discuss short term rentals in Irvington. That process did not move forward properly and therefore was set aside. In early summer last year Rannie brought us all together, residents and town council members under the big tree right over there at the commons to share views on the subject. There was not one person in attendance who did not want to allow short term rentals in Irvington but there were certain concerns expressed and a consensus that putting a few guidelines in place would alleviate all of those concerns. It's one year later now and once again during budget season the STR issue has been raised. Speaking on behalf of the Irvington Virginia Business Association which now has over 30 members by the way. These are the points we would like town council to consider. Town council has a process it goes through to get things approved. Any action taken concerning short-term rentals should go through a proper process as well. We expect that process to be based on the input of Irvington residents and to reflect a consensus. Let's start with a couple basic requirements for STR's and see how that goes. That may be all we need. The IVBA supports a simple and standard registration for STR's so that if a problem arises the town knows who to contact. The owner or manager of the property. There's already an approved occupancy tax and a registration of STR's would provide a way for the town to reach out concerning payment if necessary. A set of requirements concerning STR's may be created to include items such as the noise ordinance which owners or managers of STR's would be required to sign when they register. You know just like a page, a one page of bullet points that they read and then say we agree and sign here. There is no need for CUPs for STR's. Requiring such would be a waste of the town's time and staff resources and would further create unnecessary backlog. The IVBA looks forward to working with you all on this process. Thank you.

Mayor Bugg: Thank you. Who wants to speak next.

Greg Kirkbride: I will.

Mayor Bugg: Yes sir.

Greg Kirkbride: I'm Greg Kirkbride, 364 Chesapeake Drive in Irvington. I'm here on behalf of the Irvington Farmers Market, I'm the market manager and we are asking the town to approve the markets to be held on the Commons for the season, which is from May through November, the first Saturday of every month. I deeply appreciate that I am on the agenda or this item is on the agenda as item #3 so you are making a consideration of that. The Town of Irvington allowed the Farmer's Markets to be held from August to November of 2020 per agreement between the Village Improvement Association and the Town of Irvington signed by the parties. I have also furnished a markup of the agreement as a proposal for the 2021 season. We successfully demonstrated as the Village Improvement Association that we could hold the market safely and address the precautions that we came to in the agreement and the precautions from the Governor's guidelines for phase 3 for all business sectors. Governor Northam has recently eased some of the COVID related restrictions effective March 1, 2021, by Executive Order which primarily allows the gatherings to have more people than previously, but it still incorporates the same phase 3 guidelines that we followed during the 2020 Farmer's Markets. VIA will continue to take those precautionary members, uh, measures during the 2021 season and I have also reached out to Tappahannock and Heathsville who are starting their markets in April so that I can find out exactly what they're doing also. I'm asking for approval or at least an indication that we can hold our markets during the 2021 season so that I can get back to our vendors and nonprofit organizations to give them some lead time that they need to be able to prepare. VIA very much appreciates the support the Town of Irvington has given the Farmer's Markets throughout the years. We want to continue to hold them with emphasis on the health and safety of our community. Thank you.

Mayor Bugg: Thank you. A job well done. Next. Yes sir.

Barry Robinson: Good evening everybody. My name is Barry Robinson and I have a house at 137 York Road I purchased back in 2013, and I'm here tonight to talk about the short-term rental ordinance. I must admit when I was made aware of this and I read this document I was in a state of shock and speechless. While the document starts out saying that it is representing both sides of the parties or people that are interested or concerned about this, it is clearly one-sided. It is a violation of rights, it's an overreach of the town's jurisdiction the way it's written. How does it plan on enforcing this? Since I believe that there are many elements of this that are not within a jurisdiction how does the town plan on paying for legal action when and if it is brought to the town for violating rights. There are elements in here that violate people's personal privacy. For example, you have to provide the name of people that are staying there to the town in case they want to be contacted. That's a violation of people's privacy. This ordinance as mentioned earlier was previously thrown out because it didn't follow the protocol and frankly, I'm in a state of shock that it was loaded back on the website. It is totally not acceptable as a taxpayer in this town. You know I reflect on this and I keep hearing, so I bought here and I do share like everybody else does here how great this town is by recently investing a large sum of money I buying some additional property. I must admit when I first read this the first thing in my mind was I made a huge mistake making that investment. I keep on hearing that this is a tourist town and there are people that don't want it to be a tourist town. If the town does not want short-term rentals and for it to be a tourist town, then why does the town website promoting short term rentals. It doesn't make any sense.

Let me remind everybody that the roots of this town go back over 100 years ago and this was a major tourist location. It was a stop for people going from Baltimore to Norfolk, and there are significant amount of transients in this town. I contend that the town as it exists today is not true to its heritage if you really want to be technical about it. What problem is this trying to solve and is it really even a problem or is it just people scared that there is new people in town that they don't recognize. Again, how is it going to be enforced. The proposed ordinance talks about a safe close knit thriving community, is there any evidence that exists that says having short-term rentals violates that. It says towns intend to, reduce desirability of the town. I think you've heard from other owners that in fact these are drawing people to the town that later buy and invest in this town. Doesn't want it to adversely affect property values. Well common sense will tell you that it increases property values, not trying to solve that problem. Doesn't want to promote the purchase of single-family homes. Well why would you not want to promote the use of single-family homes. I was shocked when it says that the short-term rental provision of the town feels as though or at least as it was proposed is not a property right. If it's not a property right, again why are you advertising it on the town website. After going through the CUP process to get a simple pier installed at my new properties I can tell you that requiring homeowners that want to do short term rentals that go through CUP process is overly burdensome and a waste of people's time and again what problem has short term rental houses caused this town to result in having to go through the CUP process. I'll be honest with you, this CUP process is like going to a proctologist. I don't know what else to day. It is completely overreaching. I challenge this council and I hear there is efforts to reduce the amount of these CUP's but it is a waste of everybody's time on most of these. Let me just go over some of the things I think are overly reaching. The CUP process in itself. It says that in order to have an STR you have to have a primary residence in Irvington. Okay, once there's one then you can't have one within 200'. Well that's a violation of homeowner's rights especially considered again these are promoted on the town website. It says that you have to have proof of ownership, proof of insurance, have a detailed management plan, make sure trash is disposed of and noise. Aren't there existing ordinances that already reflect this. The fact that the zoning administrator can basically rescind the CUP if there is a complaint by a neighbor, I'm a little bit concerned about that given some of the things I hear in this town about small town politics and I think that is not acceptable. It says the owner has to be within 10 miles of the property at all times. Come on give me a break. You have to be available 24/7. Okay. It says that you can have a short-term rental if it's your primary residence if you have an ancillary structure like an apartment, well those aren't allowed in Irvington last I checked. It goes on to say you have to have smoke alarms and safety equipment, ya'll need to tell me to put my socks on in the morning too. The interesting point was that recently the tax for short term rentals was increased from 2 to 4%. Okay, now there is a proposal I less than a year to increase it to 8%. I'm just wondering has The Tides Inn been informed that their taxes for their guests are going to double before they just invested 10's of millions of dollars on what they're doing. What are ya'll going to do with all this money. What's the plan? I invested here in 2013 and started renting on VRBO in 2014, I've had 6 seasons. I've had over 120 families stay at this house. There has not been one complaint from any neighbor. In fact, my neighbor's use the house when they have guests come from out of town. Again, what problem are we trying to solve. Is there a problem? And finally I just want to echo what has already been mentioned, I got a newsflash, the people that are coming and staying in these short-term rentals, they're your grandchildren, and your children and your family members who are coming here who want to stay in this town to visit you and they use these houses. Yes,

The Tides Inn and Hope and Glory, but people don't want to come stay there for a week. These short term rentals promote what I thought this town was about which is small town values and family. I just cannot comprehend the way this thing was written. So, with that, you know I thank you for listening, those of you who are beginning to know me know I'm straight to the point, and I don't like wasting people's time but I think ya'll should think long and hard about going down this path and really think what this town is all about. Again what problem are you trying to solve? Is there really a problem? Has there ever been a documented problem because of these. You talk about noise and safety, has there ever been a complaint. If I have a house and it's not a short-term rental and have a party and a neighbor complains does that mean I can never have a party again? I mean seriously if you live next to a short-term rental and there's something going on over there, go over there and say hello, don't be scared of these people, they're families coming here with their kids who want to stay here. Again, what problem are we trying to solve? I'm not aware of any problems. Anyway, thank you.

Mayor Bugg: Thank you. Yes sir Mr. Chapman.

Tom Chapman: Tom Chapman, 62 Old Mill Cove Road. First, I'd like to commend the zoning administrator and the council for their work during the workshop to eliminate CUPs for pools and docks and getting the ordinances changed in light of that. I'd also like to say though since you're going to have to have meetings on revising ordinances you ought to take the next step and develop the ordinance change required to take our CUP approval process from five meetings to three and then you can have one meeting, you have a public hearing, you have the two PC meetings and two town council meetings and you will change it so in the future CUPs will only require three meetings and there's no reason to not do that at the same time. The language that's required to change the ordinance I think is relatively modest. So, I recommend you do that at the same time. Thank you.

Mayor Bugg: Thank you.

Albert Pollard: Albert Pollard 48 Steamboat Road speaking to the proposed ordinance of short-term rentals. Some of the previous speakers have spoken to the short terms, I just wanted to focus on a path forward. As a town resident and as a short-term rental owner, I do agree that there should be a minimum registry and some kind of level of like regulation but some minimum standard and I just wanted to offer my services if this is referred to the planning commission to a special committee, I'd be happy to serve and feel that I've got a good perspective of an owner and a resident, so thank you all for all your work.

Mayor Bugg: Thank you Mr. Pollard. Mr. Trollip

Jason Trollip: Good evening. My name is Jason Trollip. I'm the not so new anymore general manager of The Tides Inn. I'm here a couple of, but I just want to add my support first and foremost to the short-term rental discussion and just to say I think it requires quite a bit more than what is being put on the table. I think there should be a lot more of a consultative process taken. Would love to be involved. We all see the benefits of short-term rentals via Air BNB even though we are a hotel that doesn't benefit from tourism, we benefit from tourism in this area so, we'd love to see more of a consultative process in that regard. We have been closed for about 6 weeks. We open on Monday so we look forward to seeing all of you back at The Tides Inn next week. It's been almost a full year that I've been here and I'm often told of the current and historical importance of

the hotels in Irvington and the roles that they play and what they mean to the town and the surrounding areas and our success is often the town's success and certainly the vice versa is true too. In fact I'm often very surprised at how often the residents of Irvington feel a real sense of ownership in The Tides Inn and that's just in the time that I've been there it's successes and failures in fact many residents feel obligated to let me know how to run the hotel as well. I really don't mind that. Having a successful hotel or restaurant, bar, shop, really requires getting some foot traffic and we need more exposure to a broader audience outside of Lancaster County. In 2019 the Irvington tourism grant looked like it was a good way to start looking at tourism with far more care and attention that was started by my old friend Stuart Barwise and Dudley and a couple of others and you know I came in at a time where the pandemic had hit and it was a little bit difficult but it was a lifeline to many in the town to gain a little bit more exposure for our local businesses which were otherwise flattened due to the pandemic managed to survive throughout this time. Flackshack and Susan from Flackshack was asked to take on this difficult job and has been extremely successful in creating some exposure for the town and the surrounding areas. Their success is hard to measure but if you know what to look for you can see it and for those of us that are in the marketing realm all the time you can see the success there every single day. Whether it is social media followers or engagements, likes, shares, click through's I'm not going to bore you with all of this, the sentiment of residents and local businesses, media, website and indeed sales in increased occupancies in the hotel and things like Air BNB's but also restaurants and the like. What Flackshack has been able to do for the town is really create a mechanism to speak directly to tourist. The Love of Irvington campaign I think has been a huge success. It's only starting and what it's been able to achieve in its 6 or 7 months I think has been nothing short of extraordinary. Due to their work we've got a far more professional branding, thoroughly researched and strategically designed name and logo and informative and visual website with local business listings which promotes the town's essence, news articles which validate how great our town is. Great social media which amplifies our messaging and enables us to reach a far greater amount of people. The media outreach which provides Irvington and the partnerships with current marketing with Northern Neck Tourism which is also important, Virginia's River Run and Virginia Tourism Corporation. I'll leave behind some of the positive comments that I've seen on all of these platforms, from tons of people who have just had nothing but rave reviews on what's been achieved so far. The problem is it's not largely supported in this council and in fact just getting payments made to Susan at Flackshack has been extremely challenging. There is someone who has been asked to put all her time and efforts into really professionalizing the town's image on a worldwide web but because of whatever feelings of the council, has kind of been treated as an outsider more than anything else. Whatever historical issues there may have been in how this was launched initially, how it was applied for, or handled really needs to be looked upon in conjunction with what is best for the town and there's a brand of tourism that we have. Recently as was mentioned the lodging tax was doubled, the short-term rental taxes have come to 4% and there is also some discussion about a meals tax and all of these also have a significant impact on smaller businesses in Irvington on a small, medium and large local businesses. The question is how does, how do implementing these new taxes measure up against the resistance to promote the tourism of the town. We want to know you know where these taxes are heading for, what are they for. Is there a plan for you know the revenue that will be generated by these taxes or is it just to increase the bank account. We'd like to know what those are. My request to the council tonight is that we please ensure that Susan from Flackshack's payments are received on time and without delay

because of the job she is doing and I would like the council to consider what the future of this concept looks like because after June the funding runs out and unless we reapply for a further tourism grant whatever is being done by Susan at Flackshack comes to an end. Someone needs to pick it up, take it over, otherwise it pretty much just falls flat on its face. I think we can all agree that she's done such a great job so far that we'd like to continue that.

Mayor Bugg: Thank you. Who is next from the public yes.

Mary Cary "Cay" Bradley: Mary Cary Bradley, 991 King Carter Drive. So I have four topics, I'll be quick I promise. Okay, first of all with respect to the minutes. I understand ya'll have a huge volume of minutes. I have FOIA request, I get them shortly after yall get them, it's a crap load of paper, I get that. I really encourage you all however and Bonnie I think you are suggesting that to work with Sharon so that when you guys get to the table you are not going through on September da-ta-da, page da-ta-da, line da-ta-da, that will be hours and hours on end if I spend the time reading the minutes I don't want to read them again. So please thank you for mentioning that. Second topic, I encourage you all to share all agenda items and materials in a timely manner. There was a motion made in December that you all should receive all of your materials on Friday before the meeting so that you have time to prepare for the meetings. I think that it is also important that you guys not add items to the agenda or bring papers to the table so that those of us who have FOIA requests are also informed when we come to the meeting. In case you don't know, I am the self-titled queen of FOIA for the Town of Irvington, so if y'all need anything let me know, I have it, but again I cannot come prepared to speak in public comment if I don't have any idea something is going to be on the agenda. So, just like you all, I would like to be prepared, I think it is important that you guys try to make sure that your public is prepared. My third item is following up on Jason and putting on my hat as the President of the Steamboat Era Museum. We already know and it's actually in the email from Susan that the work that she has been doing has already given us more business. We have sold books which given that we have been closed for a year is actually a big deal for us, and we know that there are people going to our website, so again I understand there is a lot of historic and a lot of history about that grant but I just want to say as another grant partner, it's been really useful. The last topic is short-term rentals. So, Sam I'm going to correct you, it was a year ago that we had a meeting about the short-term rentals, but the short-term rental committee had been meeting for a number of months prior to that.

Sam Van Saun: That's right, I'm sorry.

May Cary "Cay" Bradley: That's okay, because those of you who were on council last March 1st received an email from me where I expressed some concerns about the short-term rental committee and how the work was being conducted. The ordinance was drafted without a whole lot of input from the short-term committee members, those meetings were very short. I remained concerned that the ordinance that Mr. Nunnally shared with you all last month has not necessarily had as much input from the people who were originally on the committee, which was officially disbanded, or from the public. Like Mr. Robinson said I am still confused about what the problem is with short-term rentals, I find it difficult to think about regulating them if have not articulated the problem. I also find it, I live next door to short-term rentals, I've never had a problem, I know if I did have a problem I can contact the owners and the owners would deal with it, which I think is the appropriate way to handle it. The last thing I'd like to say sort of related to that is for those of you don't know this, I was trained in social work, sometimes I have graces, sometimes I don't, but

in social work we always talk about role and function and needing to make sure that you understand what your role is and what your function is. I would really encourage all of us whether it is a council member, a member of the public, another organization in town to consider what our role and function is. I'm not sure if it's my role and function as a resident of Irvington to draft an ordinance. So, I would just encourage all of us to think about what is our role and function and how can we continue to move the town forward. Thank you.

Mayor Bugg: Thank you. Anyone else from the public. Thank you to all of you for your comments. With that that will take me to the next item on the agenda which is the Mayor's Report.

F. MAYOR'S REPORT

Mayor Bugg: I'll start with my intentions. My family and I have purchased a house just outside of Irvington which requires considerable renovations. Wish us luck. This will likely be my family's final home or at least close to it, so we are delighted. For the foreseeable future I am renting a cottage in Irvington and will continue to live here for some time. I will be remaining here as mayor. I'm not certain at this time how long I will remain in Irvington, but you will be the first to know when I leave. The next item I'd like to speak about is again Flackshack. Madam Clerk since you are the gatekeeper of much of this information I appreciate you sharing it with me but I will gladly turn it over to you for additional comments to what you've heard from the public concerning Flackshack and their performance.

Sharon Phillips: Thank you Mr. Mayor. So council I distributed this afternoon the document that you have in front of you and just a couple of high level talking points. They are using successes measured in a variety of ways through social media, sentiment, websites and sales of course which were affected by COVID. As Jason mentioned of course The Love Irvington was a mechanism for Irvington to speak directly to tourists. I think what's really interesting about the Love Irvington campaign are the various platforms she is using. She uses Instagram, Twitter, Pinterest, Facebook, Google, Yelp, and Virginia.org. They also have co-partnerships, Northern Neck tourism, Virginia River Realm and the Virginia Tourism Commission. As far as analytics go, I thought her analytics were impactful. Now these analytics were as of March 6th and they have gone up since then. She has over 1,800 followers, there are 585 posts, and there are 58,000 impressions which is substantial given that this is organic, these are not paid for ads. This is organic media marketing. There were over 6,000 engagements and interactions. The website in the past 30 days has had 300% increase and a 209% increase in unique visitors. Just a couple of positive feedbacks, I won't go through them all as they are on your form and you can read them. But there is positive feedbacks from The Tides Inn, from The Steamboat Era Museum, Northern Neck Tourism, Windswept which of course is right here in our community and I just think some of the comments, Chesapeake Donut Company, Miss Mary Seafood, The Tides Inn, The Virginia River Realm, The Dandelion, there are just a lot of good things going on about, there's a lot of information in this, I know that council has asked for updates along the way. The mayor and I of course attend those grant meetings. This is just an excellent opportunity to kind of take an in depth look at what's going on with Love Irvington. If there is any questions, I'm happy to answer. Thank you.

Mayor Bugg: Thank you. With that that concludes my mayor's report.

G. REPORT FROM THE TOWN ATTORNEY

Mayor Bugg: The next item on the agenda would be from the town attorney.

Nancyellen Keaene: No report.

H. REPORT FROM THE ZONING ADMINISTRATOR

Mayor Bugg: That will take us to the next item report from the zoning administrator, Mrs. Brown.

Lara Brown: Okay, thank you. You all have a recent report in your 300 page packet. Somewhere in there. This past month there were three renewal zoning permits from Sanders Yacht Yard, there was one zoning permit issued to Hope and Glory and then before I talk about the pending zoning permit that I'd like to spend a little bit of time about and get your opinion on, I originally stated in my zoning report because this was done last Friday, there were no updates on the North Commons at this time from Bay Design Group but I did receive something from them today and I stated that earlier at the budget and finance workshop that email, I have not read the whole email extensively, but basically the soil samples came back and the North Commons will not be able to support traditional conventional septic if development is pursued over there the town would have to look at an engineer septic which of course is the more expensive option but those figures were given to the budget and finance committee to add to your, I mean at their workshop today. At this time, I think as you move forward with your plans for the North Commons and future town office Bay Design Group has recommended that they take a pause on their work right now while we digest where the North Commons is at this point and how you would like to move forward in your research and they'll take direction from the mayor or myself or the committee working on this. When you would like them to continue their services.

Nancyellen Keane: That contract requires in writing a statement to them to not work, to stop work, so I'm just telling you.

Lara Brown: We don't have to make a decision on that tonight, but that's just at their recommendation as we look at the, where we are today, but you know, and I'll put together, what I'll do is put together a summary of what Bay Design Group has done to date so that you can look at that and…

Nancyellen Keane: That's be good.

Lara Brown: …make a decision at your next meeting. Will that be okay?

Mayor Bugg: Great.

Lara Brown: Alright what I'd like to proceed with right now is a pending zoning permit #2021-08, you have the materials on this pending zoning permit that I issued last week. This application is requesting a modification to the building envelope to incorporate the proposed swimming pool and terrace. This property already has a CUP. A CUP already exists on this parcel to locate a pool within the approved building envelope. The applicants are requesting to modify it not increase it. As a zoning administrator I have the authority to approve the zoning permit however, this one is a little unique, a lot of history and I'm asking the council if you want to approve the adjusted building envelope as was done previously on March 9, 2017 or through a public hearing process or allow me to approve the zoning permit and the proposed adjusted envelope. The timeline of events you have in your packet of how all of this has come about, is listed here, if this is something that we need to discuss, I'm happy to answer questions. I would like to note though of the 12,287 square feeet approved allowable space to locate the primary residence which is there right now, this would

include an accessory building only 7,599 square feet are in use right now. Adding the proposed pool and terrace of 943 square feet will increase the total impervious cover to 8,542 square feet, still well below the approved 12, 287. The designer, the architect is proposing to remove portions around the envelope to allow for the pool and terrace. The portions that are being removed are green indigenous vegetation and will remain green indigenous vegetation, it's just the applicants desire the pool and terrace be in a more desirable location for them.

Wayne Nunnally: Would it be appropriate to make a motion to let Lara issue the permit.

Nancyellen Keane: She already has the authority to do that.

Lara Brown: But since....

Wayne Nunnally: ...she wanted it, she wanted....

Nancyellen Keane: She asked us a question yeah....

Lara Brown: The last time it was modified it went to town council to approve it and since that was what was done I didn't know if that was the process you wanted to do this time or since it seems like all of the requirements are still being followed and all the requirements are still being met, if you think it necessary to do that process again or allow me to go ahead and...

Wayne Nunnally: Well, I motion that we let Lara do it, if that needs a motion or not. We don't need to go through all that again. So do we need to make a motion to let Lara do it, is that what you're saying.

Nancyellen Keane: If you would like to you can, but she can do it..

Frances Westbrook: How about if we just turn down the prospect of doing a process like we did the previous time.

Wayne Nunnally: Okay.

Bonnie Schaschek: There would be too much time....

Wayne Nunnally: Yeah we don't want to do that..

Bonnie Schaschek: I think we just go ahead and issue....

Lara Brown: Okay, thank you, that concludes my report unless you have any other questions. Thank you very much.

Mayor Bugg: Thank you Mrs. Brown.

I. REPORT FROM THE BUDGET & FINANCE COMMITTEE

Mayor Bugg: Budget and Finance Committee.

Frances Westbrook: Uh, short and sweet, last week we did meet and completed a worksheet if you will general operating and community related budget item, line items. Today we've met and worked on the capital budget worksheet, we were sending these two worksheets out to town council pretty soon. I want to remind you that we will be meeting on March 18th, 5:30 here as a workshop and we will get those things to you shortly. Anthony do you have anything you'd like to add.

Anthony Marchetti: Nope.

Mayor Bugg: Thank you.

J. REPORT FROM THE FACILITIES, STREETS & SIDEWALKS COMMITTEE

Mayor Bugg: Next item on the agenda is report from the facilities, streets and sidewalks committee, Mr. Nunnally.

Wayne Nunnally: Been moved to closed session. That would take us to old business. Madam Clerk I will send, let you take the readings and proceed.

K. OLD BUSINESS

1. Second Reading Resolution 2021-01 TC Rezoning Application – Rezone Parcel from R-1 to B-1; Tax Map 33-422.

Sharon Phillips: Resolution 2021-01 TC Rezoning Application – Rezone Parcel from R-1 to B-1; Tax Map 33-422.

Mayor Bugg: Is there a motion?

Bonnie Schaschek: Motion for what?

Mayor Bugg: To approve, do we need to take a vote Nancyellen?

Nancyellen Keane: Yeah, does anybody have any further questions or discussion for Lara about it I guess we should ask her.

Mayor Bugg: Yeah.

Lara Brown: In my last report basically we did not receive any other objections since the last reading, just an email from Vineyard Grove Development that stated you know they object to B1 as they stated in their previous letter that I read the last time.

Wayne Nunnally: What was the planning commission's recommendation?

Lara Brown: Oh, I'm sorry, you should know that. The planning commission made a recommendation to approve it 4 to 3, 4 yes's and 3 no's.

Mayor Bugg: Any further questions council for Mrs. Brown on this one.

Lara Brown: Were you going to share the planning commission map Mrs. Westbrook, or do you want me to discuss that or, the rezoning, I mean the future land use map and the…

Frances Westbrook: Oh no, I left mine in the car, I figured you had yours here so.

Lara Brown: I don't know if you want to talk about that.

Frances Westbrook: You're doing a great job.

Lara Brown: It was mentioned at the public hearing of what was the future land use and the comprehensive plan, I brought the map from the comprehensive plan if anyone needed to look at it but the future land use shows business use from I call it the triangle here down to where the town office is currently located. On both sides however it stops on the other side of the road three houses

before the vineyard. So in red is the business, notates the business and it's pretty much the same on both sides. I don't know, if you want to pass it around, pass it around. .

Mayor Bugg: Anything further council? Motion to approve, would someone like to make that motion?

Dudley Patteson: I do.

Mayor Bugg: Is there a second?

Anthony Marchetti: Second.

Mayor Bugg: Any further discussion?

Mayor Bugg: Opposed. Resolution is approved.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO APPROVE READING RESOLUTION 2021-01 TC REZONING APPLICATION – REZONE PARCEL FROM R-1 TO B-1; TAX MAP 33-422 IS PASSED 6-0.

2. Second Reading Resolution 2021-02 TC Conditional Use Permit Application – Town Office in B-1; Tax Map 33-422

Sharon Phillips: Resolution 2021-02 TC Conditional Use Permit Application – Town Office in B-1; Tax Map 33-422

Mayor Bugg: Mrs. Brown.

Lara Brown: There were no objections to this application.

Wayne Nunnally: The planning commission?

Lara Brown: 7 yes's recommended to approve.

Mayor Bugg: Is there a motion to approve?

Wayne Nunnally: So moved.

Dudley Patteson: Second.

Mayor Bugg: Any further discussion? All in favor?

Mayor Bugg: Opposed. Resolution passes.

Vote: Frances Westbrook aye
Bonnie Schaschek aye
Dudley Patteson aye
Anthony Marchetti aye
Jackie Brown aye
Wayne Nunnally aye

THE MOTION TO APPROVE RESOLUTION 2021-02 TC CONDITIONAL USE PERMIT APPLICATION – TOWN OFFICE IN B-1; TAX MAP 33-422 IS PASSED 6-0.

3. Second Reading Resolution 2021-03 TC Conditional Use Permit Application – Build Pool Inside RPA, R-1, Tax Map 33-361

Mayor Bugg: Next item.

Sharon Phillips: Resolution 2021-03 TC Conditional Use Permit Application – Build Pool Inside RPA, R-1, Tax Map 33-361.

Lara Brown: No objections to this application and planning commission recommended to approve unanimously.

Dudley Patteson: What was the vote.

Mayor Brown: Unanimously.

Dudley Patteson: Thank you.

Mayor Bugg: Is there a motion to approve?

Wayne Nunnally/Bonnie Schaschek: So moved.

Mayor Bugg: Second.

Anthony Marchetti: Second.

Mayor Bugg: Any discussion. All in favor.

Mayor Bugg: Opposed. This resolution is approved.

Vote: Frances Westbrook aye
Bonnie Schaschek aye
Dudley Patteson aye
Anthony Marchetti aye
Jackie Brown aye
Wayne Nunnally aye

THE MOTION TO APPROVE RESOLUTION 2021-03 TC CONDITIONAL USE PERMIT APPLICATION – BUILD POOL INSIDE RPA, R-1, TAX MAP 33-361 IS PASSED 6-0.

4. Second Reading Resolution 2021-04 TC Conditional Use Permit Application – Construct New Dock for Private Use in M-1, Tax Map 33-252B

Sharon Phillips: Resolution 2021-04 TC Conditional Use Permit Application – Construct New Dock for Private Use in M-1, Tax Map 33-252B.

Mayor Bugg: Mrs. Brown.

Lara Brown: No objections to that application and planning commission voted unanimously to approve.

Mayor Bugg: Is there a motion to approve?

Wayne Nunnally: So moved.

Dudley Patteson: Second.

Mayor Bugg: Any further discussion. All in favor.

Mayor Bugg: Opposed. This resolution passes.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO APPROVE RESOLUTION 2021-04 TC CONDITIONAL USE PERMIT APPLICATION – CONSTRUCT NEW DOCK FOR PRIVATE USE IN M-1, TAX MAP 33-252B IS PASSED 6-0.

5. Second Reading Resolution 2021-05 TC Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252A

Sharon Phillips: Resolution 2021-05 TC Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252A.

Lara Brown: No objections to this application, planning commission voted unanimously for approval.

Mayor Bugg: Is there a motion to approve.

Wayne Nunnally: So moved.

Mayor Bugg: Second.

Bonnie Schachek: Second.

Mayor Bugg: Any discussion. All in favor.

Mayor Bugg: Opposed. This resolution is approved.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO APPROVE RESOLUTION 2021-05 TC CONDITIONAL USE PERMIT APPLICATION – CONSTRUCT NEW DOCK FOR PRIVATE USE IN M-1/R-1, TAX MAP 33-252A IS PASSED 6-0.

6. Second Reading Resolution 2021-06 TC Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252

Sharon Phillips: Resolution 2021-06 TC Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252

Lara Brown: No objections to this application.

Mayor Bugg: Is there a motion to approve.

Lara Brown: Planning commission voted to approve it unanimously.

Dudley Patteson: So moved.

Bonnie Schaschek/Frances Westbrook: Second.

Mayor Bugg: All in favor.

Mayor Bugg: Opposed. This resolution is approved.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO APPROVE RESOLUTION 2021-06 TC CONDITIONAL USE PERMIT APPLICATION – CONSTRUCT NEW DOCK FOR PRIVATE USE IN M-1/R-1, TAX MAP 33-252 IS PASSED 6-0.

7. Second Reading Resolution 2021-07 TC Conditional Use Permit Application – Construct New Dock Private Use in M-1/R-1, Tax Map 33-253A

Sharon Phillips: Resolution 2021-07 TC Conditional Use Permit Application – Construct New Dock Private Use in M-1/R-1, Tax Map 33-253A.

Lara Brown: There is one stated objection on this application, at the public hearing planning commission did vote unanimously to approve it.

Mayor Bugg: Motion to approve.

Dudley Patteson: So moved.

Frances Westbrook: Second.

Mayor Bugg: Further discussion. All in favor.

Mayor Bugg: Opposed.

Wayne Nunnally: No.

Mayor Bugg: This resolution is approved.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	no

THE MOTION TO APPROVE RESOLUTION 2021-07 TC CONDITIONAL USE PERMIT APPLICATION – CONSTRUCT NEW DOCK PRIVATE USE IN M-1/R-1, TAX MAP 33-253A IS PASSED 5-1.

L. Discussion of short-term rentals – Wayne Nunnally

Mayor Bugg: Next item on the agenda is short-term rentals, Mr. Nunnally I don't know if you have anything to add or no.

Wayne Nunnally: Now that I, I think I have accomplished my job. I wanted to create a discussion on this matter and I think that's exactly what we've done. I take no pride in authorship of the proposed model ordinance, I drew that to get the people, the constituents here to get a dialog on this subject because it is a subject that we have to deal with. It is a source of income. Mr. Robinson made almost 120 rentals, I have to audit the book on that one, but what I intend to do, just a minute is to move that this matter be sent to the planning commission for tweaking and looking at and then bringing something back. I have, believe me, I know that I cannot do it. So that is going to be my purpose to create this dialog, work with the planning commission and the planning commission bring us back an ordinance we all can agree on. I have never had concept whatsoever to stuff this ordinance down your throat. It was not my intention, my intention all along is to as some of you commented on, we need regulation, we need some guidelines, we need to know what we can do, you know and that's the purpose of this ordinance and bringing this discussion to the forefront. I thank you for all of your comments, I took nothing personal and I think, believe me Mr. Robinson, I've been here a long time. I love this town. My wife is a 7th generation here, and her family gave the land to this church in 1892, so I know a little bit about this history too. I love it very much and I would never do anything to harm it and I see the benefit in short-term rental, but I also see the benefit in having some regulations and the short-term rental paying its way. Thank you for this discussion, it's been a lively one and I feel very confident that I have done what I wanted to do. Thank you.

Mayor Bugg: Thank you Mr. Nunnally and thanks to the public again. I have some additional comments and thoughts regarding short-term rentals. As a follow-up to all of the comments today I want you to know that I received another version as you mentioned Sam of this document yesterday from the Irvington Business Association for those on council who haven't seen it, I'm happy to circulate it after the meeting. In the meantime, I'd also like to ask staff to review both documents and report back at the next meeting. The documents should be reviewed for these issues. One, achieving a consensus of the town about the purpose of a new law or laws governing short-term rentals. I certainly think we have made some ground towards that. I believe that will continue, so thank you. Second, implementation and enforcement requirements as these affect residents and staff and legal compliance being the third component. I think all of these should be taken into account and again I do believe we have covered some ground, made some progress and that progress will continue so thank you.

Wayne Nunnally: That referred to the planning commission to come back with such an idea.

Mayor Bugg: I'm glad that you asked that.

Wayne Nunnally: Kick the can down the road.

Mayor Bugg: I'm glad you asked that since the conversation is just beginning, I believe it is somewhat premature to send it to the planning commission just now, Nancyellen.

Nancyellen Keane: I just wanted to mention that it's not a zoning ordinance at the end of the day after the discussions, you don't have to send it to the planning commission, if you decide to have a zoning ordinance you would have to send it to the planning commission, so for example if it is only a registry, it would not necessarily be a zoning ordinance it would be some other, it would have its own section in the code as sort of like your golf cart ordinance is in a certain part of the code, has its own chapter, so all I'm saying is it may not be appropriate to send over whatever you end up with to the planning commission, I don't know.

Frances Westbrook: Can I make a comment.

Mayor Bugg: Certainly.

Frances Westbrook: I mean, to my knowledge, this council, this body has never ever sat down and discussed short-term rentals.

Bonnie Schaschek: Right, it has never happened.

Mayor Bugg: Yeah.

Dudley Patteson: Right.

Bonnie Schaschek: As far as a discussion.

Frances Westbrook: So, I think it would behoove us to at least body to have the conversation and see where we're going with it or want to go or you know, talk about it a little bit so. I've heard a lot of comments tonight and I feel like we're getting blamed for also kind of shoving something out there to the public, we've never talked about it.

Dudley Patteson: I don't think we've talked about it, but if you listen to the folks tonight there were at least two people that volunteered to be involved in that process. One being The Tides Inn

and I think when it, speaking as a business owner in that world I think that we should have a select group of people that represent all sides of the issue and have a good dialog as a committee, town council should have a representative on that, possibly a planning commission member and then pick some others to truly explore with more thought and more information what we would like to see here in Irvington.

Frances Westbrook: But before you take that step I think town council ought to at least have an opportunity to talk about it at least as a body and see where we, how we are going to do what we are going to do and maybe and probably a committee is a very good way to start, but as I said we've never talked about it yet, so I'd like to see us have the opportunity to do that first.

Dudley Patteson: When would you like to do that?

Frances Westbrook: We can put it on the next agenda.

Mayor Bugg: Yeah.

Dudley Patteson: Okay.

Bonnie Schaschek: Do you want to do it as a workshop, or part of the meeting....

Frances Westbrook: No, do it as part of the agenda....

Dudley Patteson: Let's do it part of the meeting...

Frances Westbrook: ....monthly meeting.

Wayne Nunnally: That's what I thought we did last month.

Mayor Bugg: You kicked it off. Alright that sounds like a good idea to me. Anything further.

Lara Brown: Do you want staff to prepare anything ahead of time?

Mayor Bugg: Yeah, that would be helpful.

Bonnie Schaschek: If we could have a copy of both of what's been offered.

Mayor Bugg: Comments and thoughts after looking at all that and anything else you may want us to consider that's very helpful.

Wayne Nunnally: Did you propose some sort of rules and regulations?

Sam Van Saun: We were working on revising what you had put out there to make some adjustments to it, we decided in the end instead of presenting a revised version just to prevent the guidelines that I talked about today as points of discussion and a way forward.

Wayne Nunnally: I'd love to see those.

Mayor Bugg: Yeah.

Frances Westbrook: That would be helpful too.

Sam Van Saun: I don't think we have the final version but I'm happy to give you my notes from tonight.

Female: ....give them...[inaudible].

Mayor Bugg: Probably send it to Sharon so she can circulate it to all of us. Great.

Frances Westbrook: Excellent.

Mayor Bugg: Alright.

M. Discussion of research on the survey and to discuss town planning - J. Brown

Mayor Bugg: Discussion on research on the survey and town planning, that has been moved to closed session so that takes us to new business.

N. NEW BUSINESS

1. Consideration of a motion to appropriate $2,778 from Community Support and Tourism; FlackShack.

Mayor Bugg: The first item under new business would be a consideration to appropriate $2,778 from Community Support and Tourism as payment of FlackShack.

Frances Westbrook: So moved.

Mayor Bugg: Is there a second.

Anthony Marchetti: Second.

Mayor Bugg: Any further discussion? All in favor.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO APPROPRIATE $2,778 FROM COMMUNITY SUPPORT AND TOURISM; FLACKSHACK IS PASSED 6-0.

Dudley Patteson: I, does this bring them current.

Sharon Phillips: So this check, the reason that this motion is on the March agenda, this payment would be for April, this check would be held until the end of the month. The invoice is in-house but because of the way the meeting schedule is, if you did not, if I didn't put it on the agenda until April it would be a breach of contract again.

Frances Westbrook: So, it's been a timing thing for us, that's gotten us, so that's April.

Dudley Patteson: For April good.

Mayor Bugg: All in favor.

Mayor Bugg: Opposed. Motion passes. 6-0. Thank you.

2. Consideration of a motion to allow use of Town Commons from Steamboat Era Museum for 2021 CrabFest.

Mayor Bugg: The next item is consideration of a motion to allow use of Town Commons from Steamboat Era Museum for the 2021 CrabFest.

Wayne Nunnally: So moved with COVID guidelines.

Bonnie Schaschek: With COVID guidelines, second.

Mayor Bugg: Any further discussion.

Nancyellen Keane: I have one thing.

Mayor Bugg: Yes.

Nancyellen Keane: This one and the next one on the agenda can we just agree to extend the contract that they have from last year for a year so that we don't have to, and the mayor can sign it.

Wayne Nunnally: So moved.

Frances Westbrook: The exact same thing.

Mayor Bugg: Alright Wayne you made that motion.

Wayne Nunnally: Yes.

Mayor Bugg: Is there a second.

Bonnie Schaschek: Second.

Mayor Bugg: All in favor.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

Mayor Bugg: Opposed. Items 2 and 3 are approved.

Frances Westbrook: Items 1 and 2.

Bonnie Schaschek: 1, 2 and 3.

Frances Westbrook: Oh excuse me.

THE MOTION TO ALLOW USE OF TOWN COMMONS FROM STEAMBOAT ERA MUSEUM FOR 2021 CRABFEST WITH COVID GUIDELINES AND TO EXTEND THE CONTRACT THAT THEY HAVE FROM LAST YEAR FOR A YEAR AND THE MAYOR TO SIGN IT IS PASSED 6-0.

3. Consideration of a motion to allow us of Town Commons from VIA for 2021 Farmers Market dates

THE MOTION TO ALLOW THE USE OF THE TOWN COMMONS FOR VIA 2021 FARMERS MARKET DATES AND TO EXTEND THE CONTRACT THAT THEY HAVE FROM LAST YEAR FOR A YEAR AND THE MAYOR TO SIGN IT IS PASSED 6-0.

4. Consideration of a motion to appropriate $2,000 from Community Support and Tourism; Lancaster Community Library

Mayor Bugg: The next will be item 4 consideration of a motion to appropriate $2,000 from Community Support and Tourism of Lancaster Community Library.

Bonnie Schaschek: This has to come out of the Wiley CD and put into the operating expense in order to make a payment.

Frances Westbrook: Yeah I think it's transferred from one to the other.

Bonnie Schaschek: It is more than just a motion to approve it.

Wayne Nunnally: So moved. Out of the Wiley…

Mayor Bugg: Is there a second.

Bonnie Schaschek: Second.

Mayor Bugg: Any further discussion. All in favor.

Group: Aye.

Mayor Bugg: Opposed. Motion passes.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO APPROPRIATE $2,000 FROM COMMUNITY SUPPORT AND TOURISM; LANCASTER COMMUNITY LIBRARY AND TO MOVE THE FUNDS FROM THE WILEY CD TO OUR GENERAL OPERATING IS PASSED 6-0.

Nancyellen Keane: Somebody just said it was more than a motion to appropriate, what do you mean.

Frances Westbrook: It's move the funds from the Wiley Foundation to our general operating.

Nancyellen Keane: Are you authorizing that?

Frances Westbrook: Yeah, that's a motion.

Bonnie Schaschek: I get the motion.

Frances Westbrook: Okay.

Mayor Bugg: Motion passes.

5. Consideration of a motion to appropriate $498.71 from the General Operating; US Bank

Mayor Bugg: Consideration to appropriate $498.71 from the General Operating to US Bank.

Frances Westbrook: Is that the copier, what is this?

Bonnie Schaschek: The printer.

Frances Westbrook: The printer.

Female: What is it.

Bonnie Schaschek: The lease on the printer isn't it.

Sharon Phillips: Yes.

Frances Westbrook: I think I ask that every month and I apologize but the US Bank is just not familiar to me yet.

Bonnie Schaschek: So moved.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor.

Mayor Bugg: Opposed.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO APPROPRIATE $498.71 FROM THE GENERAL OPERATING; US BANK IS PASSED 6-0.

6. Consideration of a motion to appropriate $2,000 from General Operating; Mayors Discretionary Fund

Mayor Bugg: The next item on the agenda is consideration of a motion to appropriate $2,000 from General Operating Mayors Discretionary Fund.

Wayne Nunnally: I have a technical question on that. The charter says we have to have four people town council to agree to spend over $100 I believe. If we give you $2,000 then you spend $2,000 tomorrow it looks like that would not be in conformance with the charter. So do we have to say we give you the $2,000 but you cannot spend over $100 at a time.

Frances Westbrook: It's in our budget.

Bonnie Schaschek: This is in the budget.

Nancyellen Keane: This is in the budget.

Mayor Bugg: This is just the appropriation.

Nancyellen Keane: So if four of you vote on this motion to appropriate then it's okay.

Frances Westbrook: Yeah, it was passed in our budget for this fiscal year, so now we are just appropriating like any other item in our budget.

Mayor Bugg: To do list.

Frances Westbrook: What are you doing with this money.

Mayor Bugg: Nothing yet.

Bonnie Schaschek: Buying a house.

[laughter].

Dudley Patteson: So moved.

Mayor Bugg: Motion.

Dudley Patteson: So moved.

Mayor Bugg: Second. Any further discussion. All in favor.

Mayor Bugg: Opposed. Motion passes. 6-0.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO APPROPRIATE $2,000 FROM GENERAL OPERATING; MAYORS DISCRETIONARY FUND IS PASSED 6-0.

7. Consideration of a motion to appropriate $1,901.85 from CARES Funds; ICN Enterprises (property insurance).

Mayor Bugg: Consideration of a motion to appropriate $1,901.85 from CARES Funds to ICN Enterprises property insurance.

Wayne Nunnally: So moved.

Frances Westbrook: Second.

Mayor Bugg: Any further discussion. All in favor.

Group: Aye.

Mayor Bugg: Opposed. Excellent.

Vote: Frances Westbrook aye
Bonnie Schaschek aye
Dudley Patteson aye
Anthony Marchetti aye
Jackie Brown aye
Wayne Nunnally aye

THE MOTION TO APPROPRIATE $1,901.85 FROM CARES FUNDS; ICN ENTERPRISES (PROPERTY INSURANCE) IS PASSED 6-0.

8. Consideration of a motion to appropriate $172.44 from General Operating; Safeguard

Mayor Bugg: Next item is consideration of a motio to appropriate $172.44 from General Operating Safeguard. What is that.

Bonnie Schaschek: What is that?

Frances Westbrook: What is that.

Sharon Phillips: Checks.

Mayor Bugg: Motion. A

Dudley Patteson: So moved.

Frances Westbrook: I'm sorry second.

Mayor Bugg: Discussion, all in favor.

Mayor Bugg: Opposed. Motion passes 6-0.

Vote: Frances Westbrook aye
Bonnie Schaschek aye
Dudley Patteson aye
Anthony Marchetti aye
Jackie Brown aye
Wayne Nunnally aye

THE MOTION TO APPROPRIATE $172.44 FROM GENERAL OPERATING; SAFEGUARD IS PASSED 6-0.

9. Consideration of a motion to appropriate $399.77 from General Operating; Rappahannock Record

Mayor Bugg: Last, consideration of a motion to appropriate $399.77 from General Operating that's for the Rappahannock Record.

Wayne Nunnally/Dudley Patteson: So moved.

Anthony Marchetti: Second.

Mayor Bugg: All in favor.

Mayor Bugg: Opposed.

Vote: Frances Westbrook aye
Bonnie Schaschek aye
Dudley Patteson aye
Anthony Marchetti aye
Jackie Brown aye
Wayne Nunnally aye

THE MOTION TO APPROPRIATE $399.77 FROM GENERAL OPERATING; RAPPAHANNOCK RECORD IS PASSED.

Frances Westbrook: We're just getting our rhythm.

Mayor Bugg: I know. Last thing I am going to have is the committee discussion Fran.

Frances Westbrook: Right, right, there has been some discussion with whether we should have committees or whether we should not. I think we probably should maintain committee but for some time I have often thought that you can't have a committee of one person so I'd like for us to consider appointing or moving to have a second person on HR. We have at least two people on our committee so we are going to get into the same standard.

Wayne Nunnally: I think it's a great idea. I don't see how you can have a committee of one....

Dudley Patteson: It's worked pretty good for me. The only comment I have on that I don't have any objection but I do think we need to wait until the, since the investigation does involve some HR matters we just to change the game right now and make a shift would be a little early. Once that's done then let's consider who that might be.

Frances Westbrook: Why don't we decide who it's going to be and it will make it effective whatever.

Wayne Nunnally: We don't need to wait, I mean, Dudley may need a little advice when we hear from the lawyers who knows. I think we should make it a committee member or whoever it is on their tonight and be done with it. My thinking. Who wants to be on it. Bonnie you want to be on it. I'm not....

Dudley Patteson: Again, I'm just making an objection that it is something that should not prematurely be made. We've got some issues.

Wayne Nunnally: Why are you refusing help.

Dudley Patteson: I'm not refusing help. It's....

Wayne Nunnally: What's the problem with it.

Dudley Patteson...it's just the timing of it, it could be next month and that's happy. I'm happy with that.

Wayne Nunnally: We might need another person to review some of your actions. Well.....

Dudley Patteson: I don't think so.

Mayor Bugg: What's the thought on the compromise. The two sides of possibly appointing someone now and then take effect after the investigation, sort of combination of two sides. I didn't get any feedback on that.

Dudley Patteson: We can add somebody, we can say there is a second position on the HR committee but that committee member could be determined post the investigation.

Wayne Nunnally: I think you're right there, appoint Bonnie tonight and her position becomes effective at the end of the investigation.

Mayor Bugg: Anthony you were going to say something.

Anthony Marchetti: I agree with the compromise.

Wayne Nunnally: That was a great compromise.

Dudley Patteson: What's the compromise.

Anthony Marchetti: Appoint someone tonight that becomes effective when the, after the investigation ends.

Dudley Patteson: That's fine, yeah, that's fine.

Mayor Bugg: Is there a motion.

Frances Westbrook: Then I second.

Wayne Nunnally: To appoint Bonnie.

Mayor Bugg: Second. Any further discussion. All in favor.

Mayor Bugg: Opposed. Motion passes. 6-0.

Vote:	Frances Westbrook	aye
	Bonnie Schaschek	aye
	Dudley Patteson	aye
	Anthony Marchetti	aye
	Jackie Brown	aye
	Wayne Nunnally	aye

THE MOTION TO APPOINT BONNIE TO THE HR COMMITTEE AFTER THE INVESTIGATION IS PASSED 6-0.

O. ROUNDTABLE

Mayor Bugg: We have round table on here, I believe we probably covered most of the topics but it's round table if anyone wants to add anything we haven't discussed, have at it.

Bonnie Schaschek: I would like to add something that we haven't discussed.

Mayor Bugg: Yeah.

Bonnie Schaschek: And I don't want a decision tonight, this is just something to consider for the next meeting and that is we do have quite a bit of the CARES Funds sitting there and I think we should do another round of grants for our businesses. We had kind of a rushed process the last time, we have plenty of time right now. I think it would be nice to do another grant.

Wayne Nunnally: Good idea.

Frances Westbrook: I like that idea.

Wayne Nunnally: We will put that on the agenda for next....

Frances Westbrook: We can just follow the same procedure. Same amount, well we'll discuss it next month okay, cool.

Jackie Brown: Is there other money to be used from the COVID funds.

Frances Westbrook: I think we've spent.

Bonnie Schaschek: $22,000 about.

Frances Westbrook: So far.

Bonnie Schaschek: I think it would be appropriate to get some microphones, I've mentioned that before and they are not terribly expensive but it's very difficult to hear with these masks and you know being across the room from people.

Dudley Patteson: I agree.

Mayor Bugg: I think we are going to need those even without the masks I think they are going to be beneficial.

Frances Westbrook: You think we can make that happen by the next meeting.

Mayor Bugg: We can try.

Jackie Brown: The other thing that came to mind because of the situation with wanting to display something to the group in the closed session I don't know if this flat screen television has a place that you can put a thumb drive in or not but I have one in my shop and you just put a thumb drive in and it plays it all day long. We could get for the church in return for.....

Lara Brown: Yes it does.

Bonnie Schaschek: Plus you can connect it up to a PC.

Frances Westbrook: What.

Bonnie Schaschek: You can connect it to a PC as well.

Frances Westbrook: HDMI or.

Bonnie Schaschek: There is an HDMI as well as a USB.

Jackie Brown: Okay.

Frances Westbrook: I think you'd be good.

Mayor Bugg: Any further comments or thoughts in that regard.

Wayne Nunnally: How are we going to get the microphones. Sharon who was the fellow with the deal with the computers.

Sharon Phillips: Bill Cronheim

Wayne Nunnally: He may be the person to talk to about getting the, I guess.

Frances Westbrook: You mean our regular IT guy Henley or the other man.

Bonnie Schaschek: No E S....

Wayne Nunnally: Do we need....

Dudley Patteson: That would be an off the shelf product. I mean, staff...

Lara Brown: I have researched it because they are confusing because you just can't buy microphones from Amazon. Sharon and I have looked at that but those microphones have to be hooked into wolfers and stuff, I'm not very savy on that but you would need 7 and they have to be hooked into a thing, you don't just put them on the table and use it.

Wayne Nunnally: Dudley seems to know about it appoint him to get us some microphones.

Dudley Patteson: I've got enough in HR Committee, I can't take on....

Frances Westbrook: You need a third person.

Dudley Patteson: I want a secretary.

Bonnie Schaschek: I'll do some research.

Mayor Bugg: You want to do it. Okay, it's up your alley.

Dudley Patteson: We can use three and have to, council members....

Bonnie Schaschek: I'll do some research on it, they have some independent standing ones.

Lara Brown: Okay.

Bonnie Schaschek: And if you just have them periodically....

Dudley Patteson: Ex-officio of the HR committee is going to take on this.

Barry Robinson: I don't know what y'all are talking about but they have wireless and we bought them because of the whole remote work thing, they are not that expensive but I mean you are going to spend $150 or $200 a set but.

Bonnie Schaschek: That's alright.

Barry Robinson: I would recommend this headset versus a microphone is all I'm saying.

Wayne Nunnally: Good idea.

Mayor Bugg: Thank you Mr. Robinson.

Bonnie Schaschek: Do you have a business card and I'll give you a call.

Barry Robinson: I'll drop it by the office on Monday, I'll ask our IT guy to give you the information on what we use.

Bonnie Schaschek: Okay, thank you.

Barry Robinson: And I'll get this to Lara.

Bonnie Schaschek: Okay, thank you.

Mayor Bugg: Great.

Bonnie Schaschek: Thank you very much.

Mayor Bugg: Anything further from round table.

Dudley Patteson: I would like council at its next meeting to consider providing something for our staff.

Wayne Nunnally: Something, what.

Dudley Patteson: Something for our staff, Lara and for Sharon as I said earlier the volume of work is, has increased substantially, they have done their best to keep up with it, they, it's our fault that we are where we are with this big stack because we didn't recognize it soon enough and we should have and I think they should be given a 2-week paid vacation every year. They have no other benefits, they don't have life insurance, they don't have anything and this would be a benefit that we can provide the position to thank them for the tireless time that they have spent in our behalf trying to keep us organized and I think it is a reasonable request and I feel that they deserve every second of paid vacation that they take. I think we need to make that a motion at our next meeting. If you all have any concerns please come to me and I'll be happy to field them but I would like that to be a motion next time. You just don't have this type of volume and not be thankful for people that are in the trenches helping us.

Mayor Bugg: Thank you Dudley. Absolutely. Thank you staff.

P. ANNOUNCEMENTS

Mayor Bugg: Are there any announcements. With that that will take us to the closed session so, you have your reading.

Frances Westbrook: Yes I do. Right from the pages of past meetings. I Frances Westbrook move to go into closed session pursuant to Section 2.2-3711A3 of the Code of Virginia for real estate matters or discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the town and pursuant to Section 2.2-3711A8 of the Code of Virginia for consultation with legal counsel employed or retained by the council regarding specific legal matters, and requiring their provisions of legal advice by such counsel.

Wayne Nunnally: Second.

Mayor Bugg: Roll call vote.

Nancyellen Keane: You don't really need to.

Mayor Bugg: All in favor.

Frances Westbrook: We need to get the vote.

Mayor Bugg: All in favor of going into closed session.

Mayor Bugg: Opposed. Into closed session.

Vote: Frances Westbrook aye
Bonnie Schaschek aye
Dudley Patteson aye
Anthony Marchetti aye
Jackie Brown aye
Wayne Nunnally aye

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 6-0

Bonnie Schaschek: Okay they are recording.

Frances Westbrook: Whereas as the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom Information Act and whereas Section 2.2-3712 of the Code of Virginia requires a certification by the board that such closed session was conducted in conformity with Virginia Law. Now that be it resolved that the board hereby certifies to the best of each members knowledge that one, only public business matters were lawfully exempted from open session requirement by Virginia Law was discussed in closed session to which this certification resolution applies and two, only such public business matters were identified in the motion convening the closed session were heard, discussed or considered by the board. Is there any member who believes there was a departure from the motion to go into closed session, if so state the departure. There being no statements we shall certify.

I, Tripp Bugg so certify.
I, Wayne Nunnaly so certify.
I, Jackie Brown, so certify.
I, Anthony Marchetti, so certify.
I, Dudley Patteson, so certify.
I, Bonnie Schachek, so certify.
I, Frances Westbrook, so certify.

Mayor Bugg: Excellent with that is a motion regarding the survey presented by QuantiSoft.

Jackie Brown: I move that we put $6,500 in the budget to accept the contract with QuantiSoft.

Wayne Nunnally: [inaudible].

Jackie Brown: And for the lawyer to review the contract.

Mayor Bugg: Excellent.

Jackie Brown: I thought she's probably already done it.

Mayor Bugg: Any further discussion. All in favor.

Mayor Bugg: Opposed. A motion passes.

Vote: Frances Westbrook aye
Bonnie Schaschek aye
Dudley Patteson aye
Anthony Marchetti aye
Jackie Brown aye
Wayne Nunnally aye

THE MOTION TO PUT $6,500 IN THE BUDGET TO ACCEPT THE CONTRACT WITH QUANTISOFT IS PASSED 6-0.

Q. ADJOURN

Mayor Bugg: With that is there a motion to adjourn.

Wayne Nunnally: Move we adjourn.

Dudley Patteson: Second.

Bonnie Schaschek: Wait, wait, are you going to have him make an appointment for the…

Female: No motion. No motion for it.

Bonnie Schaschek: We don't need a motion for it.

Mayor Bugg: All in favor.

Vote: Frances Westbrook aye
Bonnie Schaschek aye
Dudley Patteson aye
Anthony Marchetti aye
Jackie Brown aye
Wayne Nunnally aye

Mayor Bugg: Meeting adjourned. Thank you council.

Respectfully submitted,

Sharon L. Phillips, Clerk

Albert D. Bugg, III

Albert D. "Tripp" Bugg, Mayor

RESOLUTION 2021-01 TC

Rezoning Application – Rezone Parcel from R-1 to B-1, Tax Map 33-422

WHEREAS, the Irvington Town Council reviewed a Proposed Rezoning Application 2020.RZ2_ICN Enterprises to rezone parcel Tax Map # 33-422 from R-1 to B-1 to enable use as a town office, at 4203 Irvington Road ("Application"); and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application, and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-01 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Westbrook Schaschek Patteson Marchetti Brown Nunnally		

TOWN OF IRVINGTON

Albert D. Bugg

Albert D. Bugg, III, Mayor

Resolution 2021-01TC was unanimously passed by the Irvington Town Council on March 11, 2021.

Town Clerk

RESOLUTION 2021-02 TC

Conditional Use Permit Application – Town Office in B-1, Tax Map 33-422

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application CUP – 2020.CUP12_ ICN Enterprises to locate a town office in B-1 zoning district, Tax Map # 33-422, at 4203 Irvington Road ("Application"); and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application, and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____ (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-02 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Westbrook Schaschek Patteson Marchetti Brown Nunnally		

TOWN OF IRVINGTON

Albert D. Bugg

Albert D. Bugg, III, Mayor

Resolution 2021-02 TC was unanimously passed by the Irvington Town Council on March 11, 2021. Attest: Judy Clerk

RESOLUTION 2021-03 TC

Conditional Use Permit Application – Build Pool Inside RPA, R-1, Tax Map 33-361

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application TOI# CUP – 2020.CUP17_ Stephens to build a new pool at a residence inside the RPA, redevelopment, no further encroachment and no increase in impervious cover, in R-1 zoning district, Tax Map # 33-361, at 416 Steamboat Road ("Application"); and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application, and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-03 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Westbrook Schaschek Pattison Marchetti Brown Nunnally		

TOWN OF IRVINGTON

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

Resolution 2021-03TC was unanimously passed by the Irvington Town Council on March 11, 2021.

Sharon Hilly
Town Clerk

RESOLUTION 2021-04 TC

Conditional Use Permit Application – Construct New Dock for Private Use in M-1, Tax Map 33-252B

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application 2020.CUP13_SandersRobinson to construct a new dock with boat lift for private use in M-1 zoning district, Tax Map # 33-252B, at Carters Creek Road and King Carter Drive ("Application"); and

WHEREAS, upon approval of this Application by Council, the following CUPS for this property shall hereby terminate: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application, and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-04 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Westbrook		
Schaschek		
Brown		
Nunnally		
Marchetti		
Patterson		

TOWN OF IRVINGTON

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

Resolution 2021-04TC was passed unanimously by the Irvington Town Council on March 11, 2021

Town Clerk

RESOLUTION 2021-05 TC

Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252A

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application 2020.CUP14_SandersRobinson to construct a new dock for private use in M-1/R-1 zoning district, Tax Map # 33-252A, at Carters Creek Road and King Carter Drive ("Application"); and

WHEREAS, upon approval of this Application by Council, the following CUPS for this property shall hereby terminate: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-05 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Westbrook		
Schasberek		
Patterson		
Marchetti		
Brown		
Nunnally		

TOWN OF IRVINGTON

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

Resolution 2021-05 TC was passed unanimously by the Irvington Town Council on March 11, 2021.

Sharon Nunnally
Town Clerk

TOWN OF IRVINGTON

RESOLUTION 2021-06 TC

Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application 2020.CUP15_SandersRobinson to construct a new dock for private use in M-1/R-1 zoning district, Tax Map # 33-252, at 902 King Carter Drive ("Application"); and

WHEREAS, upon approval of this Application by Council, the following CUPS for this property shall hereby terminate: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

6 (SP)

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-06 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Westbrook		
Schaschek		
Patterson		
Marchetti		
Brown		
Nunnally		

TOWN OF IRVINGTON

Albert D Bugg III

Albert D. Bugg, III, Mayor

Resolution 2021-06 TC was unanimously passed by the Irvington Town Council on March 11, 2021.

Shannon Hulls
Town Clerk

TOWN OF IRVINGTON

RESOLUTION 2021-07 TC

Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-253A

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application 2020.CUP16_SandersRobinson to construct a new dock for private use in M-1/R-1 zoning district, Tax Map # 33-253A, at ___ King Carter Drive ("Application"); and

WHEREAS, upon approval of this Application by Council, the following CUPS for this property shall hereby terminate: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application and the Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-07 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Westbrook Schaschek Patterson Marchetti Brown Nunnally	(opposed)	

TOWN OF IRVINGTON

Albert D. Bugg III,

Albert D. Bugg, III, Mayor

Resolution 2021-07TC was passed 5-1 (Nunnally) by the Irvington Town Council on March 11, 2021.

Adam Kelly
Interim Clerk

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, MARCH 11, 2021 6:30 PM
IRVINGTON BAPTIST CHURCH

Sign In Sheet

	Name	Address
1.	Mary Cary Bondy	991 King Carter Dr
2.	Mary Burgess	22 Virginia Rd
3.	Sam Van Sam	146 Virginia Rd
4.	Mollie Peabody	30 Essie Ct
5.	Albert Pollard	48 Steamboat
6.	Joan Trollop	480 King Carter Dr.
7.		
8.		
9.		
10.		
11.		
12.		
13.		

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL
SPECIAL CALLED MEETING *TO BE HELD AS A* WORKSHOP
IRVINGTON BAPTIST CHURCH
MARCH 11, 2021, 5:30 PM

AGENDA

A. CALL TO ORDER

Mayor Bugg: Go ahead and call this meeting to order Irvington Town Council will hold a special called meeting to be held as a workshop on Thursday, March 11, 2021, 5:30 p.m. at the Irvington Baptist Church. I've called this meeting to order let's start with an introduction, comments and then I will be turning things over to you Mrs. Brown and the public thank you for making it this evening, I think this is a good thing for all to work on in terms of the council and I will be mentioning some points in this and Mrs. Brown as I just stated will also be presenting some things as well. Last May council directed the town attorney to draft amendments to the town code to clarify that every dock in every zone of the town requires a CUP. Last fall I received feedback that we should review those requirements to determine if all are necessary. I asked the zoning administrator and the town attorney to look at this issue and determine whether there is any benefit to continuing to require CUPS for docks in all zoning districts. They also looked at the issue for CUPS for pools. The zoning administrator will make a presentation after which there will be discussion. I received information from other individuals particularly one individual on the planning commission and I certainly appreciate his input, Mr. Chapman, I'm glad to see you made it this evening. Given the time constraints I do not believe that we will be able to discuss all issues involving CUPs but I believe that we can hopefully make significant progress in discussing the possibility of dealing with docks and pools. So, with that I will turn it over to Mrs. Brown.

B. ROLL CALL

Members of Council Present:	Mayor Bugg present. Frances Westbrook present. Bonnie Schaschek present. Wayne Nunnally present. Jackie Brown present. Dudley Patteson present.
Staff Present:	Nancyellen Keane, Esq., Town Attorney Lara Brown, Zoning Administrator Sharon Phillips, Town Clerk, FOIA Officer
Guests:	See attached sign in sheet

C. WORKSHOP

Lara Brown: I'm going to come sit closer to the recorders. Good evening. First, I want to quickly walk through the process a waterfront landowner must follow for a riparian pier in the Town of

Irvington in a residential zone. The landowner or agent submits a JPA to VMRC. The Virginia Marine Resource Commission, VMRC reviews the application and disseminates to the appropriate state agencies for review, typically Army Corp of Engineers, Habitat Fisheries, whoever needs to see the application. The project is advertised in the local paper and the adjacent landowners are noticed. Landowner receives the response from VMRC, the Army Corp of Engineers regarding the necessary permits or they receive a response of no permit necessary; proceed with your proposed private noncommercial riparian pier. Then, the landowner must now come to the town and apply for a CUP for the proposed pier that was just approved through the JPA process with the Commission and the Corp or they get a response of no permit necessary. The project runs in the paper again, and now this time property owners within 300' are noticed along with property owners within 500' across waterways as our code stipulates. Public hearings are held both by the planning commission and town council or as a joint hearing and both take action as stated in the town code. If the CUP is approved, the applicant must now come to the town and apply for a zoning permit. Then, they have to apply for a building permit through the county. If you look at State Code Section 28.2-1203, Virginia Code provides statutory authorizations for private piers provided the following are met. This is stated in #5. The piers do not extend beyond the navigation line or private pier lines established by the commission or the corp. Number 2, the piers do not exceed 6' in width and finger piers do not exceed 5' in width. Number 3, any T or L head platforms and/or floating docking platforms do not exceed 400 sq. ft. but please note our code is more stringent in this aspect, our L or T-heads do not extend beyond 200 sq. ft. Number 4, if prohibited by local ordinance, open-sided shelter roofs or gazebo type structures shall not be placed on platforms as described in #3, those L or T-heads. But may be placed on such platforms if not prohibited by local ordinance. Number 5, the piers are determined not to be a navigational hazard by the commission. These are the five items that the Commission and the Corp look at when they review the landowner's application. They look at these five items. Now set that aside for a minute, and look at the letter from the Commonwealth of Virginia memo. This is from the Corp to the Commission. Effective May 20th, of last year, 2020, the Corp advised the Commission that the Corp no longer uses the general permit maps as guidelines but rather relies solely on their own navigation review on a case-by-case basis to ensure the following: 1) There is no conflict with other uses of the waterway and 2) In addition, VMRC has long had the authority and responsibility to internally review all projects from a navigational standpoint to ensure that they will not conflict with other users of public waterways in the Commonwealth. I just paraphrased right there what was in the letter that I handed out. Accordingly, the habitat management staff of VMRC will no longer use the US Corp maps as documentation for an established navigation or pier line when reviewing private, noncommercial riparian piers that otherwise meet the exemption criteria and State Code 28.2-1203. If a pier meets all the other qualifications for statutory authorization, as stated in the code, the applicant will be issued a no permit letter, no permit necessary. And lately that is what I have been receiving from the commission is NPN's. No permit necessary because they meet the statutory requirements of the state code. If the applicant proposes that their pier

extends beyond ¼ width of the waterway then the commission will say to the applicant a permit will be necessary.

Wayne Nunnally: Then who issues that?

Lara Brown: The Commission, VMRC. Yes sir. Uh huh. As the zoning administrator for the Town of Irvington I trust the reviewing process for reviewing piers on behalf of the Commission and the Corp and if an applicant comes to the zoning office with the appropriate paperwork stating their pier meets the statutory requirements, he or she should apply for a zoning permit and skip the CUP process. By eliminating the CUP process for piers, it would greatly cut down on unnecessary staff time to push paperwork through a process that the landowner is allowed to have by right. Ask yourself, what are we reviewing during the process that hasn't already been reviewed by the Commission and the Corp. In addition to piers, I also think you should consider eliminating pools outside of the RPA in the CUP process. Are there any questions before the Mayor opens up the floor for discussion amongst the town council that you have regarding the reviewing process that the Commission or the Corp uses when they review the applications. In the last, since I've started working here last July, we have 11, in all of 2020, there have been 11 CUPs brought to the town. Eight of those have been for piers, for pier request to just give you an idea of what's coming through, and you know, you've been attending the meetings, you, so, that is a lot of hours going to reviewing the applications, writing the letters you know for the applicants that they have to submit to all the landowners, you know putting the ads in the Rappahannock Record, y'all are here for meetings and so, there are a lot of hours that's involved in, and as you know processing a CUP, are we duplicating efforts that the Commission and the Corp are already vetting.

Wayne Nunally: I agree.

Mayor Bugg: I do as well.

Bonnie Schaschek: Of those 11, how many were, that didn't require a permit that could just go with the zoning permit only?

Lara Brown: Since I've been here, they've all been NPN's, no permit necessary.

Mayor Bugg: Wow.

Bonnie Schaschek: Then we've been wasting our time.

Dudley Patteson: I'd like to add that I've looked at this from a human resources standpoint, Lara as we all know has worked overtime, but we don't know how much and I'm here to report that since August she has logged in more than an additional 30% of her time in working on just getting through the volume that she's gotten and she and I had a conversation and if the pier and dock CUP was something that we could agree upon it was covered by the VMRC and The Army Corp of Engineers then if we weren't involved, then she could then focus on the CUP matters that matter

the most to the town and therefore from a human resources standpoint I want to free her up and that means we don't review CUPS for docks and piers.

Wayne Nunally: I think it makes sense. If they issue the NPN…

Lara Brown: NPN, no permit necessary.

Wayne Nunally: Why should we get involved.

Mayor Bugg: That's my thinking as well.

Lara Brown: They are looking at each one on a case-by-case basis for you know, is it a navigational hazard in the water, and I would think that our main concern were to make sure that our piers that are in Carter's Creek are not a navigational hazard. That would be a primary concern and they are looking at that, both the Corp and the Commission.

Wayne Nunally: If they, the town wouldn't be involved at all, just make the application to VMRC.

Lara Brown: Well I would…..

Bonnie Schaschek: They would still need a permit.

Lara Brown: ….recommend that they, once they go through their process with the Corp and the Commission, their JPA process, they would just have to come for a zoning permit and when they come for a zoning permit, I could review the construction plans to make sure that 6' in width, L or T-head, meets our requirements that are in ordinance, I would think that all of that could be handled, not think, but I know all of that could be handled within the zoning permit process to make sure they meet the applicable guidelines as stated on our ordinance.

Bonnie Schaschek: I agree with that.

Frances Westbrook: I have a question please. We have a requirement that property owners within 300' are noticed. Is that an Irvington thing or is that a state thing?

Lara Brown: That's an Irvington thing…

Frances Westbrook: ….so we could decrease….

Lara Brown: …Irvington expands that to not only 300' by land but 500' by water.

Frances Westbrook: So, would it be reasonable to think just adjacent property owners, those that are gonna on either side of the dock are or would we be letting go some sort of control that is necessary.

Nancyellen Keane: If you're not going to do it, you don't need to send the letters. You're not going to do a CUP for the dock, you're not going to need to send a letter.

Frances Westbrook: Even if for some reason, say the navigation I, or the X navigational, even if they did have to apply for a CUP, my question is would they have to notice all these people, could we lessen the distance in other words just to adjacent....

Lara Brown: If you don't have it...

Nancyellen Keane: It applies to more things than just a dock or pool, that would apply to everything, so I think you need to talk about that in the conversation about the CUP process.

Frances Westbrook: Okay.

Lara Brown: So, if you don't have in your ordinance, if you eliminate piers from your ordinance, you're not eliminating 300' notification for other things that you require CUPs for. So if you still require a CUP for someone to run a business in B1 they would still follow that requirement of notifying the landowners the 300' and 500' if they happen to be on the water.

Frances Westbrook: I see that being a bigger deal for a business, but for residential is all I'm asking.

Wayne Nunally: Well, if we, I think we got to do this. We've got to cut this red tape. If they do look at, VMR comes in and says you need a permit, and then they issue their permit, would that trigger anything for us?

Lara Brown: That's up for you to decide. Since they're the ones dictating whether or not it's a navigational hazard or not they wouldn't issue their permit if they foresee a problem.

Wayne Nunally: Okay, alright.

Lara Brown: They would still have to go through their process.

Bonnie Schaschek: So when would we have to issue a permit for a dock?

Frances Westbrook: You mean a CUP.

Bonnie Schaschek: CUP, sorry. Thank you.

Nancyellen Keane: ...zone....

Lara Brown: Do you want to do it in the business district but not the residential, the R1, I mean that's I think something to discuss.

Frances Westbrook: But is it a riparian right also in the business or industrial.

Lara Brown: In the business district, it would be considered a water dependent use, like marinas fall under the water dependent use which is like what The Tides Inn just went through.

Bonnie Schaschek: I guess I'm curious as to why we have two separate sections in our ordinances where one stipulates a CUP and the other one is kind of vague.

Nancyellen Keane: ....it tells me somebody added at a different time...

Bonnie Schaschek: ...it's not consistent....

Nancyellen Keane: ....maybe in the past, they weren't done at the same time, maybe, there are two things brought together when they did the last codification maybe I don't know.

Wayne Nunally: ....we're doing it...

Frances Westbrook: ....same way we did it, just reverse it...

Nancyellen Keane: You all could very easily amend the code to remove the words you know that are in the R1 zoning district or docks, that whole item, and then the swimming pools is another item that is in the R1 district, that Lara needs to talk to you about, because she hasn't gone through that discussion because that one doesn't really have anything to do with the VMRC.

Lara Brown: The wording for docks in the R1 permitted uses it states #11, both docks for private use provided all structures, mooring pylons are landward of the US Army Corp of Engineer navigation line which as you now know no longer exists dated April 2nd, 1980, any boat dock to be constructed whether there is no navigation line depicted requires a conditional use permit so that navigation line is no longer on their maps. Also in that same section under R1 #6, swimming pools are permitted with conditional use permits and I guess my question for you, for the council is, you know if the pool is outside of the RPA, or you know land, you know, inland, do you want to require a CUP or do you want you know to just let the property owner submit a zoning permit for that and as long as the drawings show that the pool meets the setback requirements is that sufficient for council for doing a zoning permit as opposed to a Conditional Use Permit and a zoning permit.

Frances Westbrook: How would you address with a pool, adding additional impervious surface to the property. Let's just say it butts up to, it doesn't go into the RPA, is that an issue for us to...

Lara Brown: As long as it's outside of the RPA it's not our issue at all.

Frances Westbrook: ...It's not our...

Bonnie Schaschek: But I will tell you when you go to the county, they, you have to have a complete drawing of where your patio, well this is what we had to do anyway, they wanted a complete drawing....

Lara Brown: Everything that you are proposing....

Bonnie Schaschek: .....space where the patio was, and all of that kind of stuff, but you still, even though we issue a, we shouldn't issue a permit before you get one from the county, but you still have to get one from the county as well.

Wayne Nunally: Yeah, put a fence around it and all that stuff.

Bonnie Schaschek: Oh yeah, they require that, actually it's the State.

Wayne Nunally: I think you've done a fabulous job and I think we should follow your recommendations would be my....

Bonnie Schaschek: I agree. I think we are spinning our wheels for nothing.

Wayne Nunally: Yeah.

Mayor Bugg: And it sounds like this will significantly reduce the number of meetings and amount of work related to these....

Nancyellen Keane: How many CUPS were for pools.

Lara Brown: Last year two.

Nancyellen Keane: Out of 11, 8 plus 2. There is only one that was for something else, what was that?

Lara Brown: That was yeah.

Nancyellen Keane: Business.

Bonnie Schaschek: Now we did have the pools that were within the RPA but with setbacks and they were doing some special things....

Lara Brown: Redevelopment.

Bonnie Schaschek: ....so we would still have them do a CUP for that because it was within the RPA even though they had work arounds.

Lara Brown: I think anything within the RPA correlated should go through that process.

Frances Westbrook: So if they breach the RPA no matter how much then it would trigger.....

Lara Brown: Well, it's a redevelopment and it's a much bigger plan....

Bonnie Schaschek: ....yeah exactly....

Lara Brown: ....a much more involved process.

Frances Westbrook: Sounds good to me.

Bonnie Schaschek: Works for me.

Nancyellen Keane: So, what is it that you all want us to do from here on out?

Frances Westbrook: First of all, I'd like to say I'm highly in favor of it in residential, I have a little reservations about the business application or business side of it, but I think, you said it's riparian rights so....

Wayne Nunally: What I'd like to see is this for myself is to draw it in such a way if it's outside the RPA all they need is the zoning permit. If the Corp has issued a NPR then all we have to do is do a zoning permit.

Bonnie Schaschek: So, in order to accomplish that do we have to modify our existing ordinances?

Frances Westbrook: Yes.

Nancyellen Keane: Yes.

Mayor Bugg: Yeah, so what is the best path Nancyellen to make this happen?

Nancyellen Keane: Just drafting an amending ordinance but would have to go through the planning commission…

Mayor Bugg: Okay…..

Nancyellen Keane: …..since it's a zoning, and so ya'll would have to probably adopt the schedule, it would be, it's the same thing you would have to do to pass an ordinance. It is a zoning ordinance…

Bonnie Schaschek: It is a zoning ordinance and there's no problem in that.

Nancyellen Keane: Yeah.

Frances Westbrook: Let's do it.

Bonnie Schaschek: …not so…

Lara Brown: And are you saying that you would like to see that applied to pools as well, not in the RPA?

Bonnie Schaschek: Yes.

Frances Westbrook: Yes.

Wayne Nunally: It's wonderful when we can agree.

Frances Westbrook: So I think that we….

Wayne Nunally: ….I was going to ask….

Frances Westbrook: …do away with CUPS….

Wayne Nunally: …..can we do a motion….

Frances Westbrook: …in our…

Nancyellen Keane: Not here but maybe in the next meeting, do…..

Frances Westbrook: Oh, that's right, it's a workshop we can't do anything.

Nancyellen Keane: So we could do a schedule, it's a matter of how much time, that's adding a lot to your upcoming budget schedules and stuff, so I don't….

Bonnie Schaschek: It shouldn't take but a moment.

Nancyellen Keane: It's up to you all.

Wayne Nunally: I'd say let's do it as quickly as we can.

Nancyellen Keane: Okay.

Bonnie Schaschek: I mean how long could it take to our existing meeting 10 minutes, it's not like we don't know…

Wayne Nunally: I'd say let's do it as quickly as we can.

Nancyellen Keane: I just didn't want to propose a schedule and have that be a problem.

Bonnie Schaschek: What do you think can you just add an extra 10 minutes to the meeting to get this done.

Frances Westbrook: To the 18th?

Bonnie Schaschek: Well, the 18th is a workshop.

Frances Westbrook: That's a workshop.

Bonnie Schaschek: I'm just talking regular meetings going forward.

Frances Westbrook: Sure.

Wayne Nunally: When's the first meeting we do it.

Mayor Bugg: I agree.

Frances Westbrook: Yeah.

Wayne Nunally: ….then we find something else….

Bonnie Schaschek: So how long is it going to take, are you going to be able to draft it by then?

Lara Brown: I'm ignoring you.

Mayor Bugg: Exactly.

Nancyellen Keane: Yes, but do you all want to adopt a schedule at the April meeting, or do you want us to just assume that…..

Bonnie Schaschek: ....get a consent..

Wayne Nunally: I'd say let's do it as quickly as we can.

Nancyellen Keane: ...it's a regular meeting for each meeting, and just not schedule any new meetings, so it would end up going through...

Lara Brown: Does it go to planning commission first?

Bonnie Schaschek: It has to go to....

Nancyellen Keane: ....planning commission. Just like a CUP I mean, they go together.

Female: You can get a consent at a workshop.

Nancyellen Keane: Yeah, that's true we can get the schedule at the workshop on the 18th is that acceptable.

Frances Westbrook: But we can't vote on it at a workshop right.

Nancyellen Keane: Um....

Bonnie Schaschek: Just a consensus.

Nancyellen Keane: ...maybe a consensus over a written document that we can....

Frances Westbrook: ....that works for me....

Bonnie Schaschek: And that's on the 18th.

Frances Westbrook: This means you can't take up a whole lot of budget and finance time you know. I'll come get you.

Wayne Nunally: Whatever Bonnie says I say.

Mayor Bugg: Alright any other questions....

Bonnie Schaschek: So after the 18th it can be passed onto the planning commission for them to work on.

Nancyellen Keane: Yeah, and you would prefer to have a joint public hearing right.

Bonnie Schaschek: Yes.

Mayor Bugg: Yes.

Wayne Nunally: Well, this workshop so much on, if we follow the same schedule for the short term rental stuff to go to the planning commission?

Frances Westbrook: We haven't talked about that yet.

Mayor Bugg: I've got that on the agenda for….

Frances Westbrook: …yeah, on the agenda…

Mayor Bugg: ….6:30….

Lara Brown: Now what, can you educate me on what the planning commission would be doing with this on the 18th, after it's approved, do they draft what the ordinance….

Nancyellen Keane: No, we would, I guess I would be, direct the ordinance, because you are amending the current ordinance and they would then make any changes or suggestions, they make a recommendation to council like they would for any zoning ordinance. It's just a requirement unfortunately, state law, it's not.

Mayor Bugg: Yeah.

Frances Westbrook: Okay then um, at some point in the future we need to talk about the CUP process as a whole….

Bonnie Schaschek: Are we not doing it tonight?

Frances Westbrook: No, evidently not, I was under the impression it was going to be a joint but if we could schedule a time that is joint between town council and planning commission to address all those other items sometime in the future, near future then we can….

Mayor Bugg: Yeah, we have time to talk about them now if you have any….

Nancyellen Keane: I don't have anything prepared.

Mayor Bugg: Okay, well let's do that. We can…

Wayne Nunally: Brainstorm.

Mayor Bugg: Yeah….

Wayne Nunally: ….Mr. Chapman present his very thorough ideas it could shorten the CUP process so, has everybody gotten that?

Mayor Bugg: Yeah I think so.

Frances Westbrook: Yep, yep.

Wayne Nunally: It's a good place to start.

Nancyellen Keane: The only observation that I have is I don't know how you all are going to come out on the issues that Lara presented tonight so I wasn't sure but, if you all are going to proceed the way you've said to remove the requirement for a CUP for a dock and a pool outside of RPA you are eliminating 90 to 95% of the CUPs that you are going to get, so the question

becomes you know, you can talk about the CUP process, that's fine and I'll be happy to prepare something with Lara for that, but it is going to only apply to one or two CUPs a year, maybe a business or something, a home occupation, something that we've seen in the last couple of years, because you've only been doing CUPs since November of 2019. It's a conversation that may not have a whole lot to go on with it.

Frances Westbrook: Well, it will be a short workshop.

Bonnie Schaschek: But I think we need to have the discussion because if we have first readings and second readings before we even discussed it and then, joint public hearings, it's putting the cart before the horse so I think we need to switch this process a little bit, so it makes sense. Even if it's only twice a year.

Mayor Bugg: That's appropriate. We can discuss that with the commission.

Nancyellen Keane: Well what meeting do you have suggestions for Fran for, to do it, because I don't have a schedule.

Frances Westbrook: Would you want to give a part of one of your planning commission meetings to a joint workshop, well it should be a....

Julie Harris: Well maybe one before the next planning commission meeting.

Frances Westbrook: Before your planning commission meeting.

Lara Brown: Uh huh. Like 5:30 kind of thing.

Frances Westbrook: I think actually rather than having another whole separate meeting I would rather see a 5:30 slot before one of our regular monthly meetings.

Julie Harris: That's what I'm saying.

Dudley Patteson: I agree.

Nancyellen Keane: So, have they been taken like for April and May or are you using the budget.

Frances Westbrook: No I don't think they've been taken, actually alright May 18th is going to be our workshop, the 8th, there is already a public hearing for budget on the 8th.

Julie Harris: Our next meeting is the 13th.

Mayor Bugg: That's what I thought.

Lara Brown: April is going to be weird where you have your meeting before we do.

Bonnie Schaschek: Is that because it falls on Friday....

Lara Brown: Yeah....

Bonnie Schaschek: ....or something....

Frances Westbrook: Thursday....

Lara Brown: ....yeah the first is on a Thursday.

Bonnie Schaschek: Once every 7 years we hit it.

Frances Westbrook: I'd be okay with the 13th, personally, what does everybody else think.

Nancyellen Keane: Is that April 13th?

Frances Westbrook: Yes. Or we can look at May 13th, that 5:30 slot tonight is taken on May 13th.

Bonnie Schaschek: I doubt if we are going to get any CUPs in between now and then so.

Frances Westbrook: I mean the plan is for the town council meeting at 6:30 on the 13th hopefully we will be voting on the budget, but that shouldn't, I've moved all the time consuming stuff prior to that.

Nancyellen: May....

Frances Westbrook: Want to look at May 13th.

Mayor Bugg: It works.

Julie Harris: May 13th?

Frances Westbrook: Uh huh.

Julie Harris: Is that for a town council meeting or for a planning commission meeting.

Frances Westbrook: It would be, that's a town council meeting and we would start at 5:30....

Mayor Bugg: Like this....

Frances Westbrook: ...with a workshop, like what we are doing today.

Bonnie Schaschek: Now would planning commission, would the planning commission get it beforehand so that they had a chance to look at it all before that date or no.

Frances Westbrook: I don't know why they couldn't discuss it at their next planning commission if they wanted to.

Nancyellen Keane: What do you mean....

Bonnie Schaschek: I don't know we are going to have a workshop, you said it has to go to the planning commission for them to review and stuff, can they do that all before the 13th of May?

Frances Westbrook: Or would we do it together at a….

Nancyellen Keane: Workshop, I guess if we are going to do in May to review the CUP process itself, maybe the 300' notices and stuff…

Bonnie Schaschek: Okay.

Nancyellen Keane: …but the other piece which the planning commission has to review is an ordinance amendment and that's for the CUPs and docks….

Bonnie Schaschek: Alright, sorry I was confused.

Nancyellen Keane: ….it's allowed…..

Bonnie Schaschek: ….too many things….

Julie Harris: So, the planning commission would receive that April 13th meeting?

Nancyellen Keane: Yes, because you're going to get a consensus on the schedule on the March 18th workshop and tell me what schedule you want and then I'll have it drafted so it can go out to the council and the planning commission within what a week or two after that, at least 2 weeks before the meeting and they'll meet in April and there will be a public hearing either in April or May at one of the meetings that's joint….

Frances Westbrook: …for the ordinance thing…

Bonnie Schaschek: ….changing of the ordinance….

Nancyellen Keane: …yeah….

Frances Westbrook: …that's the 13th….

Mayor Bugg: That works.

Lara Brown: May 13th.

Mayor Bugg: ….13th at 5:30.

Wayne Nunally: Is that a Friday?

Dudley Patteson: Mr. Mayor, I'd like to commend Lara for a well-done presentation. I think she's one of the few people that have persuaded everyone on town council to agree to something this year and in addition to that she has also cut our workload down considerably and I think that is well done.

Lara Brown: Thanks.

Wayne Nunally: I said it first.

Lara Brown: Can I go home now.

Mayor Bugg: In time, thank you for your continued involvement and along this process and sharing your thoughts on it as well and I continue to welcome the contributions, input and staff thank you for all of your work on all of this, I guess this is a good change so with that, with that.

D. ADJOURN

Mayor Bugg: Is there a motion to adjourn.

Wayne Nunally: Move to adjourn.

Mayor Bugg: Second.

Dudley Patteson: Second.

Mayor Bugg: All in favor.

Group: Aye.

Mayor Bugg: Meeting is adjourned.

Respectfully submitted,

Sharon L. Phillips, Clerk

Albert D. Bugg, III

Albert D. "Tripp" Bugg, Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL PUBLIC HEARING
IRVINGTON BAPTIST CHURCH
TUESDAY, MARCH 9, 2021 6:00 PM

NOTICE: the Irvington Town Council will hold a Public Hearing on Tuesday, March 9, 2021 at 6:00 PM; Irvington Baptist Church.

AGENDA

1. **CALL TO ORDER – Mayor Bugg**

Mayor Bugg: I will go ahead and call this meeting to order. This is the Town of Irvington, Virginia Town Council Public Hearing held on March 9, 2021, 6:00 p.m. at the Irvington Baptist Church. I have called this meeting to order. We will start with roll call.

2. **ROLL CALL – Mayor Bugg**

Mayor Bugg present.

Members of Council Present:	Frances Westbrook present.
	Bonnie Schaschek present.
	Wayne Nunnally present.
	Jackie Brown present.
	Anthony Marchetti present.
	Dudley Patteson present.
Staff Present:	Lara Brown Zoning Administrator
	Nancyellen Keane. Esq., Town Attorney
	Sharon Phillips, Town Clerk, FOIA Officer

3. **PUBLIC HEARING**

Mayor Bugg: Thank you council. That will bring us to the portion of this meeting, the public hearing which is the whole purpose of this meeting. We will start with item #1 which is the Rezoning Application 2020.RZ2_ICN Enterprises.

1. **Rezoning Application 2020.RZ2_ICN Enterprises**

Mayor Bugg: We will start with item #1 which is Rezoning Application 2020.RZ2_ICN Enterprises. The town seeks public comment on the rezoning of parcel Tax Map #33 422 from R-1 to B1; at 4203 Irvington Road. Is there anyone from the public that would like to speak about this? Mrs. Brown would you like to speak on this?

Jackie Brown: I just want to read a letter from Vineyard Meadow and Vineyard Row Development with regard to this application. Vineyard Grove and Vineyard Meadow that they do not support rezoning to B1. While we understand that B1 would be consistent with the adjacent properties and shop fronts to the south, we are concerned that the B1 designation is overly permissive allowing some uses which are inconsistent with the charm and village and character of this area of the town. While it is unlikely to be the intention

of the current applicant, allowing future by-right uses such as service stations and supply yards to be inappropriate for the location. So, I just wanted that to go on record.

Mayor Bugg: Thank you. Council any comments, any questions for Mrs. Brown.

Wayne Nunnally: Would they have to get a CUP to get a service station.

Jackie Brown: All uses permitted in B1 and B2 require a CUP.

Bonnie Schaschek: But across the street and next door they are all R1's why would we do B1 versus a B2 which is the transition from residential to business?

Jackie Brown: Directly to the right of the property all the way down to ? shops and ? are all B1. To the left of this parcel is R2. Across the street from the parcel is R1 until you get to the blue house that sits, and then it starts with B1 again down to the office, Café, The Dandelion, and the church, all that's B1.

Anthony Marchetti: I also think the square footage of the building is too big for it to be B2, so I think it's B1 or not at all.

Jackie Brown: The applicant has withdrawn their option, is the applicant here? Or the applicant's agent, no. They wish for the application to be considered only for B1 right now, B2 is not in their application any longer as an option.

Anthony Marchetti: There is a square footage requirement on B2, and I believe that the building exceeds what is allowed in B2, square footage wise.

Jackie Brown: And the applicant…

Anthony Marchetti: ….so I don't think it can be B2.

Jackie Brown: And the applicant also stated that B2 designation would no longer allow it to be residential use in the future which is what it was prior to them renting it to the Town for a Town Office. The public hearing part of this you know we can discuss, Town Council meeting.

Frances Westbrook: Question. Does anyone know how far on either side of Irvington Road that the comprehensive plan addresses, it seems to me, I don't know how far it goes but we address the issues future uses and what they might be going towards Kilmarnock, and I thought it went up to the Vineyard, so if that's the case then we anticipated perhaps it being B1 or B2 sometime in the future. Is that?

Jackie Brown: To the Vineyard, yeah.

Frances Westbrook: To the Vineyard, I thought that was the case, I just wasn't sure.

Mayor Bugg: Anyone else? With that that will take me to Item #2.

2. **Conditional Use Permit Application #2020.CUP12_ICN Enterprises.**

Mayor Bugg: Conditional Use Permit Application #2020.CUP12_ICN Enterprises.MB The town seeks public comment on a conditional use permit for a Town Office in B-1; Tax Map #33 422 at 4203 Irvington Road. Does the public have any comment on that? Mrs. Brown, council, anything further? That takes care of that one. Okay number 3.

3. **Conditional Use Permit Application # 2020.CUP17_Stephens**

Mayor Bugg: Conditional Use Permit Application #2020.CUP17_Stephens. The town seeks public comment on a new pool inside the RPA, redevelopment, no further encroachment and no increase in impervious cover, R-1; Tax Map #33 361 at 416 Steamboat Road. Does anyone from the public have any comments about that? Mrs. Brown, or council?

Jackie Brown: No.

Mayor Bugg: Nothing further I'll move on to Item #4.

4. **Conditional Use Permit Application #2020.CUP13_SandersRobinson.**

Mayor Bugg: Conditional Use Permit Application #2020.CUP13_SandersRobinson. The town seeks public comment on a new pier for private use; Tax Map #33 252B; M-1 at Carters Creek Road/King Carter Drive. Does the public have anything to say about that application?

Fred Minton: I have a question.

Mayor Bugg: Yes sir. Could you please stand and state your name and address?

Fred Minton: There seems like to me there are four pier requests for that property.

Jackie Brown: Four separate applications, four separate pier requests, yes sir.

Fred Minton: How many slips are we talking about?

Jackie Brown: It's one residential pier on each of the four parcels.

Fred Minton: So is this a precursor to the ?

Jackie Brown: No.

Fred Minton: It's commercial?

Female: No, it's private.

Fred Minton: It's private.

Jackie Brown: Four residential properties.

Fred Minton: Four slips....

Jackie Brown: Four piers, four piers, four residential private piers.

Fred Minton: Got it.

Bonnie Schaschek: Do them all at once.

Mayor Bugg: Yeah.

Wayne Nunnally: Do ya'll remember if that replaces 27 slips....

Jackie Brown: Sir?

Wayne Nunnally: Do ya'll remember was that 27 slips is that right...

Jackie Brown: 45.

Wayne Nunnally: 45, so now we are going down to 4.

Mayor Bugg: For the record, you know what I'm going to do, I'm going to read all of them so we can talk about all of them at once, so we don't have to go through each one individually. I am going to move to Item, #5 and I will read that for the record.

5. **Conditional Use Permit Application #2020.CUP14_SandersRobinson**

Mayor Bugg: Conditional Use Permit Application #2020.CUP14_SandersRobinson. The town seems public comment on a new pier for private use; Tax Map #33 252A; M-1/R-1 at Carters Creek Road/King Carter Drive.

6. **Conditional Use Permit Application #2020.CUP15_SandersRobinson MB**

Mayor Bugg: Item #6 Conditional Use Permit Application #2020.CUP15.Sanders Robinson MB. The town seeks public comment on a new pier for private use; Tax Map #33 252; M-1/R-1at 902 King Carter Drive.

7. **Conditional Use Permit Application #2020.CUP16_SandersRobinson**

Mayor Bugg: And lastly, Item #7 Conditional Use Permit Application #2020.CUP16_SandersRobinson. The town seeks public comment on a new pier for private use; Tax Map 33 252A; M-1/R-1 at XX King Carter Drive. So, we will talk about all these, all four items at once now. Thank you, Bonnie, for that reminder. Anyone else from the public? Yes ma'am, if you can please state your name and address that would be appreciated.

June McGeorge: My name is June McGeorge, 220 Sanders Lane. I am an owner and member of Crockett's Landing, Inc. I am here to represent all the board members and owners of our corporation. In regards to CUP16 and as adjacent property owners, we have a cause for our attorney to object to this application. In 2013 we signed an agreement with the previous owners Bruce Sanders and have a dated, recorded, dated bound readjustment which outlines a 60' fairway between our dock and any future docks built on the adjacent property. While we want to be a good neighbor with Mr. Robinson and don't object to him building docks within his boundary. He is asking for us to vacate this fairway and readjust the boundaries. This would impede our ability to properly run our marina and we do not wish to readjust this boundary line and our president of our Corp. has given Lara the court documents, the deed and the agreement, so you do have those documents where it does outline the 60' fairway which would infringe upon us.

Mayor Bugg: Thank you.

Wayne Nunnally: How much infringement is it?

Jackie Brown: I'm not, I think his dock would come out....

June McGeorge: There's a drawing and you have it, and it would infringe upon the 60' that we're allowed.

Mayor Bugg: While you're up there sir, could you just give your name and address.

Snowy McGeorge: I'm her husband.

Mayor Bugg: Same address?

Snowy McGeorge: Yep.

Mayor Bugg: Got it.

[a lot of background talking]

Mayor Bugg: [gavels].

Frances Westbrook: I see what you're saying.

Mayor Bugg: Thank you. Anyone else from the public?

Barry Robinson: My name is Barry Robinson and…

Mayor Bugg: Yes.

Barry Robinson: I'm the owner of these parcels and while I understand the feedback from my neighbors here, I am also a little frustrated to begin with because Carroll Davies reached out to me a month ago, myself, I believe. The zoning administrator did not have any issues with this, we agreed after I offered to give them additional rights. All they wanted to do is vacate this fairway at my cost and I had the legal agreement drawn and given to them in 24 hours, now today at the last minute I hear there is an objection. I too did a little bit of research and spoke to Jay Woodward of the VMRC and interestingly enough this agreement that is referred to is not valid. Two parties, two private parties cannot give deeded rights to water. The State of Virginia owns the water. There is only one governing body who can do that and that is the VMRC, point one. Point two, if you want to refer to this agreement, it is pretty clear in here that refers to a commercial pier that is going to be built and only concurrently, concurrently with that commercial pier being built with this 60' fairway be in effect. This is a private pier only going out 100', clearly does not impact any repairing rights, the repairing line of this pier is 30' from the pier which refers to in here is a fairway in the event a commercial pier is built, so my request is that these permits be approved. Mr. Woodward and my legal counsel says that this governing body right here has no jurisdiction over this. This is a by-way pier and I am certainly willing to work with my neighbors here as I offered well over a month ago, but you know coming up with this red light at this point in time I think is disappointing. Okay, again, Jay Woodward said he would be happy to talk to owners and explain to them that no two people can give the rights to water to anyone. This is the equivalent of if my neighbor across the street and I reach an agreement and said I'm going to give you rights to the street that is publicly owned, I can get that recorded, when you record a document, nobody reads it for its legality. All it is is a recorded document. So, it appears there's an objection and we can't work it out we'll settle it in court is all I have to say. Not to be rude here, but I also have the right if you want to use this agreement, to go to the end of the pier and use a chain saw and cut off 5' of their pier. It also says that in here too. That's all I have to say.

Mayor Bugg: Thank you.

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, FEBRUARY 25, 2021 6:30 PM
IRVINGTON BAPTIST CHURCH

NOTICE: the Irvington Town Council will hold a Regular Monthly Meeting on Thursday February 18, 2021 6:30 pm; Irvington Baptist Church.

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: This is the February 18, 2021 Irvington Town Council regular meeting no town council business is being conducted. This meeting is being called to order. We will start with a roll call.

B. ROLL CALL – Mayor Bugg

Members of Council Present:	Dudley Patteson here. Bonnie Schaschek here. Jackie Brown here. Frances Westbrook here. Mayor Bugg present. Anthony Marchetti present.
Members of Council Absent:	Wayne Nunnally
Staff Present:	Nancyellen Keane Esq., Town Attorney
Staff Absent:	Lara Brown, Zoning Administrator Sharon Phillips, Clerk, FOIA Officer

Mayor Bugg: We do have a quorum. Again no business is being conducted due to inclement weather. Next I will ask for a motion to adjourn this meeting to next Thursday, February 25th at 6:30 pm.

D. Patteson: So move.

[inaudible]: Second.

Mayor Bugg: Further discussion? I will let the record show that all town council members voted in favor of this.

Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye

THE MOTION TO ADJOURN UNTIL THURSDAY, FEBRUARY 25AT 6:30 PM IS PASSED 5-0.

Mayor Bugg: With that is there a motion to adjourn no further business is necessary?

D. Patteson: So move.

F. Westbrook: Second.

Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye

MOTION TO ADJOURN IS PASSED 5-0.

Mayor Bugg: This meeting is adjourned. Thank you everyone.

C. CALL TO ORDER – Mayor Bugg

Mayor Bugg: I'm going to go ahead and call this meeting to order. This is the Town of Irvington, Virginia Town Council Meeting. This was originally scheduled Thursday, February 18th, that meeting did take place here at the church at 6:30 p.m. That meeting was adjourned to today which is February 25th, 2021. Town council thank you for all your help on juggling that schedule and making this happen so. I am pleased to announce that we are having a meeting tonight. I call this meeting to order. We will start with the roll call. Ms. Schaschek.

D. ROLL CALL – Mayor Bugg

Members of Council Present:	Bonnie Schaschek here. Wayne Nunnally here. Jackie Brown here. Frances Westbrook here. Mayor Bugg present. Anthony Marchetti (via phone)
Staff Present:	Nancyellen Keane, Esq., Town Attorney Lara Brown, Zoning Administrator Sharon Phillips, Clerk, FOIA Officer
Guest:	See attached sign in sheet.

Mayor Bugg: Anthony can you hear us. I will also note for the record Dudley Patteson is present. He stepped out for a few minutes and will be back.

E. APPROVE AGENDA

Mayor Bugg: The next item is approval of the agenda.

Wayne Nunnally: Mr. Mayor I would like to add a few items to the agenda. If the board will approve it, I don't know if I can do that or not. I move that we amend the agenda.

Mayor Bugg: What would you like to add Wayne.

Wayne Nunnally: I want to add short term rental discussion. I want to add a discussion of alternatives to building a town office and, you want to do something.

Jackie Brown: I'd like to move my comments from the mayor's report to old business please.

Frances Westbrook: What was the other one? You said the second one.

Wayne Nunnally: Short term rental. Discussion of alternatives to building a town office and the change that Jackie wants.

Mayor Bugg: Jackie you want to move your item from my report to old business.

Jackie Brown: To old business and I think we should add a round table.

Frances Westbrook: Before announcements.

Mayor Bugg: Motion to amend the agenda. Wayne, can you repeat for Mr. Patterson what your two items were.

Wayne Nunnally: Discussion of short-term rental and proposed ordinances, and discussion on alternatives to building a town office.

Dudley Patteson: And your adding that to be done tonight?

Wayne Nunnally: Yes. I want to make a report of that to put in my what am I chairman of.

Mayor Bugg: Building and grounds.

Wayne Nunnally: Building and grounds committee.

Anthony Marchetti: It's a report?

Wayne Nunnally: Correct.

Mayor Bugg: We will take them one at a time and Wayne if you want to make your motion then, point out where you propose putting that in the agenda in that motion, we will take a vote on yours and then we'll move.

Wayne Nunnally: I think we can put it under, I guess we can put it under old business.

Frances Westbrook: Well actually if it is a report from building and grounds, it should probably go with the other report, so perhaps right after mine, which is Item I, that's where the other reports are listed.

Wayne Nunnally: That's for the alternatives.

Frances Westbrook: And short terms?

Wayne Nunnally: And the short-term rental would come under old business.

Frances Westbrook: Oh, I see what you're saying, okay.

Mayor Bugg: Item 2 under old business is what you're proposing.

Frances Westbrook: Item 3 perhaps.

Mayor Bugg: Okay, yeah.

Jackie Brown: Item 2.

B. Schaschek: Jackie is Item 2.

Mayor Bugg: Okay Item 2 would be Jackie. Alright, Wayne do you want to make your motion.

Wayne Nunnally: I move that the agenda be changed to reflect that under old business short-term rental will be discussed, under reports from committee members, building and grounds make a report of alternatives to building and then move Jackie's comments from mayor to old business and add a round table to the very end.

Mayor Bugg: And where would you like the round table?

Wayne Nunnally: Round table always traditionally went right at the end before adjournment.

Frances Westbrook: Maybe before announcements.

Wayne Nunnally: That's fine with me.

Mayor Bugg: Okay.

Wayne Nunnally: Announcements may generate something to talk about at round table.

Frances Westbrook: So, before announcements.

Wayne Nunnally: I think you should put it after.

Frances Westbrook: Okay, that's fine with me.

Wayne Nunnally: Alright, okay with everybody.

Mayor Bugg: Is there a second?

Jackie Brown: Second.

Mayor Bugg: Further discussion. All in favor? Opposed. Motion passes and the agenda is, yes.

Vote:		
	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

THE MOTION THAT THE AGENDA BE CHANGED TO REFLECT THAT UNDER OLD BUSINESS SHORT-TERM RENTAL WILL BE DISCUSSED, UNDER REPORTS FROM COMMITTEE MEMBERS, BUILDING AND GROUNDS MAKE A REPORT OF ALTERNATIVES TO BUILDING AND THEN MOVE JACKIE'S COMMENTS FROM MAYOR TO OLD BUSINESS AND ADD A ROUND TABLE TO THE VERY END IS PASSED 6-0.

N. Keane: Mr. Mayor, you have three items payment and appropriation for bills?

Mayor Bugg: Yes. Yes we have we have 9 and 11 on the back of your agenda.

Frances Westbrook: These are appropriations.

Mayor Bugg: Appropriations.

Frances Westbrook: I'll move that we have these three appropriations to consider under new business.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor. Opposed. That motion passes as well.

Vote:		
	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

N. Keane: You need to do a roll call vote for people on the phone.

Mayor Bugg: Good point. Let's do a roll call vote and first let's just start with Wayne's motion to add the items previously discussed. Ms. Schaschek could you please state your vote.

Roll Call Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

Mayor Bugg: Excellent the next one will be on the items which were proposed by Ms. Westbrook to be added to the agenda, 9, 10 and 11 at the end, that is appropriations. Let's take a roll call vote on that as well. Start with you Bonnie again.

Roll Call Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

Mayor Bugg: Thanks, you for the roll call vote as well council.

F. APPROVAL OF MINUTES AND ACCEPTANCE OF TREASURER'S REPORTS

Mayor Bugg: Moving onto the next item which is the approval of minutes and acceptance of treasurer's reports.

1. October 8, 2020 Meeting Minutes
2. October 15, 2020 Meeting Minutes
3. November 17, 2020 Meeting Minutes
4. November 18, 2020 Meeting Minutes
5. December 10, 2020 Meeting Minutes

Wayne Nunnally: Mr. Mayor.

Mayor Bugg: Yes.

Wayne Nunnally: Before we vote on that, I have to take the time to say this. I pointed out to this council over and over Section 31.23, it says order of business. The order of business as a town council's regular meeting shall be as follows: Read the minutes of the last meeting, reports of offices of the meeting, unfinished business and D. new business. We have not had minutes I guess, the pile of minutes that we were given I think were October, November, December. We don't have September, we, I got this package of minutes and quite frankly they are single spaced, way over 100 pages to read and my first inquiry is I'd like to know who typed them. My second comment would be after only reading a few pages I begin to find errors.

Mayor Bugg: Wayne.

Wayne Nunnally: All of that is to say there is no way in the world I can vote to approve these minutes.

Mayor Bugg: Before we go further into that and I do not think this is the appropriate time to go further into the actual details of the minutes and things that you may believe are in there by error. I think we should not be discussing such errors at an open meeting right now.

Wayne Nunnally: Transparency is needed and the public needs to know some of the hardships that your town council members are having in staying current. It is impossible for us to do our job. We don't have the minutes from the last meeting. It would have nice to have those so we can review them and at least impress our electorate instead of sitting here like we're not doing anything. I am completely frustrated by us not having the minutes that we are supposed to have, and we are in violation of our own ordinances. So, I've said my piece.

Mayor Bugg: Anything further.

Bonnie Schaschek: I would like to say something. I do not have minutes from November 17th, that are supposed to be in this package.

Mayor Bugg: Are they not attached.

Frances Westbrook: I don't have them either.

Bonnie Schaschek: I don't know if anybody else has them, but I don't have them.

Mayor Bugg: You have them Wayne?

Wayne Nunnally: I have them.

Frances Westbrook: Mine go from October; I go from October to then November 18th.

Bonnie Schaschek: That's what mine do as well.

Wayne Nunnally: November 18th is what I have.

Frances Westbrook: Alright there should be some for the 17th, there is none for the 17th then, they're missing.

Mayor Bugg: Do you recall what that meeting was, that was obviously back.

Frances Westbrook: From November.

Mayor Bugg: Yeah, 17th of November.

Sharon Phillips: Budget.

Mayor Bugg: Okay, that was the budget meeting, budget and finance.

N. Keane: It was the budget and taxes. It was on the commons.

Frances Westbrook: Yeah, the only note I had was it was on the commons, I didn't write on my calendar what it was for.

Bonnie Schaschek: Yeah, so I have those missing. I do have to say that I did review a lot of these minutes and we do have a lot of errors on who said what and what. I could only address where it has my name to it, I can't address anybody else, unless obviously I have the physical recording.

Mayor Bugg: My recommendation regarding that would be to take it up with outside council who is looking into this and who is, will be discussing this with council so, I'm glad you point that out now and again my recommendation would be to point that out to Charlie Meyer, when you talk to him so.

B. Schaschek: For the minutes.

Mayor Bugg: Any concerns you have.

Dudley Patteson: Mr. Mayor, I would also like to point out that human resources is concerned about the workflow at our office and would like to suggest at some appropriate time council address some of the issues that I have discovered at the town office and I think the[inaudible] slowness in the workflow is a function of the number of meetings that we have had and all the paperwork that has to go with that and I think that is something that we need to talk about, not now but at another time.

Mayor Bugg: Welcome as well and I'm sure council will so.

Wayne Nunnally: Well I don't know when that time will be.

Frances Westbrook: Is someone trying to call you?

B. Schaschek: Yes.

Mayor Bugg: Are you there Anthony.

Anthony Marchetti: Yes.

Mayor Bugg: Okay, just making sure you're still there.

Bonnie Schaschek: Do you have Charles' number that I could call him.

Mayor Bugg: No, but I'll certainly, absolutely.

Frances Westbrook: I'd like to say that, because of some budget and finance questions that I've had I have called Patrick and left three messages, I have left one message for Charlie, I have left three messages for Eileen who is the accountant that is dealing with the accounting aspect, off site and now Eileen and I have left messages back and forth on two rounds, but the other two gentlemen have not returned by phone call.

Mayor Bugg: Okay.

Jackie Brown: I had the same experience.

Frances Westbrook: It's very disheartening because we are right now getting ready to do budget, we are behind the eight-ball and I need a couple of questions answered.

Mayor Bugg: Yeah.

Frances Westbrook: I don't have the time to wait and they are not returning my phone calls yet both of them told us if you have any questions or need anything call us. So…

Wayne Nunnally: I would like to echo what Ms. Westbrook is saying, I've called and left detailed messages on points that I have requested answers to and have not gotten a return call.

Mayor Bugg: Okay, that's something I will run up the flagpole for all of you.

Frances Westbrook: Yeah, I think you really should, tomorrow if you have the time, because I don't, I'm up against, I'm in the corner, I'm backed up….

Mayor Bugg: I wasn't aware of it, so thank you for mentioning it.

Frances Westbrook: Yes, yes.

Mayor Bugg: And I will do all I can to run your concerns up the flagpole with that, let them know.

Bonnie Schaschek: Jackie has the same….

Mayor Bugg: Okay.

Jackie Brown: You heard me say..

Mayor Bugg: You have the same concern.

Mayor Bugg: Okay.

Frances Westbrook: So I'd like to move that we table these minutes if we will.

Mayor Bugg: Is there a second.

Wayne Nunnally: I don't think there is anything else that we can do.

Bonnie Schaschek: I'll second that. You can't…

Wayne Nunnally: We can't approve them.

Frances Westbrook: No.

Mayor Bugg: Any further discussion? All in favor of tabling these minutes? Opposed. And let me do a roll call vote since Anthony is on the phone.

Roll Call Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

THE MOTION TO TABLE THESE MINUTES IS PASSED 6-0.

B. Schaschek: Okay, then I have a question about it.

Mayor Bugg: Go ahead.

B. Schaschek: Can I ask the question first.

Mayor Bugg: Why not.

Bonnie Schaschek: In the agenda you said that there is additional minutes had been drafted however, you guys didn't see fit to send them to us and you were going to wait until March. Based upon the volume of this, I would not wait until the March meeting, I would get them in the mail to us either email or have us pick them up as soon as possible because reading these things and like I said I may have to request the recordings to take and go through a lot of this stuff.

Mayor Bugg: Okay.

Bonnie Schaschek: So I would like these like tomorrow.

Frances Westbrook: Well, I was under the impression that they weren't ready when the two of us talked about them is why we decided to do the October through December.

Mayor Bugg: Mrs. Westbrook and I have already discussed this today and certainly back to checking the status of these minutes so we can get them to you as soon as possible so.

Bonnie Schaschek: Okay.

Wayne Nunnally: Well, are they ready or not, I'd like to know that. If they are ready, I want to pick them up. If they are not ready, why did we say they are ready. So, are they ready for us to pick up?

Mayor Bugg: They are not ready, are they ready?

N. Keane: They haven't been copied.

Mayor Bugg: You want to check in tomorrow.

Wayne Nunnally: I will.

Mayor Bugg: Sounds good. Alright roll call vote.

Bonnie Schaschek: Excuse me, what are we voting on now?

Mayor Bugg: Tabling the minutes.

Bonnie Schaschek: Okay.

Roll Call Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

Mayor Bugg: **THE MOTION PASSES THE MINUTES WILL BE TABLED.**

6. Treasurer's Reports (4)

Mayor Bugg: Treasurer's report will be next on the agenda.

Wayne Nunnally: I'm gonna rely on you Fran.

Frances Westbrook: I'm going to ask that we table simply because the audit has not been completed. The errors that were discussed from the beginning of this that led to the audit are still reflected in here and I suspect they can't do anything until after the audit and then they'll recommend whatever changes need to happen. I am glad to have them particularly for the check detail because at least now we know what's being paid and where the money is being spent so that's a step in the right direction but until we have the audit and we know those changes and corrections have been made I think we just consider this as informational purposes and let it go at that.

Mayor Bugg: Any further comments about what Ms. Westbrook is proposing.

Wayne Nunnally: You are talking about tabling, what did you say?

Frances Westbrook: We don't accept them, I'm just saying that right now, they are just for informational purposes until we hear back from audit. I don't think we can do anything else personally.

J. Brown: Do we know when we're going to hear back? It's a long 2 weeks.

Frances Westbrook: Do we have any idea.

Mayor Bugg: Hopefully within the next few weeks. Any further.

Wayne Nunnally: They told us it was going to be a month.

Bonnie Schaschek: Long past a month now.

Frances Westbrook: Well maybe when you run that flag up you can…

Mayor Bugg: Yeah.

Frances Westbrook: …run a second flag right underneath of it.

Mayor Bugg: Status check.

Frances Westbrook: At least, it would be good for us to know. Thank you, Mr. Mayor.

Mayor Bugg: Thank you.

Bonnie Schaschek: I make a motion we table the treasurer reports.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion about the treasurer's report and tabling these reports. All in favor?

Wayne Nunnally: Aye.

Mayor Bugg: Let me do a roll call vote.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes (via phone)

THE MOTION TO TABLE THE TREASURERS REPORTS IS PASSED 6-0.

Mayor Bugg: Treasurer's report 4 of them are tabled.

G. PUBLIC COMMENT

Mayor Bugg: Next item on the agenda is public comment. Does the public have any comments these evening. Yes Mr. Ewing.

Jeff Ewing: My name is Jeff Ewing, [inaudible] Chesapeake, just two quick items. As we get into budget season and you are thinking about new expenses we have a lot coming up in the next fiscal year. The first is a prepared food tax. Everyone else in the region has one, we do not. I think that is a lot of revenue we are leaving out uncollected. We could implement that 2.5% and match Kilmarnock and White Stone. We could bring in probably $50,000 to the town a year with no resident really being impacted beyond what you're going out and going to eat like anybody else. I don't think that anyone, is, I moved to Irvington because we don't have this tax and was looking for a price discount coming to Irvington, I just really think that it would be a valuable stream of revenue as we, as the town grows and changes. The second item is the short-term rentals, if that was issued under a license or there was some sort of mandatory registration with the town when you are going to rent your home for more than 15 days a year, that would at least let the town know and check in with these people and make sure that they are paying their share of the occupancy tax that is already on the books. So, there is another stream of revenue that we may or may not be collecting because we don't know who's actually doing the Air B&B right now. I just think that as we budget having this extra revenue would be helpful and hopefully reduce the amount or stopping the amount of the property tax increase. Thank you very much.

Mayor Bugg: Thank you.

Wayne Nunnally: Mr. Ewing, I'm so glad you are here, I wish you had of been here 8 years ago when I proposed the same thing, and could not get it through, so maybe with your help we'll get some of that done this time.

Jeff Ewing: Now is [inaudible]

Mayor Bugg: Anyone else from the public that would like to comment. Alright if nothing further from the public that would bring us to my mayor's report.

H. MAYOR'S REPORT

1. Discussion of town survey/planning topic from J. Brown

Mayor Bugg: As we heard early on the discussion concerning the town survey and planning topic has been moved. Ms. Brown, I'll just turn to you when we get to that so, we won't be speaking about that right now. That will bring me to the next item on my report.

2. North Commons Development

Mayor Bugg: This was originally from the February 18, 2021, report which was adjourned to February 25, 2021, the first item to speak about is the North Commons Development. At the February 4th meeting I heard discussion about appropriation for Bay Design prep work at the North Commons. Council voted unanimously 6-0 to appropriate the funds and place special emphasis on the payment coming from CARES Funds. At the same time during that discussion a couple of council members stated that COVID is not the reason for the expense. This is the first time that I have heard that any statement that cause is not due to COVID. As you are aware.

Wayne Nunnally: Excuse me, I didn't hear what you just said that what?

Mayor Bugg: That was the first time I have heard any statement that the cause is not related to COVID. As you are aware qualifying expenses under CARES requires certain items, namely they are necessary expenditures incurred due to COVID not budgeted as of March 27, 2020, and thirdly incurred March 1, 2020 through December 31, 2021. Because of the statements made at the last meeting while voting in favor of the appropriation, we need to clarify whether there is agreement of council that the prep sitework expense for a new town office on the North Commons is a necessary expenditure due to COVID. Council must weigh in to determine this question of fact. Council must go on record about this issue. This is not something that can be determined by accountants or lawyers, we determine this. Now I would like to go around the table and get input from each council member about the question of whether the site prep work is a necessary expenditure due to COVID.

Wayne Nunnally: Mayor, before we do that. I'd like to make a quick opening statement regarding that.

Mayor Bugg: We will start with you then.

Wayne Nunnally: We have relied on the advice of the town attorney. I specifically asked her if this was covered by COVID. I particularly don't think it does, but our attorney has assured us it did. With that assurance I made the motion for the expense on Bay Design, but I only did that, and I want the record to clearly show that I only did that on advice of counsel. So, that is what we are paying her for, and we have to listen to what we've been told. So, that's why I made that motion, but I will go on record to say, is I don't think a town office, a new town office is in anyway a result of COVID. I'm only relying on the attorney's opinion that told us it was, and I think I have put the attorney on notice of that fact. So, if that $45,000 that we've committed to is not going to come out of COVID money and it is going to come out of their money, then I'm going to be seeking redress in the appropriate form.

Mayor Bugg: Anything else?

Wayne Nunnally: No sir.

Bonnie Schaschek: I can go next.

Mayor Bugg: Bonnie.

Bonnie Schaschek: I'll go next. I also do not feel the funds came come out of COVID-19 and quite honestly, I'm a little bit shocked to hear you say that this is the first time you've heard it, because at many meetings we've said and asked the same question, in fact, at one of the meetings I even asked the lawyer to put it in writing that we could use the COVID funds for building the new town office. This has been on the books, it has been in the capital budget for the last 2 years, it's been talked about for the last 4 to 6 years, so it, this is not something new, it has nothing to do with COVID. I did take and print out from the Federal Register as of January 15, 2021, where it says if capital improvement projects are not necessary expenditures incurred due to COVID-19 public health emergency then funds may not be used for such projects. It goes on to say if you are building a hospital that's something different. We are not building a hospital. We are building a town office which we've talked about over and over for many years now. It's not something new. So, I'm not in favor because I think it is going to come back and bite us. You know, we were relying on the lawyer's advice and I can't agree with it.

Dudley Patteson: I have a question.

Mayor Bugg: Yes.

Dudley Patteson: If COVID is not the reason, what is the reason.

Wayne Nunnally: Well, let's look at our October 8th minutes where it says that our damages were caused by the storm, had nothing to do with COVID. Let's see I think that's page 9 of the minutes I did get through, no, that's another area....

Mayor Bugg: The storm was in August and I believe...

Wayne Nunnally: It was the result, the damages were the result of hurricane I-S-A-I-A-S. Nothing to do with COVID. So, we cannot say that our damages were caused by this disease.

Mayor Bugg: Let me challenge you with this. What about the inability to use the office because it's so small.

Anthony Marchetti: Hey Tripp…

Mayor Bugg: Yeah.

Anthony Marchetti: …Just let me know when I can have a turn please.

Mayor Bugg: Okay.

Dudley Patteson: I question the fact that the town office, there is virtually no way anyone on council or anyone from the town attending our meetings could properly submit to you which is a requirement of our protocol and in this pandemic and you don't know how long the pandemic will last, whether another one will occur, and it became very clear to me that since we cannot socially distance in that office it was unacceptable to have the meetings there at all and that is why I believe, one of the reasons why I believe COVID was the cause for us to relocate because we could not comply with COVID protocol in that office. It's great that we can evolve, we can have damage from the storm, those are not good reasons. But COVID protocol is the reason why we need to move and have a new town office.

Bonnie Schaschek: COVID is the reason we moved out of the town office, and why we're renting someplace for the staff. We have always for public hearings have had access to the church whenever we know, well, that we were going to have more than 25 people, we always made a point of moving here. We always knew that that office was not geared for that type of thing and shouldn't have been used for it. But, it was never a new discussion, we've known that it was not capable for a long time.

Dudley Patteson: Well, there was no…

Bonnie Schaschek: And we are using the rent that we are paying to this other place out of COVID funds and that's for 2 years and we have an option for a 3rd year after that, that's being paid out of COVID.

Dudley Patteson: I'm not denying that there is a good use of the COVID money in terms of the rent we pay. What I'm saying is it would have been impossible for us to relocate, move back into that building and to feel safe. I would not attend a town council meeting or any meeting for that matter in that building. We had to find an alternative use and we have traveled from the Baptist church to a corporate warehouse to a variety of places all because we needed to find a place that we could comply with the COVID protocol, period, end, finished.

Mayor Bugg: But for COVID would we have moved out of that office this summer or whenever we did.

Wayne Nunnally: My answer is no we wouldn't have moved. We moved because of the mold, we moved because of the water damage and then COVID came along. To give us an alleged excuse to spend this free money and so everybody is all excited about getting free money and now we got maybe a way if we stretch the truth that we can use it. The office has been inadequate since it's been there. It is not handicapped accessible. The bathrooms are not even, you can't even get to them. But as far as social distancing goes, the town council could meet there. The staff could easily be 6-feet apart. We put the sign on the door, you can't come in anyway. Now what furthers my argument is we are not meeting in the one we are renting. We are still meeting here at the church which has been available to us for at least 10 years I know that we've been coming here. If we have anybody, any kind of crowd at all. It used to be that nobody came. People started coming after we began to tax them. Then they started taking an interest in coming there. But we never had a bunch of crowd and you know that. So, it was perfectly sound for the staff and the council itself, so to say that it wasn't socially distanced there is error in my opinion and it's a ruse to take money from the government.

Dudley Patteson: Excuse me, I object to your remarks saying that those who feel that COVID was the reason are presenting to this council a stretch of the truth are ruse.

Wayne Nunnally: Well, I think that's exactly what it is.

Dudley Patteson: That is uncalled for, I believe....

Wayne Nunnally: You've told me that before but I'm telling you I don't think it is a stretch of the truth at all, and I think it is time for us to be totally transparent and stop all this hiding stuff.

Dudley Patteson: I agree, and as will hopefully other members of council be transparent, but as I said, there is just no way I could go into that building again because of COVID, period, end, finish.

Wayne Nunnally: Would you go in there because of the mold?

Dudley Patteson: I would go in, the mold is not a reason for me not to attend.

Mayor Bugg: Wonder what the county is doing. Ms. Westbrook do you have any information obtained with what the county is doing with these funds.

Frances Westbrook: I know they just recently renovated the old courthouse building which is where the board of supervisors meet and where other groups and communities and commissions meet. They used some COVID funds particularly for the audiovisual aspect, and a couple other items and then they also had to put their own funds in to do a lot of the structural stuff that had to be redone, so, I don't know how the percentage was split. They used some COVID funds for the things that they felt like qualified and used the county's funds for the other things.

Wayne Nunnally: They used the county funds to do the buildout. They used the COVID funds to purchase and install and do whatever repairs were needed for that, for their video equipment and what have you so that they could broadcast video, but they did not use COVID funds for building,

and we could use the money for the video stuff, and we talked about that, so. That would have been a legitimate purpose.

Mayor Bugg: Anthony, you there?

Anthony Marchetti: I am.

Mayor Bugg: You're up.

Anthony Marchetti: Thank you. Couple things, couple points, bear with me while I get through it all. I will say that I do believe the reason that we are not currently in that office is because of COVID. Give me a second to support my stance there. I would like to point out that I'm looking at a March 16th, that was posted on the Town of Irvington website and the door that said, "Considering the growing concerns surrounding the potential spread of the Corona virus, known as COVID-19, Mayor Ransone has determined that the stated goal of social distancing is impossible to attain given the size of the town office if it remains open." COVID is absolutely a reason we moved out. I mean we are in a state of emergency because of COVID. We declared a state of emergency, emergency ordinance because of COVID. So, you know I understand and respect what Wayne is saying and some of the others are saying, but, if you say, if you think I'm just saying this because of COVID because of free money, that is an attack on my integrity and I'm not okay with that. However, in the grand scheme of the expenses, the amount of money we have from COVID potentially to use towards this project over 20 or 30 years, honestly it is not that much money. Do I think it is a potentially missed opportunity if we don't do it, I do. It is not Nancyellen's job to decide the reason why we moved out. That was never asked of her. We decided to move out. Her advice that was given, Nancyellen correct me if I'm wrong was, if you moved out of the office because of COVID, then and I trust that she has legitimate sources that she did her homework, if the reason we moved out of the office and can no longer move back into our old office was because of COVID, I mean we could have fixed the mold in 2 weeks, and moved back in, but we knew that COVID still existed, we couldn't move back in even if the mold wasn't there. The office was closed before the mold was there. Again, all things to me that point to the fact that COVID was the cause of us moving out and not being able to have, that office wasn't functioning, it couldn't serve the town if the public couldn't come in. The staff couldn't socially distance. Nancyellen's advice was if the reason we had to move out and find another place for the office for the town to operate out of was because of COVID then in her opinion funds could be used, so, how can funds be used to rent Steamboat, I mean how can funds be used to pay rent for our current town office if it wasn't because of COVID. If we use those funds to pay rent for the current town office, then the same logic would apply they could be used for a build out for a new building. What if we went out and bought a new building, what if we bought the building across the street? That's the same thing as having to rent and spend money because COVID forced us to do that. That's how I feel, that's my logic behind it, again, I'm not trying to do anything unethical, I'm taking the advice of our counsel that if we moved out because of COVID which I think we did then those funds can be used for that project. It seems like the worst case in however long they say, hey you know what you couldn't do it, we owe the money, we are in no different in a position than we are now if we put the money, not trying to do anything unethical

or shady, but I'm acting on advice of counsel. I believe that we moved out because of COVID, she says we can use the funds for that project so I'm following that advice that it can be done. If we choose not to, again, I think it's a missed opportunity, but in the grand scheme of things, $30,000 over 30 years, you know is, it's not that big a deal, so, again, I think it's a missed opportunity, but everybody is entitled to their opinion, but that's my opinion and please don't say that I'm saying that just for free money, that to be quite frank, I'm not okay with that. It attacks my integrity, and I won't stand for it.

Wayne Nunnally: Anthony the one error in your argument was that they closed the office, they closed the office to the public. The staff continued to meet there and the public met here at the church when we had those meetings. But the staff did not move out of that office until we rented the new house. So, it was not closed in that regard.

Mayor Bugg: Jackie, what are your thoughts, hate to put you all on the spot, but this is important, but this is an important item, so I don't think we've heard from you yet.

Jackie Brown: No, it's fine, I think it's a difficult question, I'm uncomfortable with saying that we moved out of the office because of COVID because we actually moved out of it because of the mold from the storm and if we were going to build an office big enough to accommodate all the possibilities of the virus then to me that would be a legitimate use, but we're not, I don't think we're going to build an office this big so that everybody can social distance in any event, so we're not building it because of the COVID. If we do build a small office, it doesn't qualify under expenses due to COVID from my point of view. I listened to the advice of the attorney but then after we voted on this motion, I researched it some myself and it clearly says COVID money can't be used for capital expenditures, so I'm very uncomfortable with saying that the expenses are necessary due to COVID for that reason.

Mayor Bugg: Any further comments council.

Frances Westbrook: I'm waiting my turn.

Mayor Bugg: Oh, I just put you on for Lancaster, sorry, Fran.

Frances Westbrook: That's alright. Well, I do sincerely believe that we had to vacate the old office because of COVID. I know that due to protocol, COVID protocol that our staff which two could be in that office because they could social distance, however, if a town citizen walked in there, one of them went out on the sidewalk because we didn't have the proper square footage protocol for three people to be in that office at the same time. It wasn't until after Mayor Ransone decided that we needed to close it and have it by appointment only and that also was due to COVID. But still based on COVID protocol three people were not supposed to be in that building at the same time. That was the big issue there, so, yes we discovered mold a little bit further down the road and that was happening because of the storm we had and we did remediate that and I agree, we probably could have moved back in after, but we still could not have met the COVID protocol. So, we had to find someplace else for the staff to be. Unfortunately, even though it is a much larger building it is still

not big enough for us to do the COVID protocol and have meetings there except for maybe you know some small committee meetings but that's only if we don't have hardly anyone show up from the town. So, we're still in a little bit in that same boat. But I do agree that the rent is a COVID expenditure and will continue to be. My problem is with building the new town office. I'm sitting the fence on that to some extent.

Dudley Patteson: Fran, can I ask you if there is any other alternative within Irvington that would qualify by COVID protocol that we....

Frances Westbrook: Well, let me tell you what my fence sitting is all about. There is some language in the Federal piece that tells us what we may and may not use COVID funds for and I think it was just recently updated, but it talks about any kind of capital expenditure that has been either in our budget or our comprehensive plan would not be, we could not use it for that and we have had on the comprehensive plan for years the idea of building a new office and in addition to that we have also, we started doing the capital budget as it is, 2 or 3 years ago and a new town office has been on that capital budget each and every time so if for no other reason I feel like those two reasons disqualify us using COVID funds to build a new town office. Now it's unfortunate we only have 2 years, and we can extend it for a third year where we are and if we build that's barely going to give us enough time to get an office built and into it. I don't think we have much other choice, I mean the property here in Irvington is going faster than anybody can possibly list it, we are probably going to have to build a new town office. I think if we could get it done fast enough I think COVID could be used just like the county did for the audiovisual equipment they put in there. That ain't gonna happen, we don't have that kind of time. So, I mean yes we do have access to the church anytime we want to, thankfully and we are very appreciative of that, I do feel like the worst possible thing that could happen if we spent money that wasn't COVID related, they'd just make us pay it back, I mean they aren't going to haul us off to jail because we spent money that we shouldn't have.

Mayor Bugg: That's a good point.

Frances Westbrook: But, I'm, yeah, I can't say with a degree of confidence that building a new town office as a capital asset would be a legitimate COVID expenditure.

Dudley Patteson: Well, take one of your points, I wasn't trying to be insensitive to the mold question, but mold is something that could be remediated as it was and should the building have qualified for COVID protocol we could have moved back in but that is not.

Frances Westbrook: But it was never COVID, it never fit that protocol.

Dudley Patteson: That's the reason why we moved out of the office is because of COVID.

Frances Westbrook: I sincerely believe that yes.

Dudley Patteson: Do you believe that?

Frances Westbrook: Absolutely.

Dudley Patteson: Because of COVID we moved out.

Frances Westbrook: Absolutely.

Dudley Patteson: I agree.

Anthony Marchetti: And whether we use the COVID money or not doesn't change my opinion on why we did that at the office. Like I said, is it a missed opportunity, probably, but in the grand scheme of things, the money, it's not that much money so, I'd rather see us be productive and figure out what the plan is for the town office whatever that's gonna be then spend so much more time you know what I mean. A lot of conversations, not a lot of action. Get some of these things moving forward than conversations about..

Mayor Bugg: Absolutely.

Wayne Nunnally: Anthony I think one other thing that needs to be pointed out why we moved, we got an offer for this building to be bought and it was a very good offer and all of us knew it was a good offer, all of us knew that the office was not satisfactory and when this offer came along, we jumped on it and that's probably the real reason we moved.

Frances Westbrook: That was after the fact though Wayne.

Mayor Bugg: Yeah.

Frances Westbrook: I do believe.

Wayne Nunnally: Right after the mold because we had to clean the mold up for them. That was one of the conditions of the sale.

N. Keane: We listed it, we had votes on listing it.

Frances Westbrook: We voted to list it. So no one really came along and offered, we listed it and then....

Wayne Nunnally: So what, the first week....

Frances Westbrook: ...but I think that was after the COVID stuff started I do think that was after the face.

Wayne Nunnally: That to me was one of the motivating reasons to move was the very generous offer that we got for the building.

Mayor Bugg: Bonnie, I think you had some follow-up.

Wayne Nunnally: I need to follow-up Anthony one other thing. Anthony, I never ever had the attorney ask me if I thought the expenditure was due to COVID. I asked the attorney, can we do this, and use COVID funds and the only answer I got was yes you can. I had no discussion

whatsoever that she asked me well do you think it's this, do you think it's that, that did not happen and it didn't happen with Bonnie and it didn't happen with Jackie.

Anthony Marchetti: The answer was yes because, the answer was yes if we thought the reason was because of COVID. If the reason is not because of COVID then the answer is obviously no.

Wayne Nunnally: But I never got that question asked me.

Mayor Bugg: Bonnie did you have some follow-up?

Bonnie Schaschek: You know what happens when you get old you forgot what you were thinking about 15 minutes ago. I do have a comment to make, yes we moved out, we could no longer meet at the office. COVID was a driving force. The mold was really the issue with the place. We needed to take and clean that up, then as somebody commented we did put it on the market because Irvington, the properties were going and we knew we could never get a good price for it so might as well list it and see what we can do. Our problem was we never had a contractor come in and give a true estimate. We had had ballparks with residents saying well you could do this, you could do that, but we never had a contractor come in and say what kind of renovation they could do to that building to make it acceptable for the staff to be there.

Frances Westbrook: I think we did find out that we didn't own as much property behind it as we thought we did.

Bonnie Schaschek: Uh huh.

Mayor Bugg: Yeah.

Frances Westbrook: And because of the situation with the septic which is shared, that nixed everything right then and there. That killed it all. So, we were left.....

Bonnie Schaschek: But that wasn't COVID that was the septic and stuff....

Frances Westbrook: No, no,no, it addresses any kind of addition or renovation or whatever we thought at one time that we might would do. We did look at that you're right. But I think we got nixed because of those two reasons.

Mayor Bugg: Anyone else. Anything further Anthony.

Anthony Marchetti: No I say let's.....

Bonnie Schaschek: Move on.

Anthony Marchetti: ....everybody said their piece and let's, at the end of the day we still have to find a place for the town office to live for the next 30 to 50 years, so I'd love to focus all this time and energy towards that and move forward like I said, I think it might be a missed opportunity, but if the rest of council is not comfortable with it, then so be it and let's, we still have to figure out where the town is going to operate from.

Mayor Bugg: Yeah, and I'm going to simplify things....

Anthony Marchetti: ....focus on...

Mayor Bugg: I'm going to simplify things in terms of our vote tonight, but a few comments that I wanted to say for the end after hearing from all of you. First, thank you for all of your comments tonight. It is a very important thing for the town. One of the most important endeavors of this town is engaged in so, I definitely want to keep the dialog wide open and keep things going in that regard. In terms of free money, I do not believe, and this includes all of you, I do not believe anyone at this table or anyone in this room was seeking free money in terms of building this office. That is not what I have seen here and I have not seen any evidence to suggest otherwise so I believe that was a mischaracterization, and on behalf of myself and all those who have concerns which would be all of you, I just want to clarify that. Second, I have reviewed the advice of counsel, town counsel I I believe it is very sound, I have no concerns about that but for tonight's purposes council has advised I believe the first thing we need to decide is whether or not we believe that COVID was a cause of us moving out. I was going to go a little bit further in the weeds with potential motion tonight regarding the COVID funds but I think that is the appropriate starting point. Simply do we believe that COVID was the cause that we moved out of that office. I believe it was, I believe other council members agree and I believe other council members have expressed their disagreement so all that said, yes....

Frances Westbrook: Well, with all due respect, I feel like that's a moot point, I mean we agreed to move out of there, and we agreed that we would use COVID funds to pay the rent where we are now, so, by virtue of the fact in my opinion that we agreed to use the COVID funds to pay the rent we basically agreed by default that we moved out of there because of COVID.

Mayor Bugg: Uh huh.

Frances Westbrook: How else could we have voted to use money to pay the rent.

Mayor Bugg: For the rent....

Frances Westbrook: So....

Mayor Bugg: That was my next comment.

Anthony Marchetti: That's what I said earlier, how are we using COVID funds for the rent if we didn't move out because of COVID, like we can, to me it seems like it is all or none, we moved out because of COVID or we didn't. If we moved out because of COVID then the rent can be used, COVID funds can be used for rent. If we didn't move out because of COVID we can't use COVID funds to pay rent because we didn't move out because of COVID.

Mayor Bugg: And you brought me right back yeah, you brought Fran and me, brought me right to where I was heading, we need to have a vote on whether or not we feel that COVID was the cause for leaving the old town office.

Wayne Nunnally: That and, I just want to make my position absolutely clear. I don't want us to spend any money if the Federal government can come back and say give it back to us and we may not have it. If they audit us and all this stuff that we've said tonight comes up, I, they will be knocking on our door for money. So that's why we have to be so careful with this thing.

Mayor Bugg: Okay.

Wayne Nunnally: And I'm telling you, we agreed to pay the rent again because we were told we could spend it out of the COVID funds, we didn't say we moved out, we didn't make that decision, we didn't have that discussion that we are doing this because we moved out. The discussion was simply this, oh, you can pay the rent with COVID money period. Nothing was a predicate to it. Now this is very slick to come in with a motion now to say oh we did it because we moved. We didn't. We agreed to pay the rent because we were told we could pay it out of the COVID funds. Not becasue we all sit around here and say we're moving because of COVID, so, that's the real truth of the matter. This slick discussion that we are having now about let's make it clear why we moved out, is to cover....

Mayor Bugg: We need to have that vote, you are correct, we need to take that vote.

Wayne Nunnally: I think the way this thing needs to be looked at is can we spend money on a town office and capital expenditures for COVID and is that a legitimate expense. That's the reason question.

Anthony Marchetti: If we got relocated because of COVID then yes, but if we say we didn't get relocated because of COVID then the answer is no.

Wayne Nunnally: That's the discussion we should have had first, not to come in now and say oh, this is what we should have said that we are moving out because of COVID. We didn't say that. We just spent the money.

Anthony Marchetti: Maybe you're right but that's our decision. That's not Nancyellen's decision.

Wayne Nunnally: We have a right to depend on counsel believe me. To rely on counsel.

Anthony Marchetti: So, you're saying you want her to make decisions for us?

Wayne Nunnally: Well, she's doing a lot of it now isn't she?

Mayor Bugg: Jackie.

Jackie Brown: Are you all saying...

Anthony Marchetti: I don't believe Nancyellen has a vote the last time I checked.

Mayor Bugg: Anthony Jackie is about to say something.

Jackie Brown: I just want to, are we visualizing building a town office that is big enough to accommodate these kinds of meeting with social distancing if this ever happens in the future, is that

what we're talking about now, because I can't imagine that the town wants to build a building that big and spend that kind of money.

Mayor Bugg: I mean, right, I think we need to weigh every option.

Jackie Brown: Yeah, it concerns me because now we are talking about having to meet all these COVID requirements because we are using COVID money and I never visualized that we would build anything that big. I mean are we going to go into millions of dollars into debt over an office because....

Dudley Patteson: No, I don't think so.

Jackie Brown: Realistically what are we doing then.

Dudley Patteson: We will at the time when its right a building will be built to be COVID sensitive if possible and at the same time we need to show financial responsibility to those that live here and we may need to adjust to accommodate larger groups like that. We are not building a building to how do you want to say, having a large gathering of people.

Jackie Brown: Even this large....

Dudley Patteson: Pardon?

Jackie Brown: ...even this large of a gathering is a small gathering for most of our meetings, so are we really thing about building a building that is big enough for everybody....

Dudley Patteson: ....I don't think anybody has, no one has really gone that far yet, second from a person standpoint I don't think it would responsible for us....

Jackie Brown: I don't either.

Dudley Patteson: ....so large that it may be COVID compliant but at the same time it would be fiscally irresponsible.

Jackie Brown: I absolutely agree.

Dudley Patteson: There you go.

Jackie Brown: That's why I think that.

Wayne Nunnally: Well the motion is this, I'll read what the motion is. Motion that expenses for North Commons development for a new town office are necessary expenses due to COVID. That's the motion. It's not whether we moved out or what we did. The motion is that expenses for North Commons development for a new town office are necessary expenses due to COVID. The clear answer is no. So now there is discussion to try to change that into well we moved out of the office for COVID and we're paying rent for COVID. That's not the motion that is on the floor. We are being asked to say all the expenses for the North Commons and the new office are a result of COVID. That's the motion and I call to question on it.

Frances Westbrook: Mr. Mayor, I'd like to call the question on it also please. I do think we need to move on.

Mayor Bugg: I do too. The first motion I'll propose is one on calls.

Wayne Nunnally: Well I made the motion Mr. Mayor.

Frances Westbrook: He already, we didn't have another one, I'm sorry, I beg your pardon.

Wayne Nunnally: I made the motion that is on the agenda and I've called the question.

Mayor Bugg: And you've made that now correct?

Wayne Nunnally: Yes.

Mayor Bugg: Okay is there a second.

Jackie Brown: Second.

Mayor Bugg: Further discussion. All in favor and we will do a roll call vote.

Roll Call Vote: Bonnie Schaschek no.
Wayne Nunnally no.
Dudley Patteson yes.
Jackie Brown no.

Frances Westbrook: It's not often I hate voting but I'm gonna tell you, because of the capital budget and the comprehensive plan I'm going to have to vote no.

Mayor Bugg: Anthony ?.
Frances Westbrook: I think we may have just lost him. [beeping sounds].

Mayor Bugg: You there Anthony.

Frances Westbrook: I guess he's wondering what in the world. You there. {attempts to get Anthony back online, keeps going into voicemail]. Oh dear.

Bonnie Schaschek: I agree with Fran, we've had it in the capital budget.

Frances Westbrook: Too long, yeah. You think his phone may have died.

B. Schaschek: Do you think that's what that beep-beep-beep was?

Mayor Bugg: I think it may have been.

Frances Westbrook: Well at least we do have a quorum present so.

[Tried to get Anthony Marchetti back online and it goes to voicemail].

Frances Westbrook: Okay, let's move on.

THE MOTION THAT EXPENSES FOR NORTH COMMONS DEVELOPMENT FOR A NEW TOWN OFFICE ARE NECESSARY EXPENDITURES DUE TO COVID IS DEFEATED 3-2.

Mayor Bugg: Alright, the motion does not pass.

Mayor Bugg: The next motion I would like to propose is having someone make would be whether or not COVID was the reason we moved out of the town office. Would someone like to make that motion?

Frances Westbrook: So moved.

Mayor Bugg: Is there a second?

Dudley Patteson: Repeat the motion.

Mayor Bugg: Whether or not COVID was the cause, the motion would be.

Dudley Patteson: Second.

Mayor Bugg: We don't have Anthony here so.

Frances Westbrook: Did you second?

Dudley Patteson: Yes.

Frances Westbrook: Oh, okay,

Mayor Bugg: Actually Fran I said whether or not, I think the motion should be that COVID was the cause and take a vote.

Frances Westbrook: Yes.

Mayor Bugg: Okay, that will be the motion then?

Frances Westbrook: Yes, that's fine.

Mayor Bugg: Second, Dudley, okay. Roll call vote.

Roll Call Vote: Wayne Nunnally no.
Dudley Patteson yes.
Jackie Brown: I recall it, I'm sorry, I don't think.

Mayor Bugg: Don't be sorry.

Wayne Nunnally: No reason to be sorry.

Frances Westbrook: So that's a no for you.

Jackie Brown: Yeah.

Frances Westbrook: I'm gonna say yes.

Bonnie Schaschek: So it comes down to me.

Mayor Bugg: And Anthony.

Bonnie Schaschek: If you can get him. I'm going to say it's a combination of things, it wasn't totally up to COVID but had to do with the mold, it had to do with the real estate market, for me to sit here and say the only reason that we moved out of that office was COVID that's not true, we moved out because of several other circumstances surrounding it, so.

Mayor Bugg: So, you're going to be a no it sounds like, is that.

Bonnie Schaschek: Is that, then it's a no. I know it was one but it was not the sole reason that we moved out.

[trying to reach Anthony Marchetti's phone again, going to voicemail].

Bonnie Schaschek: Okay then, move on.

Mayor Bugg: Return to the vote on this once we have Anthony.

Frances Westbrook: We do have a quorum here.

C. Bradley: Can I ask, can I make just a random suggestion.

Mayor Bugg: Yes.

C. Bradley: Do you have Anthony's [inaudible].

L. Brown: ….[inaudible]…..not yet done.

Mayor Bugg: Joanna.

Frances Westbrook: You're talking about landline or cell phone.

C. Bradley: I'm just thinking if there's a landline she could hopefully get Anthony. So, it was just another way to try to reach Anthony is what you're trying to do I think.

Wayne Nunnally: Getting close to my bedtime Mr. Mayor.

L. Brown: Could Anthony's phone, we are trying to call him back for the town council meeting and thought maybe……[inaudible….appears to be talking to someone on the phone]. Okay, thank you.

Frances Westbrook: He might be at the office while everybody else is gone.

Mayor Bugg: He may be.

Wayne Nunnally: Mr. Mayor we have a quorum, a vote has been taken.

L. Brown: [still appears to be talking on the phone]. Okay thank you, I'm sorry to bother you. He was at the office…

Mayor Bugg: Okay.

Wayne Nunnally: I think the motion has been defeated and ask you to declare it and to go ahead and let's move on.

Mayor Bugg: Hold on one second, I have one more.

Frances Westbrook: Is that the office number?

Mayor Bugg: You are there. Council do we want to revisit this vote once Mr. Marchetti can participate so we can have a full deck of council members participating.

Frances Westbrook: I don't know that we can.

Bonnie Schaschek: We need to move on.

Wayne Nunnally: It's been voted on so.

Frances Westbrook: We have to have a quorum for someone to call in and that's most unfortunate, but I don't know that we can hold the vote when there is a quorum present.

Wayne Nunnally: We've made a vote, so.

Frances Westbrook: I don't know, I've never seen this situation before.

Mayor Bugg: It's unique.

Dudley Patteson: If we know Anthony's position, consideration if it is possible to be made…

Frances Westbrook: There is nothing that says we can't have this vote again.

Wayne Nunnally: Let me tell you what we are talking about. We have 3 votes, you have 3 votes, the mayor has to break and that's what we're fighting over. So, right now the 3 votes win and you are trying to continue this thing so that the mayor can break a tie vote. That's what's happening here, and I want the public to know it so, we made the vote, I've called the question, the motion has failed, now that's how we do it parliamentary procedure. If we do it any other way we are not following the law and parliamentary procedure.

Frances Westbrook: And Wayne you are absolutely correct in that, but also the town council anytime it wants to, it can undo a vote at another meeting and redo it.

Wayne Nunnally: That's right, well let's do it at another meeting.

Frances Westbrook: But right now I think you're right, it stands.

Mayor Bugg: You have him.

N. Keane: Okay, now he has his charger.

Wayne Nunnally: This will happen as I predicted.

Anthony Marchetti: I'm sorry can you hear me.

S. Phillips: I am going to bring you up to speed. It is your turn to vote.

Mayor Bugg: I don't even know if you heard the motion Anthony, you may have....

Anthony Marchetti: No, I'm sitting in my office and my phone died and my wall charger is at home, so I had to go sit in my car to have enough battery to turn back on, sorry.

Mayor Bugg: The motion proposed by Mrs. Westbrook was that COVID was the reason that we vacated the old town office. You are the last person to vote. What is your vote.

Anthony Marchetti: The motion is the reason we vacated Steamboat was because of COVID.

Mayor Bugg: Yes.

Anthony Marchetti: I vote yes, I agree with that.

Mayor Bugg: Okay, with that we have a tie, and my vote would be as Mr. Nunnally called yes, COVID was the reason we vacated the old town office.

THE MOTION THAT WE VOCATED THE OLD TOWN OFFICE WAS FOR COVID IS PASSED 4-3.

Frances Westbrook: We had it for a few minutes Wayne.

Mayor Bugg: Yes.

N. Keane: What about the rent and....

Wayne Nunnally: Okay we can get onto something else now.

Mayor Bugg: Yes, yes. Second motion we need to get is that COVID was a reason for the need to rent the new town office and pay the rent. Could I get that motion.

Dudley Patteson: So moved.

Bonnie Schaschek: Didn't we do that back a couple of months ago saying that it was okay to use COVID funds for the rent and we did a motion on it, so why are we doing it again.

N. Keane: There was a motion but there was no vote.

Mayor Bugg: We are cleaning up the record to make sure we....

Wayne Nunnally: We don't know because we haven't seen the minutes.

Mayor Bugg: Motion was put on the table, was there a second?

Anthony Marchetti: Second.

Mayor Bugg: Any further discussion. All in favor.

Dudley Patteson: Aye.

Mayor Bugg: Roll call vote actually.

Jackie Brown: Mayor, could you repeat the motion.

Mayor Bugg: Motion was that a motion was made that COVID was the reason for renting the new town office and paying rent on that new town office. Any further discussion, and that takes me to the vote. Ms. Schaschek.

Bonnie Schaschek: Well, yes and no. We moved out of the office because of the mold and other circumstances and COVID was one of the reasons, but there were other underlying reasons that we moved out of the office when we did.

Frances Westbrook: But it was one of the reasons.

Bonnie Schaschek: It was one of the reasons. It was not the sole reason, it was one of the reasons. So if you want to sit here and say it was the sole reason, I'm going to say no, it wasn't.

N. Keane: It doesn't have to be the sole reason. It has to be a reason.

Mayor Bugg: Do you want to amend your motion to be....

Dudley Patteson: A reason.

Mayor Bugg: ...a reason. All in favor of amending the motion to a reason. Alright, now we'll take the vote on the amended motion.

Wayne Nunnally: Can we stick to one of the reasons, then I can vote for that.

Frances Westbrook: By all means, amend it again.

Mayor Bugg: Can you amend that Dudley.

Dudley Patteson: ...difference, one of the reasons...

Mayor Bugg: One of the reasons.

Dudley Patteson: ....one of the reasons.

S. Phillips: COVID was one of the reasons for renting the new office and paying rent.

Frances Westbrook: Out of COVID funds. Okay.

Mayor Bugg: Now let's do roll call on that amended motion.

Roll Call Vote: Bonnie Shaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

3. Discussion of draft ordinance regarding CUP's for docks

Mayor Bugg: Moving on. Alright CUPS for docks, ordinance clarifying CUPS for docks. The last council authorized the town attorney in April 2020 to draft amendments to existing town code to clarify with consistency the language requiring CUPS for all docks built in the town. Early in my tenure I asked to delay this until after new council members and I had experienced a few CUP applications so that we would be familiar with the process. The last council directed that all docks require a CUP. Over the last few months, I have been contacted of whether CUPS are needed for every dock and other issues concerning CUPS. These are diametrically opposed concepts. I had hoped to address this tonight, but I discussed this with the vice mayor and we suggest that the topic be covered in a separate meeting possibly the 5:30 hour on March 11, 2021 as a workshop on the subject of CUPS for docks along with related CUP issues. It is simply too much to discuss in a regular meeting. If there is no objection we will place this on the agenda for March 11th at 5:30 p.m. The next item is the revised CUP schedule. Council adopted a CUP schedule on January 14th which called for a joint public hearing of six CUPS and one rezoning on Tuesday, February 16th. Since council did not have a quorum for the joint public hearing on Tuesday, February 16, the planning commission went ahead with the scheduled public hearing. In order to complete the CUP schedule on the original date of March 11, we have added a separate public hearing on March 9, for council to hear public comments on these applications. Staff has contacted members of council about their availability on March 9 at 6:00 p.m. and there is a consensus. Hopefully all of you have had a chance to review that revised CUP schedule. Now because questions were raised during the Tuesday, February 16 meeting about the need to reschedule the public hearing for council, I want to clarify for everyone the reasons why rescheduling the public hearing for council was the proper decision. Council adopted a policy in June 2020 which allows a council member to attend a meeting remotely provided there are four council members physically present in the main meeting location. There were only three council members physically present on that Tuesday. That is a FOIA issue. An electronic meeting may be held during an emergency called by the Governor provided the meeting is held to discuss the emergency. This meeting was not going to discuss the emergency. Council adopted the continuity of government legislation last spring, that's ordinance 2020-001 and later renewed it in ordinance 2020-006 which allows for electronic meetings specifically during the COVID-19 emergency. These ordinances have sunset provision the last one terminated in October 2020. Had this been in effect it would not have been useful on Tuesday, February 16th because that meeting was called and advertised as an in-person meeting. A public hearing for a CUP or rezoning parcel is a legal requirement which provides due

process to an applicant seeking a permission from the governing body. Even though a vote is not taken during the public hearing for a CUP or rezoning this is not the point. The law requires this take place as part of a process conditional to producing a valid decision on an application. Similarly, there are other laws that require public hearing for public purposes, for example, budget, tax, levies, sale of property, and comprehensive plans. None of these cases would it be acceptable for less than a quorum of the council to hear the public comments associated with the process involved. A public hearing of the council is really a special called meeting of council. A special called meeting requires a quorum to hold the meeting to conduct business which in this case was to hold the public hearing. Lastly, as Mr. Patteson mentioned earlier.

N. Keane: Mr. Mayor

Mayor Bugg: Yes.

N. Keane: I think you were going to get them to vote on this before you went to the next topic....

Mayor Bugg: On the....

N. Keane: The CUP schedule. Actually ask them to vote to accept it.

Mayor Bugg: Did I jump ahead. I did, I was trying to get us moving along. I'm backing up to the revised CUP schedule that I mentioned that has been circulated. Is there a motion to approve that revised.

Wayne Nunnally: So moved.

Mayor Bugg: Is there a second.

F. Westbrook: Second.

Mayor Bugg: All in favor.

Group: Aye.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

Mayor Bugg: Excellent.

Wayne Nunnally: [inaudible]

THE MOTION TO PASS THE REVISED CUP SCHEDULE IS PASSED 6-0.

Mayor Bugg: The revised CUP schedule is approved. Again, Dudley Patteson spoke about this, again I want to encourage discussion of topics in advance of meetings. Mr. Patteson asked me to

mention tonight the suggestion that we encourage members to place items on the agenda for discussion where the expectation is not to vote on the matter at the same meeting. Council members have said regretfully that they do not discuss issues of the day and wish to do so. This comment is to encourage such discussion with the understanding that there will not be a vote at the same meeting where a topic is introduced for the first time. All of us have chimed in on this regard and I thank you all for all your participation and your comments tonight so. As Mr. Patteson mentioned earlier and I just mentioned please keep that in mind and just bring everything to the table enough in advance so we can have the most productive discussion we can about all this. With that, that concludes my mayor's report.

I. REPORT FROM THE TOWN ATTORNEY – Nancyellen Keane

Mayor Bugg: Nancyellen.

N. Keane: I have a really quick report. On February 4th a discussion was held at that meeting to change the date, time and place of a regular meeting, we did do the research on that the next day. Virginia Code 15.2-1416B governs the requirements to change the regular meeting. We went through and we complied with each of these requirements. One was passing a resolution or motion to change the date, time or place, the second was posting a notice of the new date, time or place, and the third was advertising in a newspaper at least 7 days prior to the meeting. We were lucky with the February 4th meeting that the actual next meeting was February 18th, because it allowed us the time to advertise in the newspaper. The second item I have I just want to remind you all that on October 15th council authorized me to perform research on land disturbance issues and to draft an ordinance if necessary. I did the research. After further review, it appears there's no need for any additional ordinance as the current town code contains the process necessary for exceptions and exclusions which were the topics that related to land disturbance that I was concerned about at the time, so I don't need to do anything there. I just wanted to close the loop on that and make sure you all were aware not to expect anything on that. On May 14th of 2020, I was authorized by a vote of 6-0 in favor to draft an ordinance to make a CUP required in all zones for docks and piers. That was an excerpt from the minutes. This topic will be considered along with the other zoning issues that the mayor described for March 11, 2021, there was some discussion that I would present it tonight, but because the vice mayor and the mayor decided it was too much to deal with tonight, now the mayor is suggesting this be on March 11th so, that's the end of my report.

Mayor Bugg: Thank you. Ms. Brown. Report from the zoning administrator.

J. REPORT FROM THE ZONING ADMINISTRATOR – Lara Brown

Jackie Brown: Thank you. There were four zoning permits issued this year so far. On the second zoning permit I inadvertently left off the name of the applicant, Finley White, was left off. No commons update. I don't know what to say. Probably if you have an update when we discuss further old business. I had some recommendations for you mayor to maybe consider at the next meeting possibly coming up with a committee to look at the North Commons development but we can discuss that if council deems

appropriate under old business. I will say that I spoke to Ben Burton today from Bay Design Group and the preliminary boundary and demographics survey work has been completed. You may notice the markers out over in the field at North Commons. Soil samples have been sent away and he should find out next week whether or not the soil is conducive for the drain field and how water drains. We will get that next week. Also, be aware due to rescheduling of our public hearing for town council, we are incurring some cost so that the applicants do not have to bear that since it wasn't due to their reasons that we had to reschedule, the cost for rescheduling the meeting will total $990.28, and that is for the certified mailings to the 37 parcels and for the Rappahannock Record as to run for 2 weeks for 3 notices. I just didn't want anyone to be…to that. Anyone have questions.

[Female]: What was that figure.

L. Brown: $990.28.

[Female]: Thank you.

Mayor Bugg: Thank you.

Jackie Brown: That's it. Thank you.

K. REPORT FROM THE BUDGET & FINANCE COMMITTEE – Frances Westbrook

Mayor Bugg: The next item I have on the agenda is the report from the budget and finance committee.

Frances Westbrook: Thank you Mr. Mayor I think you have before you a copy of the proposed schedule for adopting the budget. We are in a major time crunch partly because we have not been able to get started on this typically as soon as we do with an audit in process. So, Anthony and I have talked about this, we are having a hard time getting dates in place where everyone can be present. We are going to be meeting this coming Tuesday, at 4:30 here at the church. It will be a workshop, you're shaking your head no, what….

S. Phillips: 3:30.

Frances Westbrook: Yes, I'm sorry for 3:30, Tuesday, next Tuesday here at the church. It will be a workshop which means anyone can attend and we encourage you to do so. It's just that you won't be allowed to participate. Anthony and I are still working out the details for the other meeting dates. We will be, according to the schedule we will be having a March 18th, town council and budget and finance workshop. This is going to be a very, very important meeting and it is absolutely essential that all town council members be there. This will be the only opportunity that we've built into the schedule for us to come together and discuss the budget that Anthony and I will prepare the worksheets and bring that forward for you to consider. The 18th is important because on the 25th, the figures at the 18th will determine the composite ad that has to go into the Rappahannock Record and that has to occur on March 25th in order to meet the state mandated deadlines, so once again the 18th is a very important time for you to be at that meeting. Also, that workshop that we are going to have on the 18th may determine

any tax increases or new taxes we may have to consider or contemplate in order to meet the budget that we decide on. Of course, April 8th will be the public hearing and we're hopeful that we'll be able to adopt the budget on the 13th of May. We can have a fallback position for the June town council meeting if we need the extra time. I am hoping that we don't need the extra time. Anthony and I are going to do everything we can so we can get this pushed along so that we can stay with this proposed schedule. A reminder that we need budgetary requests from a number of people. I'd like to have those by March 12th that would be HR, Dudley, zoning/planning commission, the mayor, legal, anything that you see coming up that need to be apprised of monetarily, certainly town council members anything that you may have that you think Anthony and I should consider and staff. And once again if we could have those figures from you by the 12th certainly feel free to give either of us a call, if you have any questions or anything. Anthony is there anything that you need to add to this that I might have forgotten.

Anthony Marchetti: No, I think that's pretty good. I certainly you know, a lot of the budget is more or less can be copy and pasted from previous years so, especially for town council, I'd ask for requests you know if there are several items that you in particular want to discuss, change, remove, you know, let us know, let's talk about it early instead of later. Especially by that March 18th, you know we need the 11th as well if there is any budgetary items we can set aside on the agenda a time to discuss just makes sense to do it on the front end so, you know, let us know what you're thinking, what you want to see changed, you know obviously it will be a working document, but the more you put in the beginning, the easier and better for everybody so. Thanks.

Wayne Nunnally: At that meeting will it be appropriate to talk about the [inaudible] tax and meal tax?

Frances Westbrook: Not at this time no. I mean that is a consideration we may want to discuss at the workshop I think would be the more appropriate time.

Dudley Patteson: Which workshop?

Frances Westbrook: The one I just told you about that is absolutely essential you attend.

Wayne Nunnally: March 18th.

Frances Westbrook: March 18th, 3:30.

Dudley Patteson: I circled it.

Frances Westbrook: Okay, that's the very first one on the proposed schedule.

Bonnie Schaschek: There's one on Tuesday.

Frances Westbrook: Anthony and I are having a budget and finance committee workshop this coming Tuesday, 3:30 here. That's for us to start getting these figures together so that we can come up with the worksheets to present to you all on the 18th.

Mayor Bugg: Yes.

Nancyellen Keane: Do you want to put your list, it says TBD, do you want to put your list of meeting.

Frances Westbrook: So far the only one we have scheduled is next Tuesday which is March 2nd.

Nancyellen Keane: So you can put March 2nd.

Frances Westbrook: So you can put March 2nd up there 3:30. I don't know why I want it to be 4:30.

S. Phillips: You don't want to move forward with the 4th.

Frances Westbrook: Anthony has come conflicts. He is going to be out of town one of those dates and he had forgotten about that when he and I first came up with these dates, so we are just waiting and seeing.

Nancyellen Keane: ....2nd....

Frances Westbrook: We are going to have to regroup.

Nancyellen Keane: March 2nd on here, but you don't have anymore.

Frances Westbrook: Don't have anymore March 2nd 3:30, workshop here. March 18th is the biggie for town council. Alright.

Nancyellen Keane: So are you going to vote on it as amended.

Frances Westbrook: We will vote on, well we are going to amend it.

Nancyellen Keane: Vote on it.

Frances Westbrook: Well that was to be determined. Yes, if you want, as amended then, we added March 2nd, so we do need to vote on this proposed schedule.

Wayne Nunnally: Move we accept this schedule as amended.

Bonnie Schaschek: Second.

Mayor Bugg: All in favor. Roll call.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

THE MOTION TO PASS THE AMENDED BUDGET SCHEDULE IS PASSED 6-0.

Mayor Bugg: Schedule passes.

Dudley Patteson: Mr. Mayor.

Mayor Bugg: Yes.

Dudley Patteson: I would like to make council aware that we are certainly meeting more often than we have ever met before…

Bonnie Schaschek: Not really

Dudley Patteson: …in fact in the next 21 days we are going to have about 10 meetings scheduled, all of us are not going to attend all 10 but some of us are and I think when we look at the situation that Mr. Nunnally brought up earlier about the delay in minutes, our staff is being taxed with an enormous amount of work that has never been seen until recently inclusive of last year. So I think that as we look at meetings in the future, I would hope that we all try to consolidate the meetings and try to settle things at council meetings, try to settle and have meetings during staff hours so that we are not causing them the boat load of work that they've got right now. Thank you.

Mayor Bugg: Thank you.

Frances Westbrook: Thank you Mr. Mayor.

Mayor Bugg: Thank you. Wayne I have several lines, I wasn't sure, I just want a refresher from council as to where you want, you put the alternative for town office. Did we put that under new business or after the budget and finance that we had.

Frances Westbrook: That was the committee report.

Bonnie Schaschek: Old business.

S. Phillips: Committee report from…..

Frances Westbrook: Committee report for the town office.

Mayor Bugg: Yeah, yeah, it should be right now.

Wayne Nunnally: Okay.

Mayor Bugg: Wayne.

Wayne Nunnally: What I did, I guess without the mayor's approval was to go around town and see if there was any other places that might serve as an office that we could move into and buy. One of the places I looked at was the house on Irvington Road. I think it green now, it used to be yellow. The address, it's under contract, but what I think we need to do before we rush into forming committees to develop the North Commons, is to see if there is an existing structure that we should buy and I think that I just quickly went online and there was a lovely little dwelling on Chesapeake Drive that is there for sale that would certainly is much better than the rental office. I'd also like for us to explore at least the possibility of renting as opposed to buying and owning a structure. There are advantages to that. Before we go head long into spending money that surveys has said that they don't want, I would certainly like to look at alternatives before we go moving ahead with committees on developing the

North Commons. That's the end of my report. The other, you want me to go ahead into the other one now.

Mayor Bugg: Actually yeah, that's fine. Years ago it seems like now, I went out on a limb and I drew a town ordinance, I don't think town attorney liked me drawing an ordinance but I drew it with the hope that we could get something going on this short-term rental, I never think the one that I've drawn would pass, but it was something to generate a discussion on the short term rental. Everybody here has a copy of this motion, except you mayor, you may have looked at my motion, I mean the ordinance.

Mayor Bugg: You might as well give me a fresh copy.

Bonnie Schaschek: I don't think I have one.

Wayne Nunnally: Except maybe. What I would like to do Mr. Mayor is have my draft ordinance referred to the planning commission for tweaking and revisement, but we need to get something going on the short-term rental. We can't just keep ignoring it. It's been put under the table now well since Mayor Ransone was here, I proposed this, so I would like to submit this to the planning commission for review and tweaking.

Dudley Patteson: ....copy, that's alright I'll get a copy.

Mayor Bugg: Wayne could I suggest that maybe we circulate to all council members and bring it up at the.

S. Phillips: FOIA

Wayne Nunnally: FOIA was given. This was even given to Cay Bradley I think years ago, so I know it has been circulated.

Frances Westbrook: Well, we are going to have to send it to everybody, FOIA.

Mayor Bugg: Yeah.

Wayne Nunnally: Well I think...

Frances Westbrook: But since you've got it at tonight's meeting, everybody is supposed to have a copy according to FOIA, so.

Wayne Nunnally: Yes.

Mayor Bugg: And what I'm suggesting is....

Wayne Nunnally: To give it to Sharon to make copies again.

Mayor Bugg: What Dudley was eluding to was give it to members and we can talk about it at the next meeting because everyone will have had a chance, you know.

Wayne Nunnally: We're putting it off for another 30 days again and that's the way we run in this council, when we could easily just give it to the planning commission and let them get going on it.

Dudley Patteson: Mr. Mayor, due to circumstances, I was on the short term committee with Mr. Nunnally at the time I was not a council member, there were a number of us on the committee, we were unfortunately not given a copy of this, nor have we had a chance to evaluate the good work of Mr. Nunnally.

Wayne Nunnally: Dudley that is not true, I personally brought you one of these and gave it to you.

Dudley Patteson: You did, but…

Wayne Nunnally: So don't tell me you didn't get it.

Dudley Patteson: I'm not talking about me personally. I'm talking about a committee that you formed and….

Wayne Nunnally: I wrote a letter to the committee and asked that my letter be given to them, that the thing be given to them and evidently it was overruled.

Mayor Bugg: Wayne, I'm offering a sort of framework for you to move forward with this as we do have new council members since this was circulated or whatever happened with this. If not, I'm suggesting that it be circulated to council members to review between now and the next meeting and if council is in favor of sending to planning commission, then we can take that action then as you have proposed.

Wayne Nunnally: I guess that's how it's gonna be, I again want to say, keep postponing things we are not getting anything done and I'm very frustrated. So, okay, I move that we give it to the, you bring it up at the next meeting.

Mayor Bugg: Okay.

Dudley Patteson: Mr. Mayor.

Mayor Bugg: Yes.

Dudley Patteson: In Mr. Nunnally's first discussion brought up something that I think is worthy. I think that I would like, yeah, you heard me, I think council should designate Mr. Nunnally as one that can evaluate other considerations for a town office so that we as a council are not tripping overselves into spending a lot of money, but if there is an alternative is worthy, I would like our council to designate him as the person to represent us in the search for other alternatives so that when we come to evaluating whether the North Commons is the place we have a better understanding of what other opportunities may be there.

Wayne Nunnally: I accept the assignment if you'll let me have a couple of other committee members to help.

Mayor Bugg: Yeah, yeah, that certainly sounds like a prudent thing to do.

Dudley Patteson: Designate the town council person to do that.

S. Phillips: Who are the other committee members?

Wayne Nunnally: I don't know at this time.

Mayor Bugg: I think you have Jackie correct.

Jackie Brown: Wayne and I are on the building and infrastructure committee.

S. Phillips: Are you creating a new committee, scope of work…..

Mayor Bugg: Yeah.

Wayne Nunnally: Just give me the assignment that I have accepted.

Frances Westbrook: So is the building and grounds committee that can….

Mayor Bugg: Yes and Wayne.

Frances Westbrook: Function under that….

Dudley Patteson: It is a step in the right direction because you know every one of us and I've been guilty of this, you know, I just can't go out and say that we represent our council, we came out as individuals we need to have, on town issues we need to have this council approve it and that is just what we did for a good suggestion by Mr. Nunnally to make certain we are not overlooking something.

Wayne Nunnally: I would really like these minutes, since you did that.

Mayor Bugg: Motion is on the table, is there a second.

B. Schaschek: Second.

Mayor Bugg: All in favor.

Mayor Bugg: Roll call vote.

Roll Call Vote: Bonnie Schachek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

Mayor Bugg: Wayne you are the point person.

N. Keane: I have one comment I just wanted…

Mayor Bugg: Yes.

N. Keane: On October 15th, the council voted in favor of designating North Commons as the site of the new town office, on December 31st, 2020, the mayor signed a contract or proposal with Bay Design to do site prep work over at the North Commons, and they are currently doing that work. If you all are thinking that you are not going to be doing that, maybe, I mean, I'm just calling for you all to advise Lara as to how she should proceed with Bay Design, you know, are they to continue the work, should they stop work, what's the issue there.

Wayne Nunnally: Can they stop it legally? Haven't we signed a contract with them for X number of dollars.

Nancyellen Keane: It's a…

Frances Westbrook: We did some sort of a contract.

Bonnie Schaschek: But it was for a site plan and main overall plan, it wasn't for specifically building the….

Frances Westbrook: No it wasn't, and I think we should move ahead with that.

Bonnie Schaschek: We should continue with it.

Frances Westbrook: We should move ahead with that.

Nancyellen Keane: Per hour rate, it is like pay for services.

Bonnie Schaschek: That's fine.

Frances Westbrook: That's fine, but I think we should move ahead and not stymie that because I mean if they find something and we are in agreement, great, if they don't it will not have cost us any time on this.

Bonnie Schaschek: We still want to know all of our capabilities on the North Commons.

Frances Westbrook: We want to know options and certainly a month, well no actually we meet in 2 weeks so you need to get in gear there babe.

Mayor Bugg: There you go. Alright, thank you Wayne.

L. OLD BUSINESS

1. Discussion of use of tennis courts to teach tennis - Frédéric Cabocel

Mayor Bugg: The next on the agenda is old business, discussion of the use of tennis courts to teach tennis. Madam Clerk any developments in that regard, have you heard anything further.

Sharon Phillips: No sir.

Mayor Bugg: Okay. Then I think that should be tabled.

Frances Westbrook: Tabled until next time, 2 weeks. So…

Mayor Bugg: We can table that for 2 weeks.

Nancyellen Keane: The one issue that keeps coming up on this every time it comes up is are we going to charge the man a fee and what's the town's policy, you still have to decide that at some point.

Frances Westbrook: I think it may have been the one that is consistently brought up, the idea of charging them, I mean we certainly let Chesapeake Academy do it at no charge and I hope that we would continue to do that, but we just recently put some money into resurfacing or whatever it is that we did, I know there's a technical term for the tennis courts, but we just put some money into it and if we are going to allow someone to be teaching lessons over there and they are making money doing that, I think it would be nice if we charged them and they help defray out cost and the use of the courts, maintenance.

Nancyellen Keane: So, when you come back to this item next month, or whenever, that's one of the terms that will be needed to….

Frances Westbrook: We also are waiting to see the schedule for Chesapeake Academy, I think.

Wayne Nunnally: You definitely need a schedule from him.

Frances Westbrook: From Dudley?

Wayne Nunnally: No from Cabocel, that the….

Frances Westbrook: Oh yes, I thought you said Dudley.

Dudley Patteson: I can teach tennis.

Frances Westbrook: I'm getting tired.

Bonnie Schaschek: That makes two of us. We're running….

Frances Westbrook: We tabled it so.

Mayor Bugg: Moving on to the last item on the agenda under old business would be Jackie.

Jackie Brown: I want to discuss the town survey that I brought up in November and I'm going to pass out the sheets about the statistics for the comprehensive plan 2017, the comprehensive plan 2017 to refresh your memories.

Frances Westbrook: We'll need to give a copy to Sharon because this is also FOIA and she'll have to send this out to everybody too.

Jackie Brown: The survey showed that a very small percentage of the community supported most of the goals that were put forth in the 2017 comprehensive plan. In fact, none of them got higher than 32%, so it seems to me that we need to look strongly at our comprehensive plan. There was a strong

bias for Irvington remaining a residential community of single-family homes as opposed to other kinds of housing. There was no support for a town hall, or very little support for a town hall or playground or police protection. The only thing that got any level of support was public sewer service and that was only 32%. The leadership of planning commission basically wrote and endorsed goals which were in direct conflict with expressed opinions of the residents. I don't think that's where we should be, I think we need to look at what our community wants and due to the hot real estate market they are having right now, our community has changed quite a bit, so the survey might show different results. I think for us to be responsible about planning for our community and for the planning commission to have the information it needs we have to have a new survey, so I am proposing tonight that we go ahead and have a motion to create, to have the planning commission do a new survey, so that we have good information to work from.

Frances Westbrook: When are we do for the next comprehensive plan review.

Jackie Brown: Well actually the state says that we shall look at a comprehensive plan every 5 years. We did make an amendment to it in 2019, but the whole comprehensive plan was not looked at. I think that the planning commission really needs to review that.

Frances Westbrook: But when did we do it?

Jackie Brown: 2019.

Frances Westbrook: It's one thing to amend it, but the actual comprehensive plan.

Jackie Brown: 2017, so next year it is time for the review to be completed. So anyway I think that we really need to have the survey done, I think that maybe town council members may want to submit questions to the planning commission to include in the survey if you think they might leave something out, but I think we need to make sure that it is comprehensive and that it actually reflects what the community wants so that we can do a better job.

Wayne Nunnally: I think it is a great idea.

Frances Westbrook: We are going to have to hire somebody to do it.

Jackie Brown: I think the planning commission is capable of making…

Frances Westbrook: I don't…

Dudley Patteson: A survey has to be done right.

Frances Westbrook: I think it has to be done professionally.

Dudley Patteson: There are too many ways to craft questions or answers.

Frances Westbrook: The way you work it will often dictate the answer you get.

Jackie Brown: We can't ask just yes/no questions.

Frances Westbrook: I don't think so.

Dudley Patteson: Fran, since you are budget and finance and this is something that might align for the budget for the next year or two, find a firm to conduct such a survey on behalf of the town.

Frances Westbrook: I think that'd be a good idea, let's find out what it would cost and also thinking if we are this close to a comprehensive plan, then I mean our budget is going to run through July of 2022, we need to be thinking and talking in conjunction with that.

Jackie Brown: You are going to need updated maps and there is an expense for that.

Frances Westbrook: And we've known that for quite some time. Those are the costs that we've not been able to get and that is something that the planning commission needs to bring back to Anthony and I, so maybe that is something that you can talk with.

Dudley Patteson: In the spirit of keeping the trend continuing on having council organize members of council to perform certain functions with outside folks, I would like to suggest if Jackie is willing, that council appoint Jackie to do research on survey firms and come back with a defining statement of what it would cost to have a survey done for our town. Would you accept that.

Jackie Brown: Yeah.

Dudley Patteson: You've got the interest so…

Mayor Bugg: That's a great idea.

Dudley Patteson: We endorse Jackie.

Mayor Bugg: Is there a second?

[Inaudible] Female: Second.

Mayor Bugg: All in favor.

Group: Aye.

Mayor Bugg: Rolle call vote.

Roll Call vote: Bonnie Schachek yes.

Wayne Nunnally yes.

Dudley Patteson yes.
Jackie Brown: Do I vote on this.
Frances Westbrook: Yes.
Jackie Brown yes.
Frances Westbrook yes.
Mayor Bugg: You Anthony.

Anthony Marchetti: Could you repeat the motion, I'm sorry.

Mayor Bugg: The motion was to make Jackie the point person to track down the cost of having a town survey conducted in related to things Jackie may discover.

Anthony Marchetti yes. (via phone)

THE MOTION TO MAKE JACKIE THE POINT PERSON TO TRACK DOWN THE COST OF HAVING A TOWN SURVEY CONDUCTED IN RELATED TO THINGS JACKIE MAY DISCOVER IS PASSED 6-0.

Frances Westbrook: Could we take about a 5-minute stretch break.

Mayor Bugg: That's fine. Motion passes. Jackie this is a great idea. Thank you for your efforts and your future efforts as well. There has been a request for a brief 5-minute break so with that we pause the recorder.

Mayor Bugg: We have reconvened. Next item on the agenda would be new business.

M. NEW BUSINESS

1. **First Reading Resolution 2021-01 TC Rezoning Application – Rezone Parcel from R-1 to B-1 or B-2, Tax Map 33-422**

Mayor Bugg: We have the first reading or resolution 2021-01 TC Rezoning Application, I will turn it over to Madam Clerk.

B. Schaschek: Does she have to read this whole thing or just the first part of it.

S. Phillips: Item 2021-01 TC Rezoning Application – Rezone Parcel from R-1 to B-1, Tax Map 33-422 whereas The Irvington Town Council ? the reasoning application 2021- to rezone tax parcel to rezone parcel tax map 33-422 from R1 to B1 or B2 to enable the use of the town office at 4302 Irvington Road and whereas a joint public hearing on the application was advertised in the Rappahannock Record on February 4th and February 11th, whereas the planning commission held a joint public hearing on February 16th to hear the public views and the town council will hold a joint town public hearing on March 9th whereas the planning commission considered the application at its meetings on February 16th, 2021 and March 9th, 2021 and whereas the town council considered the application at it's meeting held on February 25th and March 11th.

Resolution 2021-01 TC Rezoning Application Attached and incorporated within

Mayor Bugg: Thank you. The next item will be first reading Resolution 2021-02 TC Conditional Use Permit Application.

L. Brown: Mr. Mayor.

Mayor Bugg: Yes.

L. Brown: Do you want to take questions after each reading from town council or if there is any pertinent information you want to ask me or….

Mayor Bugg: Yeah, we can certainly do that.

L. Brown: Is that appropriate.

Mayor Bugg: Do you have any questions for.

L. Brown: This application request from ICN Enterprises to rezone from 4203 Irvington Road from R1 to B1 or B2, the applicant sent by certified mail notices on 01/25/2021 and the town received the notification of listing on 02/02/201. Final letters and responses have been received stating no objections and one stated objection to B1 but not to B2. Are there are any questions that you'd like me to put in my staff report before we have the second reading of the, hear the recommendations from the planning commission.

Bonnie Schaschek: Why are we changing the zoning, what is it they want to do with it. Do we have a reason for changing it?

L. Brown: They stated in the application a request to rezone from R1 to B1-B2 for the town office. We are not the applicant ICN Enterprises is the applicant.

Bonnie Schachek: So why do we need to change it to a B1 or B2, town office has always been in an R1 area.

Matt Terry: I think zoning ordinance requires B1 or B2 excuse me.

L. Brown: Either.

Bonnie Schaschek: Yeah but we are just renting for the time being so.

Matt Terry: …I understand that.,,[inaudible].

Bonnie Schaschek: Then going forward after we move out.

Matt Terry: I don't know what the plans are, we want to make sure we have as many options as possible. I mean B2 does not allow residential, B1 does. So they want to make sure they have a broad range of uses and Conditional use permit. So this is not cart blanch hey want to use it as because it is not an ideal location for [inaudible].

Bonnie Schaschek: Well the other side is R2 isn't it.

Matt Terry: It's just a happy coincidence.

Bonnie Schaschek: Why didn't this come up when the office was over on Steamboat Road. We were lucky.

Matt Terry: I don't have an answer for that.

Bonnie Schaschek: So this is just because we are sitting right now, the town is renting it.

Matt Terry: No it's because we want to expand the uses that we have.

Bonnie Schaschek: Okay.

Mayor Bugg: Thank you Mr. Terry.

L. Brown: Any questions from town council on the ordinance.

Wayne Nunnally: So it's from B1 to B2.

L. Brown: Yeah, preferred B1....

Matt Terry: B1 allows residential use, B2 does not.

2. **First Reading Resolution 2021-02 TC Conditional Use Permit Application – Town Office in B-1 or B-2; Tax Map 33-422.**

Mayor Bugg: First reading Resolution 2021-02 TC Conditional Use Permit Application.

S. Phillips: Conditional Use Permit Application town office in B1 or B2. Did I just, sorry. Tax map 33-422 whereas the Irvington Town Council reviewed proposed conditional use permit application CUP ...[inaudible]

Resolution 2021-02 TC Conditional Use Permit Application is attached and incorporated within.

Mayor Bugg: Thank you.

L. Brown: Any questions.

Mayor Bugg: Any questions.

L. Brown: The town has received three responses all no objections to this CUP for a town office.

3. **First Reading Resolution 2021-03 TC Conditional Use Permit Application – Build Pool Inside RPA, R-1, Tax Map 33-361.**

Mayor Bugg: First Reading Resolution 2021-03 TC Conditional Use Permit Application.

S. Phillips: Condition Use Permit Application – Build pool inside RPA, R-1, Tax Map 33-361
whereas the Irvington Town Council reviewed the proposed conditional use permit
application TOI 2021-03 [inaudible]
Resolution 2021-03 TC Conditional Use Permit Application is attached and incorporated within.

L. Brown: The applicant Stephens sent 8 notices on January 22, 2021 and the town received notification of certifications on February 1, 2021 and 5 responses have been received. All five no objections. This is to construct the pool in the RPA for private use, not to encroach any further. The only difference is on this parcel there is a barn that sits 8 feet from the water and they are removing that structure from the property in exchange for this privilege. Are there any questions regarding this application that I may include in the staff report?

Wayne Nunnally: Is that in conformity with the law that they can trade square footage?

L. Brown: Yes.

Mayor Bugg: Thank you Mrs. Brown.

4. **First Reading Resolution 2021-04 TC Conditional Use Permit Application – Construct New Dock with Boat Lift for Private Use in M-1, Tax Map 33-252B**

Mayor Bugg: The first reading of resolution 2021-04 TC Conditional Use Permit Application --

S. Phillips: Mr. Mayor and members of council in an effort to save a little bit of time, at your preference, I can read the following individually or because they are all the same applicant I'd like to consolidate them, the language remains the same across all four but they are independent so I suggest that Resolution 2021-04, 05, 06, and 07, all contain the same language. Would you like for me to read those individually or consolidate them.

Frances Westbrook: If we can consolidate that's be wonderful.

5. First Reading Resolution 2021-05 TC Conditional Use Permit Application – Construct New Dock with Boat Lift for Private Use in M-1/R-1, Tax Map 33-252A
6. First Reading Resolution 2021-06 TC Conditional Use Permit Application – Construct New Dock with Boat Lift for Private Use in M-1/R-1, Tax Map 33-252
7. First Reading Resolution 2021-07 TC Conditional Use Permit Application – Construct New Dock with Boat Lift for Private Use in M-1/R-1, Tax Map 33-253A

S. Phillips: Conditional Use Permit Application – Resolutions 2021-05, 06, 07 are attached and incorporated within.

Mayor Bugg: Thank you. Any questions.

L. Brown: This request is one pier on each of the four parcels. Mr. Robinson purchased this property from Mr. Sanders. The approval of these four proposed CUPS will terminate existing CUP's tax 33-252 specifically CUP 99- ? November 11, 1999 and tax map parcel 33-242A specifically CUP2000-16 dated September 19, 2000, these previous CUPS were for a marina and boat slips. These will terminate the existing ones. The applicant sent via certified mail 20 notices on February 1st, 2021 and the town has received three letters and responses all with no objection.

Mayor Bugg: Yes.

N. Keane: Do you want to say anything about.

L. Brown: Yes, the applicant put on their application their request for pier and boat lift that's why [inaudible] public hearing and planning commission hearing to adjacent neighbors [inaudible] in our ordinance.

Frances Westbrook: I was going to ask that question.

Female: [inaudible]… in any of them.

Mayor Bugg: Thank you.

8. **Discussion of use of Town Commons – Animal Welfare Leagues Dog Show**
    - **Motion to Authorize the use of the Town Commons October 9, 2021 (no rain date requested)**

Mayor Bugg: Next item on the agenda is use of Town Commons for the Animal Welfare….

Wayne Nunnally: Move to allow the use of….

Mayor Bugg: Doggone dog show. Is there a second.

Frances Westbrook: As long as they are.

Bonnie Schaschek: What about COVID is it going to be okay by then. Do we want to put a stipulation on it.

Frances Westbrook: They are going to have to follow the COVID, what is that we imposed on the Farmer's Market.

Mayor Bugg: We don't have protocol.

Bonnie Schaschek: We need to sign that whole thing again.

Frances Westbrook: So will we have a contract with them.

Mayor Bugg: Has anyone had any discussion about a contract offer.

Frances Westbrook: Not a monetary contract, just….

Bonnie Schaschek: Write up on what the regulations….

Frances Westbrook: The COVID protocol for them to acknowledge.

Mayor Bugg: Just mirror what we did.

N. Keane: The same thing we did for VIA.

Frances Westbrook: Yeah, that's what we were, what we did for Farmer's Market.

Frances Westbrook: I think we should. After all the COVID discussion this is the least we can do.

Mayor Bugg: Wayne you want to add.

Wayne Nunnally: We are authorizing use with following COVID protocol.

Frances Westbrook: Yes.

Mayor Bugg: Yes, that's the amendment. Second.

Dudley Patteson: Second.

Mayor Bugg: All in favor.

Group: Aye.

Mayor Bugg: Roll call vote.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

MOTION TO AUTHORIZE THE USE OF THE TOWN COMMONS OCTOBER 9, 2021 FOR THE AWL FOLLOWING COVID PROTOCOL IS PASSED 6-0.

Mayor Bugg: Excellent.

9. **Consideration of a motion to appropriate $2,778 from Community Support and Tourism; FlackShack.**

Mayor Bugg: Next to the last 3 items. Consider a motion to appropriate $2,778 from Community Support and Tourism to FlackShack.

Frances Westbrook: So moved.

Dudley Patteson: Second. Wait, I have to abstain.

Frances Westbrook: Oh that's right you do.

Mayor Bugg: Can I get a second.

Anthony Marchetti: Second.

Mayor Bugg: All in favor, roll call vote.

Bonnie Schaschek: What is this for.

Frances Westbrook: It is part of our contractual agreement with them as what we signed a contract for.

Mayor Bugg: Yeah, get them paid.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

Mayor Bugg: Motion passes.

THE MOTION TO APPROPRIATE $2,778 FROM COMMUNITY SUPPORT AND TOURISM; FLACKSHACK IS PASSED 6-0.

10. Consideration of a motion to appropriate $102.38 Town Council and Planning Commission Public Notices; Rappahannock Record from.

Mayor Bugg: Second to last, consideration of a motion to appropriate $102.38 town council and planning commission public notices for the Rappahannock Record. Is a motion.

Wayne: Move we pay it.

Mayor Bugg: Is there a second.

Bonnie Schaschek: Second.

Mayor Bugg: Roll call vote.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

Mayor Bugg: Excellent motion passes.

11. Consideration of a motion to appropriate $1,599 to Bay Design for their work

Mayor Bugg: Consideration of a motion to appropriate $1,599 to Bay Design for their work. Is there a motion.

Wayne Nunnally: So moved.

Mayor Bugg: Is there a second.

Jackie Brown: Second.

Mayor Bugg: Roll call vote.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally Abstain.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti: yes. (via phone)

THE MOTION TO APPROPRIATE $1,599 TO BAY DESIGN FOR THEIR WORK IS PASSED 5-0-1.

Mayor Bugg: Motion passes. Madam Clerk any announcements.

N. ANNOUNCEMENTS

S. Phillips: I ask council where is it going to come from?

Jackie Brown: I didn't hear that.

Frances Westbrook: That's a good question.

Bonnie Schaschek: What is it.

Frances Westbrook: Where is it going to come from? Well, we have, Anthony listen to me as I answer this question, you might need to chime in here. The question is where is the money coming from to pay Bay Design the $1,599. We do have in the capital budget where we have a line item there for new office, I think it needs to come out of there.

Bonnie Schaschek: For site.

Frances Westbrook: For site planning exactly.

Bonnie Schaschek: There was $10,000 in there.

Frances Westbrook: Was it $10,000.

Wayne Nunnally: Why isn't it coming from the COVID money.

N. Keane: You defeated the motion.

Wayne Nunnally: The original motion to buy the stuff was dependent on COVID money.

Frances Westbrook: This doesn't have anything to do with COVID at this point. This is just, we need to pay Bay Design and it is coming out of the capital budget for site planning for.

Wayne Nunnally: The point I'm trying to make, if this is the second payment, we are making to them. Haven't we already paid them some money.

Frances Westbrook: I don't know.

L. Brown: $1,182.50.

N. Keane: This is the second, the second.

Wayne Nunnally: Did that money come out of the COVID.

Frances Westbrook: It probably did. I don't know the answer off the top of my head.

N. Keane: The motion was to take it out of CARES. You voted tonight the reason for the north commons was not COVID.

Frances Westbrook: Right. So it will have to come out of the site planning line item of the capital budget. Is my thought, Anthony what do you think.

Anthony Marchetti: I agree.

Mayor Bugg: Okay.

Frances Westbrook: Anybody else any thoughts.

Bonnie Schaschek: No that's where it should be.

Frances Westbrook: Alright.

Anthony Marchetti: …seems item 4 is correct.

S. Phillips: May I ask what is the dollar amount in that, in that line item.

Frances Westbrook: I don't know off the top of my head. You should have a copy of that whole budget, last year's budget though either on your computer or whatever.

Mayor Bugg: Alright, any announcements.

Wayne Nunnally: Move we adjourn.

Frances Westbrook: You wanted round table on here.

Mayor Bugg: That's why I have that.

Frances Westbrook: Jiminey crickets.

Mayor Bugg: I think we had a good round table.

Frances Westbrook: I have nothing for round table.

Mayor Bugg: I have nothing further.

Bonnie Schaschek: $30,000 in there.

Frances Westbrook: $30,000, Bonnie has got a copy, Sharon, it's $30,000 that is on site plan.

L. Brown: Hold on we were given an amount not to go over.

S. Phillips: The initial payment was?

Bonnie Schaschek: Don't you need to talk to the accountant about that.

Frances Westbrook: Yeah, we'll talk to the accountant about that.

Mayor Bugg: Okay. Anything further council.

Wayne Nunnally: I think the lawyer should pay that first payment.

O. ADJOURN

Frances Westbrook: Oh Wayne. Alright, let's, can we adjourn.

Mayor Bugg: Can we go to your motion to adjourn.

Wayne Nunnally: Adjourn.

Mayor Bugg: All in favor.

Frances Westbrook: Second and aye.

Mayor Bugg: Roll call vote. All in favor.

Roll Call Vote:
Bonnie Schaschek yes.
Wayne Nunnally Abstain.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti: yes. (via phone)

Mayor Bugg: Adjourned.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH .
THURSDAY FEBRUARY 4, 2021 5:30 PM

NOTICE: the Irvington Town Council will hold a Special Called Meeting on Thursday February 4, 2021 5:30 pm; Irvington Baptist Church.

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg, "I'll go ahead and call this meeting to order. This is a special called meeting of the Irvington town council February 4, 2021; 5:30 p.m.; Irvington Baptist Church."

B. ROLL CALL – Mayor Bugg

Members of Council Present:	Frances Westbrook Dudley Patteson Jackie Brown Wayne Nunnally Bonnie Schaschek Anthony Marchetti
Administrative Staff Present:	Nancyellen Keane, Town Attorney Sharon Phillips, Town Clerk, FOIA Officer
Guests:	See attached sign in sheet

C. MAYOR'S REPORT

Mayor Bugg, "At this time I have nothing to report. That will take us item D.

D. OLD BUSINESS

1. Motion to appropriate FY21/21 general operating expenses

Mayor Bugg, "I will start with the budget and finance committee with any comments they may have in regards to that. Any comments or thoughts?" F. Westbrook, "I do know that Anthony and I a couple of times talked about it and tossed around the idea of getting a list to appropriate in that way and we talked about doing it. We talked about doing the whole general operating expenses. I do know there is at least one member who has some different thoughts so I will assume we will all go around and talk about it." B. Schaschek, "I have some thoughts on it. I don't think we should be doing a grand motion to appropriate the FY20/21 operating expenses at this time. We haven't had a valid balance sheet since August. Last one was in July. We haven't had any financial reports since October. We have no way of knowing what the financial position of the town is right now. Until we do I think we should continue appropriating it month by month. If we have to meet and appropriate some at our regular meeting on the second Thursday of the month and then meet two weeks after to do the other ones until we get the financials out I have no problem with that. But you know we already appropriated, I think the ones that need to be paid are the employee's salaries, the lawyers salary obviously the utilities." F. Westbrook, "We already appropriated those." B. Schaschek, "We appropriated those and the insurance should have been paid already it is usually paid in the beginning. I would say continue paying the processing fees for the Google and email stuff as well as your rubbish disposal and the rest of this stuff can as it comes up you pay." A. Marchetti, "I'm okay as long as we are not delaying paying people." D. Patteson, "Or bills." A. Marchetti, "Correct, people and bills as long as we are being punctual." F. Westbrook, "One of Bonnie's points that is worth I think thinking about is simply thinking about we don't know where we are in the budget we don't know where we are in these different categories. I think that is at least worth thinking about when trying to appropriate the rest of the fiscal year." W. Nunnally, "So how should it be worded? How should the motion be worded?" F. Westbrook, "Are we ready for a motion?" W. Nunnally, "I was wondering how it should be done." Mayor Bugg, "In light of what Bonnie just said so that we pay our bills." D. Patteson, "Can we pay what is due in the next 30 days." A. Marchetti, "Can we request that report from RFC so that we can going into the next meeting see what line items are due to be appropriated that were not falling under the appropriated ones." B. Schaschek,

"Which is what we have been doing I don't think it is any change except instead of waiting a month we have a quick meeting like this if it only takes 15 minutes and as soon as we get the financials we can make a decision on where our position is. It should have a list of what comes in within two weeks that needs to be paid." F. Westbrook, "So we meet every other week. Like our regular monthly meeting and then two weeks later strictly just for appropriations." B. Schaschek, "It shouldn't be for any extended period of time, maybe a month or two." D. Patteson, "Why can't we as you all have been approve the appropriations at the regular town council meeting but the acting treasurer gets to us 30 days in advance a list of those appropriations and if any of us have any issues with them they can take them to budget and finance so that they are aware of them before the next meeting and hopefully they are worked out before the meeting and then we can approve it and then we don't have to have these extra meetings. We don't want to meet ourselves to death." F. Westbrook, "Theoretically, let me think this through, theoretically bills come in lets just say in the month of February so by the March meeting we have the February stuff which is due and payable in March it may take us a cycle to get caught up but theoretically it could work on a monthly basis." D. Patteson, "I just want to see the expenses in advance." A. Marchetti, "I think everybody does." D. Patteson, "If we have any comments we go back to you guys and say we are concerned about this because or whatever the situation is." F. Westbrook, "Any concerns from staff that maybe they could come to budget and finance and we could go to the mayor and if we need to call a meeting or whatever." D. Patteson, "You can still communicate to us via email as to what you all are talking about before the regular meeting and then we get it done." F. Westbrook, "We have to be careful with the email we can't hit reply all." Mayor Bugg, "That is a good reminder." F. Westbrook, "Maybe we send emails one at a time so that when you reply there is no danger." A. Marchetti, "At the first of the month March 1, we have to go back I know, for February 1st there could be a report for all bills for January and hopefully a week in advance of the February meeting and then can vote on to appropriate at the February meeting." F. Westbrook, "If we get the packet the Friday before the Thursday meeting we have time to look at it and if we have any questions staff can answer those questions individually so that when we come to the spending time belaboring what is this for why are we doing this or whatever it would be cut and dry." A. Marchetti, "A lot of the homework should be done before the meeting." W. Nunnally, "What we are saying is this motion is to appropriate FY20/21 general operating expenses will be done monthly?" F. Westbrook, "No, we want to appropriate I think is what I am hearing, is that we want to appropriate the general operating expenses tonight but we are going to continue to do it on a monthly basis." D. Patteson, "I think Bonnies consensus is that we ought to be able to figure out a way to get it done that way." Mayor Bugg, "Does someone want to make that motion so that we have that taken care of?" W. Nunnally, "Bonnie you make the motion." B. Schaschek, "Let me ask one question here, the general operating expenses we have already appropriated some of them." F. Westbrook, "We have done utilities and salaries for the remainder of this fiscal year." B. Schaschek, "I make a motion that any appropriation of operating expenses with the exception of employee salaries, lawyers salaries, utilities, computer processing fees, and refuse pick up be done a monthly basis." S. Phillips, "Can you say that again?" W. Nunnally, "Second." Mayor Bugg, "You had employees…" B. Schaschek, "Employees salary, lawyers salary, utilities and that includes electric, heating fuel, internet, septic and water you know all of those." F. Westbrook, "Does that include the zoning administrators salary?" B. Schaschek, Isn't that employees salary?" F. Westbrook, "Sorry." B. Schaschek, "Computer processing fees because that is a regular monthly fee and then your monthly fee for Ambrose because he does all the pick-up. I am assuming he does." W. Nunnally, "What about insurance? I've got that written down." B. Schaschek, "I had insurance but I think you pay the insurance at the beginning? Don't you pay that in June or July? It is a big bill. It is a one-time shot." W. Nunnally, "I seconded it." Mayor Bugg, "Any further discussion? All in favor?"

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTON TO APPROVE OPERATING EXPENSES OTHER THAN EMPLOYEE SALARIES, LAWYERS SALARIES, UTILITIES, COMPUTER PROCESSING FEES, AND REFUSE PICK UP ON A MONTHLY BASIS IS PASSED 6-0.

Mayor Bugg, "The motion passes as amended." A. Marchetti, "Do we need to have a plan in place for DFC to have that report?" S. Phillips, "DFC is Driving Furniture Carefully." A. Marchetti, "Not RFC? Sorry, the treasurer, Robinson Farmer Cox." W. Nunnally, "What is driving furniture responsible?" S. Phillips, "DFC is the company that moved the town office." A. Marchetti, "Robinson Farmer Cox is that correct is that what we are looking for a report?" A. Marchetti, "We should have one at our next meeting." F. Westbrook, "But it is not Robinson Farmer Cox it is the other people." N. Keane, "Robinson Farmer Cox is the interim treasurer and they will have a list of the bills." F. Westbrook, "I thought it was the other company." A. Marchetti, "We just need to be specific in our ask of them." B. Schaschek, "Won't bills come in the mail so are they getting the mail or is the mail coming to the office?" F. Westbrook, "It gets picked up at the post office." S. Phillips, "I have a report from RFC as far as what is due. Accounts Payable list provided by RFC is attached and incorporated within. B. Schaschek, "What is US Bank?" S. Phillips, "The printer lease. Bay Design Group is on your agenda." A. Marchetti, "That is a lot of bills to kick down the road another two weeks." B. Schaschek, "No it is next week. Our meeting is next week." Mayor Bugg, "No, it is the 18th." A. Marchetti, "It is the week after next." B. Schaschek, "No, it is next Tuesday." Mayor Bugg, "It is the 16th and the 18th." A. Marchetti, "It is normally next week but it not next week, correct?" Mayor Bugg, "Correct, right." W. Nunnally, "I'm free." A. Marchetti, "It is the 3rd Thursday this month." B. Schaschek, "Why are we moving it to the 3rd Thursday?" Mayor Bugg, "I'm out of town all week next week." A. Marchetti, "We talked about it at the last meeting." W. Nunnally, "We have an assistant mayor." S. Phillips, "All but three of the bills are overdue." W. Nunnally, "We have to pay or bills." F. Westbrook, "The utilities should be being paid. We appropriated utilities so that should be paid anyway. Nancyellen, are we behind on you?" N. Keane, "Two behind and the third invoice was just delivered." F. Westbrook, "We appropriated the salaries for everybody." N. Keane, "Salaries are for employees." F. Westbrook, "Utilities shouldn't be on the list because we already appropriated those way back when." S. Phillips, "Ambrose is not utilities and Phillips Energy is a new bill." A. Marchetti, "That is for propane at the office." S. Phillips, "Correct." B. Schaschek, "Wasn't heating fuel part of utilities?" D. Patteson, "I consider trash utilities." S. Phillips, "I'm sure you can appreciate my conservative approach to release funds." F. Westbrook, "Can we see a list that includes dollar amounts?" D. Patteson, "Which is what we will get in the future." A. Marchetti, "Hopefully it will be a smaller list that is slightly less overdue." B. Schaschek, "Can we change the agenda?" Mayor Bugg, "If you guys want to change the agenda." B. Schaschek, "Can we make a fifth motion in here to approve all these back bills paid." Mayor Bugg, "To do this by the book we will start with the unanimous vote to change the agenda. You make that motion. Is there a motion to amend the agenda to include all passed due items that Sharon just mentioned?" D. Patteson, "So move." W. Nunnally, "Second." Mayor Bugg, "All those in favor." It is approved."

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTION TO AMEND THE AGENDA TO INCLUDE ALL PASSED DUE ITEMS THAT SHARON JUST MENTIONED IS PASSED 6-0.

W. Nunnally, "What are we adding, Bonnie?" F. Westbrook, "A motion to pay all passed due bills."
S. Phillips, "Actually what was suggested was what Sharon just mentioned do you want it to be all that Sharon mentioned or do you want all past due?" F. Westbrook, "All past due." A. Marchetti, "You said all but two are past due." S. Phillips, "All but three." W. Nunnally, "I move that we get them next week." B. Schaschek, "I would do it for the list she just read." A. Marchetti, "That would make it easy." B. Schaschek, "I would not say because the other will be past due by, just pay them." Mayor Bugg, "Would someone like to take a stab at that motion?" W. Nunnally,

"Pay all bills that Sharon read." B. Schaschek, "Motion to appropriate a list..." D. Patteson, "Make the payables current...." S. Phillips, "Motion to appropriate accounts payable list provided by Robinson Farmer Cox or the interim treasurer." B. Schaschek, "Correct." F. Westbrook, "Can you send us that list?" W. Nunnally, "And the rest of that motion is that a list will be provided of said bill to each council member...." D. Patteson, "And in the future that said list will be provided the Friday before each Thursday meeting." S. Phillips, "Wait...." B. Schaschek, "No..." A. Marchetti, "The longest motion ever." B. Schaschek, "The motion to appropriate the list from RFC and each one gets a copy of the list." Mayor Bugg, "That is the motion made by Bonnie." W. Nunnally, "And I second it." Mayor Bugg, "Any further discussion? All those in favor and all those opposed."

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTION APPROPRIATE ACCOUNTS PAYABLE LIST PROVIDED BY ROBINSON FARMER COX, THE INTERIM TREASURER AND EACH MEMBER GETS THE LIST IS PASSED 6-0.

Mayor Bugg, "The motion that was added to the agenda is passed." F. Westbrook, "That was number 5, right." Mayor Bugg, "Yes." B. Schaschek, "That includes Item 2, 3 and 4." S. Phillips, "May I request, you will see that Elbourn Electric is a community support and tourism and that needs a unique appropriation." B. Schaschek, "That is correct." S. Phillips, "CARES FUNDS have been appropriated." Mayor Bugg, "DFC is from CARES FUNDS." Mayor Bugg, "Just Item 2 needs to be appropriated." S. Phillips, "I would prefer a motion, please Mr. Mayor, an appropriation for Bay Design Group as that is the work that is being commenced on the North Commons, may I get a unique appropriation for that."

2. Motion to appropriate Elbourn Electric invoice $1,000, Community Support & Tourism

Mayor Bugg, "Let's start with Elbourn." W. Nunnally, "So move." B. Schaschek, "Second." Mayor Bugg, "Further discussion? All those in favor."

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTION TO APPROPRIATE ELBOURN ELECTRIC INVOICE $1,000, COMMUNITY SUPPORT & TOURISM IS APPROVED 6-0.

3. Motion to appropriate D.F.C invoice $189, CARES FUNDS

4. Motion to appropriate Bay Design Group invoice $1,182.50 – CARES FUNDS

Mayor Bugg, "It looks like the last motion is to appropriate Bay Design Group from CARES FUNDS." W. Nunnally, "I want to add, out of CARES FUND." Mayor Bugg, "Okay." F. Westbrook, "Yeah." W. Nunnally, "I move." B. Schaschek, "How are we still using CARES FUNDS? I thought we had to return whatever we didn't use by the 30th of December." N. Keane, "It was extended until 12/31/21." Mayor Bugg, "So we have an entire year." N. Keane, "You can use it all year." Mayor Bugg, "Excellent. Wayne, did you make that motion?" W. Nunnally, "I did." Mayor Bugg, "Is there a second." F. Westbrook, "Second." Mayor Bugg, "Further discussion?"

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye

Anthony Marchetti Aye

THE MOTION TO APPROPRIATE BAY DESIGN GROUP INVOICE $1,182.50 – CARES FUNDS IS PASSED 6-0.

E. ADJOURN

W. Nunnally, "Move we adjourn." A. Marchetti, "Second." Mayor Bugg, "All those in favor?" D. Patteson, "I would like RFC to help us assess Bay Design fee because that is a part of capitalized expenses because that is pertaining to a capital project that we are going to be considering in the future and it just is a cleaner way." F. Westbrook, "It will be done like that, it is the only way you can. It is out of the capital fund, like a separate checking account, but it is not a separate account. The offsetting account would be capital" N. Keane, "It is coming out of CARES Funds." F. Westbrook, "Right, the offsetting entry would be to capital asset account you have to have the offsetting entry." D. Patteson, "That is the source but not the treatment." B. Schaschek, "I think we need to take and read what is in the capital CARES act because I don't think you can use the CARES Act for capital improvements." N. Keane, "Capital improvements can use CARES Funds for capital improvements depending on what they are if they are a necessity caused by COVID and they were not budgeted as of March 27, 2020 then you can." W. Nunnally, "Tell me how the capital project is necessitated by COVID?" B. Schaschek, "It is not." D. Patteson, "First we have our town attorney who says and has said that it is an appropriate expenditure within the CARES Act. In the event that one or more of us do not agree with that that is something that can be talked with budget and finance and evidence of that be brought to the table as opposed to just saying I don't think." W. Nunnally, "I have made myself pretty clear what I think." F. Westbrook, "Why don't we leave this to the good graces of RFC." A. Marchetti, "RFC will be able to weigh in on that as well." S. Phillips, "For clarification Item D4, motion to appropriate Bay Design Group invoice $1,182.50 motion made by Wayne Nunnally to include this money comes out of CARES FUNDS." Mayor Bugg, "Right." F. Westbrook, "Right." Mayor Bugg, "All in favor?"

Vote:		
	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

REVOTE ON MOTION TO APPROPRIATE BAY DESIGN USING CARES FUNDS IS PASSSED AGAIN 6-0.

Mayor Bugg, "This passes again. We were at adjournment." B. Schaschek, "Why are we changing the meeting because you have a vice mayor that can run the meeting." Mayor Bugg, "It was announced at the last meeting." B. Schaschek, "I thought we were just changing the things for the CUP's that you wanted to be present for the CUPS." Mayor Bugg, "I want to be present for the February meeting as well. It is only one week so hopefully it will add a little free time, that is why. Alright." W. Nunnally, "For clarification so that we know the rules does it take a vote on that?" F. Westbrook, "Yes." W. Nunnally, "I just want to know." S. Phillips, "You need to unadjourn." Mayor Bugg, "I said it." W. Nunnally, "Does it take a vote to change the regular meeting?" F. Westbrook, "But our regular meeting will not become a special meeting, correct?" Mayor Bugg, "That is my goal." N. Keane, "It has to be if it is not on the day you have advertised." F. Westbrook, "If it is properly noticed it should not be a special meeting. We have to have by charter and our ordinance we have to have a regular monthly meeting every month so we can't not have our regular monthly meeting we have done that before and." N. Keane, "If it is not on the day you advertised in July." F. Westbrook, "But we haven't advertised anything for this year yet and if this is properly noticed it should be just fine as a regular monthly meeting." Mayor Bugg, "That is my goal. I would prefer regular meeting so if we can appropriately do that I would like to have it as a regular meeting." F. Westbrook, "If we advertise monthly then the mayor can change the meeting place and time, it says in the ordinance." N. Keane, "You all voted on the schedule last meeting. You voted on it." F. Westbrook, "Well it was for a CUP schedule." N. Keane, "It was

for a CUP schedule and it had all of the meetings on it." F. Westbrook, "But it didn't say regular monthly." B. Schaschek, "It didn't say we are moving the regular monthly meeting." F. Westbrook, "If it is properly advertised I don't know why it has to be called a special meeting. It should be our regular monthly meeting." W. Nunnally, "The charter says we have to have a monthly meeting. I think it says 12." Mayor Bugg, "It should." W. Nunnally, "I remember reading and it says we have to have regular meetings and I don't think we met that criteria last year." Mayor Bugg, "We are making up for it. Anything else?" W. Nunnally, "What are we going to do?" Mayor Bugg, "Adjourn?" W. Nunnally, "We are going to change it." Mayor Bugg, "What are we changing?" N. Keane, "It was already in the newspaper." S. Phillips, "Mr. Mayor you may want to unadjourn." Mayor Bugg, "Yes. I don't think I adjourned yet. We are unadjourned. Set for the 18th when we have the joint meetings on the the 16th." W. Nunnally, "So are we calling it special or regular. That becomes the question." N. Keane, "It has to be a special meeting. We have been over this before." F. Westbrook, "I know you have but I have talked to a couple of the other local town attorneys and the county and they don't see it as being a special meeting if it is properly advertised because we've got to have to have a regular meeting every month we can't get around that that is what our charter and ordinance says and by calling it a special meeting it is not a regular monthly meeting so." W. Nunnally, "Dilemma." Mayor Bugg, "My preference would be a regular meeting as I just stated but if we can't legally call it that then we have a dilemma." F. Westbrook, "That is what I am saying. I believe we can call it that so maybe we need to find out for sure I don't know how to do that but the people I have talked to have said if it is properly noticed and you want to change your monthly meeting day time place as long as it is properly noticed it remains your regular monthly meeting." W. Nunnally, "If we put an ad in the paper that says the regular monthly meeting is being changed to the 18th then we can still call it a regular meeting." F. Westbrook, "That is my understanding." N. Keane, "I have given you memo's on it." W. Nunnally, "If we are in violation of the charter then what do we do? We are under the magnifying glass now somebody may question us not having a regular monthly meeting and where are we then we are subject to a fine I think." F. Westbrook, "If you look in our minutes, if we had them, you would see that there have been a number of months last year in which we did not have a regular monthly meeting so where do we go with that?" W. Nunnally, "If we can't do it and our attorney says we can't do it then the only thing I see to do is have the regular monthly meeting. That is the only solution at this point because then we won't start the second month and another month with no monthly meeting and as bad as I want you here Tripp." Mayor Bugg, "I want to be here and my intention is to have a regular meeting but it sounds like we are obviously running into issues with being able to have a regular meeting we have had numerous special meetings in the past leading up to now it is all in the title and different implication with special we announced this at the last meeting." N. Keane, "You advertised the meeting on the 16th and the 18th." W. Nunnally, "We advertised the special meeting." N. Keane, "I would have to go back." W. Nunnally, "That would not upset the regular meeting schedule so I think the regular meeting is on since we don't want to have a special meeting or we will have the special meeting but it won't be. We have to comply with the charter." Mayor Bugg, "Special meeting complies with the charter, right?" N. Keane, "Yes." F. Westbrook, "But not as a regular monthly meeting, it doesn't comply." N. Keane, "I would be happy to look at this but I am looking up the code and the charter on my phone and the internet is not helpful." W. Nunnally, "I think there is a shall in there. Shall have monthly meetings. It wasn't an option." S. Phillips, "The meeting notice includes that the purpose of the special called meeting is to conduct regular monthly business." F. Westbrook, "When are you leaving Tripp?" Mayor Bugg, "Tomorrow afternoon." D. Patteson, "Can we do a regular meeting and a special meeting on the same date?" N. Keane, "Yes. Changing the date of the meeting." Mayor Bugg, "I think they are trying to fulfill the regular." N. Keane, "The logic of it is you can, it happened in the last couple of weeks in Kilmarnock, they could not have their regular meeting due to a COVID scare so they moved it a week and it was called a special meeting it was the same thing that they do during the month it was just called a special meeting." F. Westbrook, "Can I call you tomorrow Nancyellen?" N. Keane, "Absolutely, you can call me anytime." F. Westbrook, "I don't know if you are in Richmond." N. Keane, "I live here." F. Westbrook, "I know you live here but I don't know if you are going to Richmond." W. Nunnally, "I move that we table this until the research is done between Bonnie and Fran and decide whether we have to have a regular meeting on the date assigned or whether." B. Schaschek, "Nancyellen and Fran. You said Bonnie but it should be Nancyellen and Fran. I second it." Mayor Bugg, "Any discussion? All in favor."

W. Nunnally, "Now I move to adjourn." B. Schaschek, "Second." Mayor Bugg, "All those in favor?"

Vote:		
	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTION TO ADJOURN IS APPROVED 6-0.

Respectfully submitted,

Sharon L. Phillips, Clerk

Albert D. Bugg III

Albert D. Bugg, III Mayor

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY JANUARY 14, 2021; 6:30PM

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: I'd like to go ahead and call this meeting to order. First, I'd like to start with a moment of silence. Thank you. Notice the Irvington Town Council will hold a Regular Monthly Meeting on Thursday January 14, 2021 6:30 pm; Irvington Baptist Church. Welcome this evening. I'd like to start with the roll call.

B. ROLL CALL

Mayor Bugg present.
Members of Council Present: Frances Westbrook present.
Wayne Nunnally present.
Bonnie Schaschek present.
Jackie Brown present.
Anthony Marchetti present.
Dudley Patteson present (via telephone).

Mayor Bugg: I will note for the record that Mr. Patteson is participating by phone this evening.
Staff Present: Nancyellen Keane Esq., Town Attorney
Lara Brown, Zoning Administrator
Sharon Phillips, Clerk, FOIA Officer
Guests: See attached sign in sheet

C. APPROVE AGENDA

Mayor Bugg: Next item on the agenda is approval of the agenda. Any discussion about that council.

Wayne Nunnally: The only thing I'd like to say about it is I don't see any minutes on it.

Mayor Bugg: Thank you Mr. Nunnally. That's noted anything further council. Can I get a motion to approve the agenda.

Frances Westbrook: So moved.

Mayor Bugg: Second.

Anthony Marchetti: Second.

Mayor Bugg: Any discussion. All in favor.

Mayor Bugg: Opposed.

Wayne Nunnally: No.

Vote:	Frances Westbrook	Aye	
	Wayne Nunnally		Opposed
	Bonnie Schascheck	Aye	
	Jackie Brown	Aye	

Anthony Marchetti Aye
Dudley Patteson Aye (via telephone)

THE MOTION TO APPROVE THE AGENDA IS APPROVED 5-1

D. PUBLIC COMMENT

Mayor Bugg: Noted. Agenda is approved. Next item is the public comments section. I will note for the public that you are certainly welcome to speak this evening, given the number of people that we have speaking this evening. I would ask you to limit your comments depending on how many people need to speak to anywhere from 2 to 5 minutes and if you are truly not interested in staying for the remainder of this meeting, I would request that you disburse and exit the building at that time because we would like to be in better compliance with the Governor's order regarding COVID restrictions, so thank you for your understanding. I wish you all could stay here all evening, but those are the cards we were all dealt. So with that in mind, thanks again public, does anyone wish to speak. Yes Mr. Braly. Please state your name and address.

Chris Braly: Chris Braly, 298 Chesapeake Drive. Mr. Mayor, members of Town Council. I'm here to speak as a concerned resident of Irvington about the disappointing behavior of town council members and the state of our finances over the last month. First, I will address the behavior. It is obvious to everyone who pays an ounce of attention that town council is dysfunctional to say the least. As a group you do not respect each other, and you do not work together. You spend time at meetings bickering with each other about issues that are not pertinent to the discussions at hand. On several occasions over the past month one or more council members have complained about others not returning phone calls. Others are complaining about tasks not filtering through their committee when they feel it should have. This is not how a town council is supposed to function. You should be working together for us. For Irvington. I know you are all reasonable people and my capacity as a planning commission member I reached out to each and every one of you prior to my meeting this week to discuss the few P's before you tonight. I wanted to hear your thoughts about these projects, and I wanted to share with you what I was thinking. We had reasonable conversations. Productive conversations. This is how government is supposed to function. I was not able to attend the meeting held on January 7th, but I have listened to the recording. I was shocked, dismayed, disappointed and embarrassed. The behavior at that meeting by all involved was reprehensible. As a resident of Irvington, I expect civility and professionalism from our leadership. Honestly, as a person I expect that from everyone and anyone I encounter. Unfortunately, neither of those attributes were exhibited in that moment last week. I hope the meeting last week will be a turning point for this council. I hope that it was the low point. Now is the time to change course. On to our finances. It is inexcusable that the town has stopped paying bills. In our town the treasurer is the only person allowed to make financial transactions of any kind. Our town is small and doesn't have a large staff. Understandably, we do not have the redundancy of larger municipalities. In the last meeting Mr. Nunnally stated and I quote "there is no reason the finance committee and the mayor can't write these people checks." I believe this to be incorrect. The Code of Virginia 15.2-1534 states that "pursuant to article 7, Section 6 of the Constitution of Virginia no person holding the office of treasurer, sheriff, attorney of the commonwealth, clerk of the court, commissioner of the revenue, supervisor, councilman, mayor, board chairman or other member of the governing body of any locality shall hold more than one such office at the same time. The authors of this section wanted to prevent corruption in government. Can you imagine if elected officials were allowed to do whatever they wanted to do with town finances? Think for a moment about the corruption possibilities even in a small town like ours if this were to occur. Now if I believe anyone on town council wants to engage in fraudulent and illegal activities I do not.

However, we have to keep the function of running a town separate from legislating for it. While the mayor and vice mayor or signatories on checks I do not believe they are allowed to perform the functions of the treasurer including issuing checks. No councilman or woman should be allowed to do so either. Itgoes without saying without a treasurer no financial transactions will occur. When the treasurer resigned on December 17th, the town council should have immediately begun the search for a temporary bookkeeper and interim treasurer. In fact, town council had the ability to take appropriate action after they returned from closed session on that night. Why didn't you vote immediately to begin this search at that time? At a minimum by the end of December council should have hired a bookkeeper so those staff and bills could be paid. Your inaction resulted in Atlantic Broadband cutting off the phones and internet in the town office. Your inaction has left vendors under contract that you voted to approve from being paid. Your inaction is putting the town at risk with potential lenders for the development of the North Commons. In closing, I hope that tonight you will begin to work together again for Irvington. I appreciate your time.

Mayor Bugg: Thank you Mr. Braly. Who would like to speak next? Yes, Mr. Kuper.

George Kuper: George Kuper, Hayden Home.

Mayor Bugg: Can you come up here so the recording can get you.

George Kuper: I want to speak to two items please on your agenda, items 6 and 7 under old business. Your rezoning application at the last meeting we heard from two dozen letters proclaiming the talent, skill and desirability of people who want to operate a Pilates studio there. No argument that they sound like fine people, it sounds like a fine idea. The only argument there is one, the neighbors have objected, you did not hear my letter, I did not hear at least one other letter that I know was submitted in opposition. My opposition was based primarily on traffic and I don't know what the other opposition was, and I do hope that you've heard from the immediate neighbors who live cheek by jowl next to that parcel of land that you want to rezone. That's item one, the second aspect of it, I put on your desk a piece of paper that came to us as neighbors asking for our comments regarding the CUP for using property as a Pilates studio and I've underlined the pertinent part that says that based on a very old report by whoever installed the sewer system that it was not to be used as a public facility and I question whether or not you have sufficient explanation as to how this will be addressed before you grant the CUP. Thank you.

Mayor Bugg: Thank you. Anyone else from the public.

Holmes Ginn: I spoke last week. I'd just like to reiterate one thing on the Tides Inn project.

Mayor Bugg: Can you state your name.

Holmes Ginn: Holmes Ginn.

Mayor Bugg: Your address.

Holmes Ginn: 142 Lancaster Road.

Mayor Bugg: Thank you.

Holmes Ginn: I'm the adjacent proper owner of the Tides Inn property right next to the bluff on the north part of the Tides Inn. We are right next to that property. I spoke last week, but I just wanted to reiterate that I think it's very possible to have and you have the picture up from the view from my backyard. That is about 100 feet from our backyard, 25 feet from the property lines but we think it could be moved, that ramp

could be moved ADA accessible on all into the other side on the south side of the bluff without affecting anything that the Tides Inn wants to do. They still have access; they still do that and it keeps that whole project in the cove between the Fish Hawk and the bluff. That's all I have. Thank you.

Mayor Bugg: Thank you sir.

Wayne Nunnally: May I ask him a question. Is it the ramp, the ramps that you are talking about…

Holmes Ginn: The ramp comes around the bluff on the corner which is from our property 80 feet from the dock and probably 50 feet – 80 feet from our actually backyard.

Wayne Nunnally: Thank you.

Homes Ginn: Yes sir.

Mayor Bugg: Thank you sir. Yes Cay.

Cay Bradley: Cay Bradley, 991 King Carter Drive. I wish to express my dismay at how town council has behaved at recent meetings. I would love to see council members work together to make the most of opportunities presented and to solve challenges for the benefit of the town. Having attended recent council meetings on December 10th, 17th and January 7th, I do not feel that is what I have witnessed. As I learned from public comment on January 7th, the town is involved, I mean, not public comment, the mayor's report, excuse me. The town is involved in an investigation with our insurance company and the driver's seat. The investigation is due to allegations by a resident of misappropriation of funds which puts the town as an entity and individuals at risk. Based on comments on January 7th, among you all, it seems the law firm hired by the insurance company recommended council not discuss matters under investigation, however, it seems that some council members feel that that performance is at the top of the closed session that was last night that was canceled so it seems like it may be a topic of conversation. I encourage each individual member and council has and as a whole to protect the town to the best of their ability which includes supporting the investigation and heading legal advice regarding the investigation. Thank you.

Mayor Bugg: Thank you Cay. Anyone else from the public. Alright if no one else wishes to speak from the public, again, if you are not adamant about staying for this entire meeting, I would ask that you consider disbursing at this time to reduce our numbers, number of people in this building. Onto the next item, which is my mayor's report.

N. Keane: You have one more thing.

Mayor Bugg: I have one more. Oh, I did, I jumped ahead. Steamboat Era Museum, Cay you again.

E. STEAMBOAT ERA MUSEUM – Cay Bradley, President

Cay Bradley: Alright I put my scarf on, so all the Steamboat landings around here because I am not a resident at the moment. I am now speaking to you as president of Steamboat Era Museum Board of Directors. For those of you who are not aware, we have been very successful with bringing in the Pilot House and redoing the exhibit. That means that our former executive director Barb Brecker felt that she had done the task put before her and she has unfortunately left us to do other things. So I want to take a moment with you to share that the board conducted a search and we hired Steve Humphrey. Steve has more than 40 years of experience as an executive director for various entities primarily in Easton, Pennsylvania. For 30 years he oversaw the Canal Boat Museum. I still don't get all the names right. So he is well versed in the time period that the

Steamboat Era Museum is interested in and Maritime issues. Steve and his wife Sandy have grandchildren in Kilmarnock and so are benefiting from their desire to be closer to the grandchildren. So, I just wanted to take a moment to introduce Steve particularly to council but I also to the members of the public who are here. So, please join me in welcoming Steve.

Mayor Bugg: Welcome.

F. MAYOR'S REPORT

Mayor Bugg: Now back to where I was before I jumped ahead. The mayor's report. Tonight's mayor's report is brief. I would like to start by addressing council and stating that I know that each and every one of you are taking to heart what Mr. Braly said and what Ms. Bradley said and I know that everything you hear from the public you take quite seriously and but the public does not see the work that you do behind the scenes so I wanted to sincerely thank you for all of your efforts and everything you put forth in accomplishing the goals of this town, so thank you. In keeping in spirit also with what Ms. Bradley and Mr. Braly mentioned, this is to reiterate to council and let the public know that it has been suggested by the attorneys for the insurance company that we hire a CPA or accounting firm to handle the bookkeeping task of the town office. Again, it has been strongly suggested that entity or person should be independent and not be affiliated in anyway with the town, council members, mayor or staff. This interim CPA or accounting firm will have to work closely with the auditor and law firm directing this investigation as we go forward. That is all I have to state tonight for the mayor's report. Again, thank you public and thank you council. Next item on the agenda is a report from the town attorney, Nancyellen Keane.

G. REPORT FROM THE TOWN ATTORNEY

N. Keane: I don't have anything. Thank you.

Mayor Bugg: Thank you Ms. Keane.

H. REPORT FROM THE ZONING ADMINISTRATOR

Mayor Bugg: The next item on the agenda is the report from the zoning administrator Lara Brown, I know you've been quite busy, so I'll turn it over to you

Lara Brown: Thank you mayor. In addition to what I have on my zoning administrator report, I have the other staff reports that I will do individual as we go through the second readings for the CUPS and the rezoning's tonight. Aside from that, we have been busy. There was one zoning permit issue that you approved last week. A sign permit for the new town office. Earlier in the meeting tonight I will propose a CUP schedule for six CUPS and one rezoning. We have two joint permit applications that are happening in our backyard so probably next month I'll be presenting those to you for CUPS. Completed two site visits this month, with chairwoman, Julie Harris of the planning commission. We went to the Tides Inn and she wanted to review the property. We also went over to Mr. and Mrs. Ginn's property and checked that out, or the site from Tides Inn to Mr. and Mrs. Ginn's property, excuse me. We also went and looked at the pool construction proposed tonight in the RPA down on The Lane. We received one complaint from an anonymous individual complaining about a tent up on Irvington Road that they were in violation. They were not in violation. I called the Lancaster County office, and this individual has a building permit which is

required if you would like to put a tent up in your backyard for social gatherings, barbecues, picnics that exceed 250 square feet, so anyone that's taken care of. I want to give an update on the North Commons. I met with Bay Design Group on January 8th for a preliminary meeting to discuss the timeline in moving forward with their work. I forwarded the email to the mayor, but just to give you an idea of next steps for that. Sometime beginning late February or early March Bay Design Group will begin the topographic and boundary surveying which is item B1 on the proposal and contract. In addition to initiating the survey work, soil and septic profiles will also begin. It is anticipated by mid-March that Bay Design Group will have something to show me in regards to the surveys and where the potential drain field location could possibly be. That's necessary before you proceed with any additional site work, you know where you can figure out where the buildings are going to go and so forth. Once that is presented to myself, I propose that mayor, you appoint a committee to work with myself and the building and grounds committee to start looking at this seriously. Once we know where and what we have to work with, what our parameters are, you know what are our next steps and how do we move forward. I recommend that we solicit one member from the planning commission, and two possibly three residents to join us on that committee as we look at the plans, the preliminary designs that Bay Design Group will have. We don't need to do that tonight, but possibly between now and the February meeting we could start looking at, if you agree, you know putting a committee together.

Mayor Bugg: I do.

Lara Brown: Great.

Mayor Bugg: Thank you for that suggestion.

Lara Brown: Thanks. That is all that I have right now. Any questions on anything in the report.

I. OLD BUSINESS

1. Motion to appoint interim treasurer

Mayor Bugg: The first item that is at the very top of this list and very much the top of our to do list is a motion to appoint interim treasurer/bookkeeper. Council, Dudley can you still hear me.

Dudley Patteson: I can hear you.

Mayor Bugg: Okay, Dudley is the head of our HR Department, he has shared some candidates for this position and I circulated that paperwork last week. Hopefully council you have had a chance to review that and I'll let you take the floor from here.

Wayne Nunnally: I thought we were considering hiring Jeff Ewing

Dudley Patteson: Turning it over to me, Tripp.

Mayor Bugg: Sure, speak up.

Dudley Patteson: Well, there are on the table three qualified candidates, there are two regional public accounting firms, P. B. Mares and Robinson, Cox, Farmer and we also have a request to serve as treasurer from Jeff Ewing whose is an Irvington resident and one has a business in White Stone, several businesses in White Stone and well qualified. What has come from the attorneys that are representing the town in this investigation is that we are not to consider any candidate that has any connections with members of council or staff and Mr. Ewing has a relationship that does not permit him as I see it to be considered. If I'm wrong, I apologize, but

that's the way I see it and I think council sees it and in addition to that we have two, one from P. B. Mares and one from Robinson, Cox, Farmer. Both of these firms have many, many, many municipal clients, they both have government practices, they both equally would like to become our acting or interim treasurer and to take care of the business of the town that has been overlooked for too long and either one of these firms is qualified and I would support and ask council after they have reviewed it to let us know their feelings on who of these two firms that should be appointed by motion to serve as our interim treasurer.

Mayor Bugg: Council, any thoughts.

Anthony Marchetti: I would certainly go back, keep in mind this is the temporary treasurer at least throughout the remainder of the investigation by the insurance company. I certainly think Mr. Ewing would be a good fit maybe to fill the role permanent.

J. Brown: Mr. Ewing, what.

Anthony Marchetti: Mr. Ewing would be a good fit to fill the position permanently down the road, I would say during the interim investigation, it would be one of the other two P. B. Mares or RFC because of his relationship. Otherwise I think it would be great to have Jeff, somebody local, and knowledgeable and would like to keep it having community when we can so.

Bonnie Schaschek: May I ask a question here.

Mayor Bugg: Yeah.

Bonnie Schaschek: If we don't bring him in as the treasurer, we don't have to swear him in and all of that, but bring him in as a bookkeeper, is there still a conflict of interest.

F. Westbrook: Are you talking about Mr. Ewing.

Bonnie Schaschek: Yes.

Fran Westbrook: I think we have already determined that. You know here in our immediate area as well as on the Northern Neck at large, we have lots of CPAs, lots of accountants to us, is there a reason why you haven't looked at more local people.

Mayor Bugg: I think Dudley can answer some of that. Dudley, did you hear Fran's questions.

Dudley Patteson: I did not hear the question, if the mic could possibly be taken a little closer that would be very helpful.

Frances Westbrook: Dudley, I was asking about more local CPAs or accountants that might be available to us.

Dudley Patteson: Well, in my quest to find somebody were local firms and some just outside of our area. With local firms it is difficult to find one independent, but what became very clear through multiple times that these firms, just could not do it. They were in the middle of tax season and some were short-handed, and we did look out for the local firms first, but one of the values of these two firms is they do have government practices and I think that all of us can learn more about how we conduct ourselves on the finance side of our town and they will certainly bring a professional perspective to that.

Frances Westbrook: Thank you.

Dudley Patteson: Thank you.

Mayor Bugg: Dudley I'm really going to keep you on the hot seat here. In speaking with you and looking into this myself both, Robinson, Farmer, Cox and P. B. Mares being extremely qualified it is, both of them would definitely fit the position and take care of the task we need them to do and quite adequately, but do you have any insight as to these two and any preference.

Dudley Patteson: I, if you ask my vote and it is one vote, it is to send this to P. B. Mares. They have again a Williamsburg office which is very close, one of the senior partners has local ties, David Bush and is well respected within Williamsburg and was the one that we went to, to get their level of interest. Their level of interest is high. The other firm Robinson, Cox, great firm, P. B. Mares did come back to us in the interim since our last meeting and inquire where things stood which shows that they are very interested, they also have an accounting system with Quick Books and that can come in very handy. They also have ways to protect not only the town but the people working on the books and we are going to learn a lot from them in addition to the fact that they are going to be able to help us write our checks, pay our staff and pay our bills and move forward.

Mayor Bugg: Absolutely. Mrs. Westbrook just gave me a note. Did P. B Mares mention anything to you about a cost. I see a cost in Robinson, Farmer, Cox's letter, but I'm not sure I see anything in P. B. Mares.

Dudley Patteson: I would highly suspect that the costs are similar, they as you can see were a little more detailed than Robinson, Cox in a discovery questionnaire in order for them to better ascertain how many hours and who in their firm is better suited to handle the affairs of the town. They are not going to put a CPA to do a bookkeeper's job, but I'd say an outstanding item that we need to make certain that they are in line certainly with the Robinson, Cox rate.

Mayor Bugg: Thank you. Anything further council.

Wayne Nunnally: I didn't understand, the bookkeeper not being eligible. Why can't we get a bookkeeper?

Mayor Bugg: Yes Nancyellen.

N.Keane: I was just going to say Dudley I don't think it matters what position it is, it's they are recommending that whoever does that work not to have a relationship with the town.

Dudley Patteson: If anything is being addressed to me, I'd like a little closer, I've got my phone up to my ear right now, trying to hear everybody.

Mayor Bugg: Nancyellen and Wayne were discussing something about the title bookkeeper versus treasurer.

Dudley Patteson: Got it.

Wayne Nunnally: As I understand it Dudley we could have a bookkeeper as long as that bookkeeper is not a council member or associated with the council in anyway and Nancyellen told me that was correct. If that is correct I don't see the need of hiring a high-powered CPA who might send like you say a bookkeeper to do the work. So, I would like to see a bookkeeper hired.

Dudley Patteson: Wayne, with all due respect to you, I think the town has never really gone outside for financial advise, we'll get that from hiring a municipal accounting firm and I think the additional cost I regret that, but people and events have prompted us to go in this direction and I think the funds will be well spent because I think we'll get more than a return than a bookkeeper will provide. We don't have a bookkeeper right now, do you have a bookkeeper in mind. It's a little late in the game to…

Wayne Nunnally: If I may interrupt, I didn't understand what we were looking for. I didn't know we were looking for consultants. If that is what we are looking for on top of the bookeeper's job, then of course we need a CPA to talk to us. But I thought we were just looking to write the checks and keep the lights on.

Dudley Patteson: Well, it's not, we're looking for more than a bookkeeper. A treasurer is more than a bookkeeper and this firm has very good skill sets of a....

Wayne Nunnally: I've heard enough Dudley. Thank you.

Dudley Patteson: Thank you.

Mayor Bugg: Good question. Thank you, Wayne. Anything further council. With that would anyone like to propose a motion for the hiring of either Robinson, Farmer Cox & Associates or P. B. Mares.

Wayne Nunnally: Let me get this straight. Why can't we hire Ewing. I was very impressed with his resume.

Fran Westbrook: We have a relationship with him. I do.

Wayne Nunnally: Oh. I'm sorry.

Fran Westbrook: I contract provide some services to him for tax preparation.

Wayne Nunnally: Okay.

Mayor Bugg: Anthony pointed out we are all very impressed with his resume and possibly should consider him for longer term after this is all over.

Anthony Marchetti: I mean, while I agree it's expensive hopefully, we can get a lot out of it. It seems like they are going to be working with the auditor it would be nice to have somebody with that level of experience in depth.

Wayne Nunnally: Alright, ya'll have convinced me, in the spirit of cooperation.

Fran Westbrook: I might add that I may be in favor of P. B. Mares if they could come in at around the same cost that Robinson, Farmer, and Cox has put in their letter here. I'm just a little bit leary at doing something which we do not know what it is going to cost us. So, I understand what Dudley is saying, but I do think we ought to have some basis to put our vote to.

Wayne Nunnally: How about this, that we give Dudley permission to hire them if they are competitive. If they are not competitive then we go back to...

B. Schaschek: Yeah, let's okay.

Dudley Patteson: ...go back to Robinson, Cox, I agree with what.

Females: [talkover], no, I don't want to get up in the air.

Bonnie Schaschek: Can I just make a comment or ask a question. Robinson, Farmer, Cox and Associates, they understand that this is a temporary job until we find a new bookkeeper. They are also going to use Quick Books. We currently use a desktop version not the cloud. We never converted to the cloud. So whereas the other one wants to put it out in the cloud, I think we don't want to do that. You know and the fact that they understand it is temporary until we hire somebody, I don't think we have to go through all the swearing in while they are just doing temporary until we hire somebody.

Dudley Patteson: ...how the system works [phone is cutting in and out].

B. Schaschek: Sorry Dudley, I think you're in a hole. Say it again.

Dudley Patteson: Maybe I am. I think once everyone understands how the system works and the [phone cutting out, inaudible].

B. Schaschek: I think he is talking about security. Alright I have three bars, Dudley check yours.

Dudley Patteson: Okay, let me see what I can do to, I'm in the mountains of North Carolina and I can move.

S. Phillips: It's better.

Anthony Marchetti: Obviously, they're reputable, we got to make a decision, we got to get somebody tonight, so if you're not comfortable with the unknowns, for the other candidate, then....

Bonnie Schaschek: We'll just see where....

Fran Westbrook: ....either one.

Wayne Nunnally: We have to nominate somebody don't we.

Mayor Bugg: Make a motion.

Wayne Nunnally: Yeah, make the motion.

B. Schaschek: I'll make a motion for Robinson, Farmer, Cox and Associates.

Wayne Nunnally: Second.

Mayor Bugg: Second, is there any further discussion? All in favor.

Group: Aye.

Mayor Bugg: Opposed.

Fran Westbrook: Dudley are?

Mayor Bugg: Roll call vote.

Fran Westbrook: Dudley he is going to do a roll call vote. I'll tell you when.

Roll Call vote: Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
S. Phillips: Your turn.
Dudley Patteson yes. (via telephone).

THE MOTION TO HIRE ROBINSON FARMER COX AND ASSOCIATES IS PASSED 6-0

Mayor Bugg: Excellent council. Robinson, Farmer, Cox and Associates. We'll keep you in the loop. Thank you. Next up we have readings starting with #2. Second reading or resolution 2020-14 TC. Madam Clerk I'll turn it over to you.

2. **2nd Reading of Resolution 2020-14 TC; Conditional Use Permit Application – Replace and Extend Existing Pier, R-1, Tax Map 34F 13_Alga**

Sharon Phillips: Resolution 2020-14 TC; Conditional Use Permit – Replace and Extend Existing pier, R-1, Tax Map 34F 13.

Mayor Bugg: Yes.

Lara Brown: May I make a recommendation that after the title of each resolution that if you have any questions for me or I have any updates to provide to you that I may do that before you vote. Would that be acceptable.

Bonnie Schaschek: That would be acceptable, also could we hear what the planning commission had to say upon reviewing these.

Lara Brown: Yes, so this is just a replace an old pier that was once an unsafe structure. The planning commission did vote to approve this. At the public hearing on December 8th at Connemara Corporation, nobody spoke against this application and I have not received any letters of objection.

Wayne Nunnally: Staff approved.

Lara Brown: Yes sir, staff has the approval.

Mayor Bugg: Thank you. Ms. Keane is it now appropriate to vote on this.

Nancyellen Keane: Unless there is any other discussion. Does anyone else have anything.

Mayor Bugg: Alright would somebody like to make a motion to approve this resolution.

Wayne Nunnally: So moved.

J. Brown: Second.

Frances Westbrook: Roll call.

Mayor Bugg: Was there a second. Oh, he did.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

Mayor Bugg: This resolution is approved. Next item is item 3, 2nd reading of Resolution 2020-16.

THE MOTION TO APPROVE RESOLUTION 2020-14 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 6-0

3. 2nd Reading of Resolution 2020-15 TC; Conditional Use Permit Application – build Pool Outside RPA, R-1 Tax map 27-222A_Smith

Sharon Phillips: Resolution 2020-15 TC; Conditional Use Permit Application – build Pool outside RPA, R-1 Tax map 27 222A whereas the Irvington Town Council reviewed the proposed conditional use Permit application CUP2020, CUP 8_ Smith to build a pool at a residence outside the RPA, R-1 zoning district tax map 27-222A 173 Virginia Road.

Lara Brown: As noted in the staff report for Mr. Smith's conditional use permit, a joint public hearing was also held on December 8th at Connemara Corporation, nobody spoke against this application and I did not receive any letters of objection, do you have any questions about this. The planning commission did unanimously vote to approve this, to recommend approval, I'm sorry.

Mayor Bugg: If nothing further, is there a motion to approve this resolution.

Wayne Nunnally: So moved.

Frances Westbrook: Second.

Mayor Bugg: Any further discussion? All in favor.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

Mayor Bugg: This resolution is approved.

THE MOTION TO APPROVE RESOLUTION 2020-15 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 6-0

Mayor Bugg The next item is the second reading of Resolution 2020-16.

4. Reading Resolution 2020-16 TC; Conditional Use Permit Application – Build Pool Inside RPA.

Sharon Phillips: Resolution 2020-16 TC; Conditional Use Permit Application – build Pool Inside RPA, R-1 Tax map 34 21D, whereas the Irvington Town Council reviewed the proposed conditional permit application CUP2009_ Webb to build a new pool at a residence inside the RPA Redevelopment with no further encroachment and increase in impervious cover R1 zoning district tax map 34-21D 391 The Lane.

Lara Brown: This request is for the Webb's to build a pool inside the RPA under the Redevelopment proposal. This proposal meets the guidelines of the Chesapeake Bay Act under the Redevelopment criteria permitted by right. We did have a public hearing also on December 8th. I have not received any letters of objections from those individuals that were noticed. We did have a resident of Irvington, not within the 300 or 500 foot boundary that did have some concerns with understanding what the Redevelopment process meant. I met with that individual at the town office twice to go over the process, the plans, explaining the Redevelopment criteria and that's the thought. He doesn't like it, he doesn't like the idea of redevelopment but there's no objection. Planning commission did vote unanimously to recommend approval.

Wayne Nunnally: Approve.

Mayor Bugg: Second.

B. Schaschek: Second.

Mayor Bugg: Any other discussion? Roll call vote.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

Mayor Bugg: Resolution is approved.
THE MOTION TO APPROVE RESOLUTION 2020-16 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 6-0.
Mayor Bugg Next item is the 2nd Reading Ordinance 2020-11.

5. **2nd Reading Ordinance 2020-11, Repeal, Re-enact Town Code 154.106 Use Regulations in B-2 Zoning District.**

Sharon Phillips: Ordinance 2020-11, Repeal, Re-enact Town Code 154.106 Use Regulation in B-2 Zoning District whereas the Irvington Town Council proposes to Repeal and Re-enact town code Section 154.106 regarding B2 zoning district and use regulations.

Lara Brown: We had discussions on this one. As far as rezoning it was recommended by the planning commission that this parcel be rezoned from R1 to B2 to strike the B1 from the language

N. Keane: We are doing the ordinance now. The rezone is the next one on the agenda after this.

Lara Brown: Did I skip one.

N. Keane: Yes.

Jackie Brown: So this is the Pilates Yoga.

N. Keane: They are putting this specific word so that the town council if it desires to do so will change the ordinance to allow its use, then would consider the rezoning of the actual parcel for that zoning district and that's why it's in this order.

Lara Brown: The planning commission's recommendation was to strike the word music from this use.

Mayor Bugg: Anything further for Ms. Brown. Is there a motion to approve this?

Wayne Nunnally: With the condition with respect to music.

Sharon Phillips: Yes.

Wayne Nunnally: So moved.

B. Schaschek: Second.

Mayor Bugg: All in favor. Roll call.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

Mayor Bugg: This is approved.

THE MOTION TO APPROVE ORDINANCE 2020-11, REPEAL, RE-ENACT TOWN CODE 154.106 USE REGULATIONS IN B-2 ZONING DISTRICT IS PASSSED 6-0.

Mayor Bugg: Next item on the agenda is the 2nd reading of Resolution 2020-17 TC.

6. **2nd Reading Resolution 2020-17 TC; Rezoning Application – rezone Parcel from R-1 to B-1 or B-2, Tax Map 33-378_ 235 Steamboat Road.**

Sharon Phillips: Resolution 2020-17 TC; Rezoning Application – rezone Parcel from R-1 to B-2, Tax Map 33-378, whereas the Irvington Town Council reviewed a proposed rezoning application RZ1 Town of Irvington to rezone Parcel Tax Map 33-378 from R-1 to B-2 at 235 Steamboat Road.

Lara Brown: Exactly what I said the last time. Planning commission recommends approval striking B-1 and going with B-2 going with the rezone of 235 Steamboat Road.

Mayor Bugg: Anything further council.

Frances Westbrook: I'm assuming then that on this document we are also striking the word music that is on the 3rd page, item 21 in the list.

S. Phillips: That's B-1, item 21 you have the wrong.

Mayor Bugg: Yeah, yeah.

Frances Westbrook: Oh, okay. So we are re-enacting town code to say B-2.

Mayor Bugg: Yeah.

Sharon Phillips: Right, so this is the ordinance you just accepted.

N. Keane: The second one is the rezoning application which just means a particular parcel will now be zoned that, so that's the difference in.

F. Westbrook: Thank you sorry.

Mayor Bugg: Anything further council. A motion to approve.

Wayne Nunnally: Again.

Frances Westbrook: Second.

Mayor Bugg: Roll call vote.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

Mayor Bugg: Item is approved.

THE MOTION TO APPROVE READING RESOLUTION 2020-17 TC; REZONING APPLICATION IS PASSED 6-0.

Mayor Bugg: The next item is item 7, 2nd Reading of Resolution 2020-18.

7. **2nd Reading Resolution 2020-18 TC; Conditional Use Permit Application – Pilates Studio in B-1 or B-2, R-1, Tax Map 33-378_235 Steamboat Road.**

Sharon Phillips: Resolution 2020-18 TC; Conditional Use Permit – Pilates Studio in B-2, R-1, Tax Map 33-378 whereas the Irvington Town Council reviewed a proposed conditional use permit application 2020-10 Town of Irvington to locate a Pilates Studio in B-2 zoning district Tax Map 33-378_235 Steamboat Road.

Lara Brown: So this is for the use of a Pilates Studio at 235 Steamboat Road and I do want to answer or speak to Mr. Kuper's comment earlier. He is absolutely correct. I did not see his letter the night of the joint public

hearing and I stated in staff report that a letter was distributed to all of you prior to the meeting because we had it before the materials went out. The reason the other letters were read is because those letters came out after the fact, so that is why they were read for you because you didn't have access to them until the joint public hearing, but Mr. Kuper's letter was distributed to you prior to the meeting. I just want you to be assured that we did get it. Then there was another resident that spoke about it. Mr. Ian Cheyne spoke about this CUP application but the residents on either side I have not heard from objections. Mr. Cheyne had a concern about the music part if that were left in the ordinance if this property were to be sold down the road how would that affect things down the road. That is something that the planning commission took under consideration and the concerns they heard and that's why music was struck from it.

Frances Westbrook: So, wherever it says music in either of these two documents, that is being taken out.

N. Keane: So, this CUP Application is only for a Pilates Studio.

Lara Brown: Correct.

Frances Brown: So, you are not even going to have to worry about music. The ordinance....yes.

Lara Brown: So, the document, this is page 2 of a 3 page document. On page 1 of this document, did you get all three pages.

J. Brown: No.

Lara Brown: Okay, so that is only partial. Ann did you do some more research on that.

Ann Meekins: This inspection was in 1978 and on the first page of this document it says that this could only be used for an office, one full time employee. This wording on the second page at the very bottom Ann Meekins the realtor representing both the town and seller, I have some information on that. Did she speak to that. If you look at the document that I sent with the contract there is a 3-page document, not 1 page. The first page was an inspection that said it could not be used as public use the way it was. The second one shows the installation, the third one shows the permit that plainly says this septic system is designed for one full time employee. If you look at all three, it is clear.

Mayor Bugg: Thank you.

Frances Westbrook: Clarification.....when this says cannot become a public facility, the public facility means something like a town office that we were using it as pretty much.

N. Keane: I'm not sure that that was what that was for. It was the inspection before. Someone in 1978 did an inspection and wrote this report that has the words you are talking about Fran and then they did something to upgrade it or

Anne Meekins: They came up with the design and then came up with the permit, septic and attached that to it.

N. Keane: I believe that something about the documents that I saw showed that at one time the septic was in one place and then it got moved to the other, directly behind or something and that might have been what it was. Wasn't it some new tank or something..

Anne Meekins: If you look at the entire document it tells you everything you need to know.

N. Keane: It says it can be used for a business with one employee.

Anne Meekins: One full time employee.

Frances Westbrook: So the things that are listed on this B-2 the use regulations, what we're seeing on here....

Sharon Phillips: You have to go to B-2.

Frances Westbrook: ...that's what I was going to ask, aren't these B-1 uses these B-2 uses. Yep, yep, yep.

N. Keane: So, there are possible on B-2 other than what this is going to be which is a Pilates Studio that they could use it for as long as there's only one employee, you see.

Frances Westbrook: But it could be used as a florist shop in the future if there is one employee, or bakery, if there is just one employee.

N. Keane: Or office.

Group: Talkover.

Frances Westbrook: I know but I'm looking at what the other uses could be in the future, I just want to make sure that we are very much aware of all those uses.

Bonnie Schaschek: And on page 3 Fran, they did do the improvements section to remove it and put that drain on the side.

Lara Brown: It was distributed in your packet for the public hearing, I didn't copy everything, they were in your joint public hearing packet.

Frances Westbrook: ....something that I don't have.

Mayor Bugg: Anything further council? Is there a motion to approve this resolution?

Anthony Marchetti: Approved.

Mayor Bugg: Second. Is that a second.

Wayne Nunnally: Second.

Mayor Bugg: Roll call vote.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

Mayor Bugg: Resolution is approved.
THE MOTION TO APPROVE RESOLUTION 2020-18 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 6-0
Mayor Bugg: The next item on the agenda is item 8, 2nd reading of resolution 2020-19.

8. **2nd Reading Resolution 2020-19 TC; Conditional Use Permit Application – Proposed boardwalk, docks, candock, in B-1, Tax map 33-236_Tides Inn.**

Sharon Phillips: Resolution 2020-19 TC; Conditional Use Permit Application – Proposed boardwalk, docks, candock, in B-1, Tax map 33-236 whereas the Irvington Town Council reviewed a proposed conditional use permit application 2020 CUP11 – Tides Inn to locate a proposed boardwalk, docks, and candock in B-1 district, Tax map 33-236 at 480 King Carter Drive.

Lara Brown: I would like to say I really enjoyed working on this application. This has been a very interesting experience for myself and learning experience and I'm glad to have had the expertise of Nancyellen and Bay Design Group and the Tides Inn staff and their attorney. It has been a joint effort the VMRC, VIMS, this has been a big project. This is the largest project the Town of Irvington has ever seen and Brian Barnes told me it's one of the biggest ones that Lancaster County has ever seen, so, having said that, a lot of time has gone into this, I understand if you want to ask questions, I hope we can get all of your questions answered tonight. We have some property owners here, you've heard from them so, let's get to it. This conditional use permit encompasses several different components. We have 1,305 linear feet of boardwalk reaching from Fish Hawk all the way around to North Shore Bluff. It is also for adding an L-platform to an existing pier right there at the Fish Hawk Restaurant, asking for use of a candock, for a floating candock for sail boats. Removing an existing pier and replacing with a new pier with an L on the end. Installing a new pier on the north end of the shoreline, installing four viewing platforms along the boardwalk. Each marsh and break waters will have access points connecting to the boardwalk for pedestrian use and ADA accessibility in connection with service use for Fish Hawk Restaurant. All of the underlying components on the first page of the staff report are the components that you are reviewing for this conditional use permit. I would like to add some additional information that is uncovered, but talking through today. This project has evolved through the months from different reviewing agencies and feedback has been open and transparent with the Tides Inn and their agent. The town has pursued just this week notification from VMRC of the proposed boardwalk meeting the requirements of a water dependent use which is permitted by right. I want to say that this is a unique application with a unique use. Therefore, we have to apply our ordinance that we have for use that we had not contemplated. After seeing the updated Tides Inn drawing with distances showing, the boardwalk as it relates to property lines in R-1 the proper setbacks that apply to the wharf as it is called now will be the same as any other water dependent feature. Which the closest definition in our ordinance would be pier or dock,

Section 154.157 section D, waterside setback which does not apply to this boardwalk structure as we are considering as a pier or dock. No setbacks exist for docks. Tides Inn is offering a setback of 27.7 feet due to the needs to have an ADA compliant boardwalk. Tides Inn has offered that it will agree to a condition on the CUP regarding the use at the location adjacent to R-1, Mr. and Mrs. Ginns' property. Mr. and Mrs. Ginn has seen the condition which I will read in just a minute, let me finish this and I'll read the condition. The condition of the wharf and the encroachment along the bluff has favorable from VMRC as in their opinion it is reasonable to get the proper slope to avoid disturbing the upland wooded buffer, the Chestnut oak grove and the living shoreline component as a net gain of habitat. In addition, the VMRC's comments Wayne from Bay Design Group and I have had extensive conversations regarding the ADA requirements and what is required to make this wharf come up to slope. In order to have an appropriate grade for the ramp, the ramp needs to start midline at the bluff in order to meet the ADA specs. The condition that was drafted today for review is stated as such. The northeastern most 10 feet at the terminus of the wharf will be a scenic area of quiet repose used for ADA access and enjoyment of a natural environment and shoreline and unintrusive activities including without limitation yoga and small group education sessions. Consistent with these purposes, no concerts, parties or organized events hosting more than 15 people shall be conducted on the terminus portion of the wharf. Further any improvement, permanent damage, decoration, lighting or signage to be erected on the terminus shall require prior approval of the zoning administrator it being a tenant of this condition to minimize impacts of the terminus portion of the wharf upon the adjoining landowners. Given the lot, the terminus portion of the wharf, Wayne did you bring any diagrams did you, I've got.

Wayne Savage: I have three.

Lara Brown: Do you want to show where that is located.

Wayne Savage: Let me get the right. This is over in this area. So Mr. and Mrs. Ginn's property is this property here, and we are talking about this section in this area and I know for sure because we have talked about it multiple times. If anyone else wants to see from the public. The area we are referring to is this area in here and this is the Ginn, the Ginn property is here, the property is right about in here so we are talking about that area.

Wayne Nunnally: I move we approve it with the conditions.

B. Schaschek: I second it.

Mayor Bugg: Any further discussion council? Roll call vote.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti I'm abstaining from the vote.
Dudley Patteson yes. (via telephone).

Mayor Bugg: Resolution passes. Thank you.

THE MOTION TO APPROVE RESOLUTION 2020-19 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 5-0.

Wayne Savage: Thank you council.

Mayor Bugg: Thank you. Very exciting. The next item on the agenda is the use of the tennis courts to teach tennis. That was previously tabled. Frédéric has reopened that and is interested to.

Frances Westbrook: So it's not tabled now.

Mayor Bugg: Correct.

Frances Westbrook: It does say tabled, sorry.

9. **Discussion of use of tennis courts to teach tennis - Frédéric Cabocel - *tabled***
    - Motion to authorize the use of the Town tennis courts
    - Motion to authorize town attorney to draft contract and mayor to execute contract

Mayor Bugg: Madam Clerk do you have anything further to add.

Sharon Phillips: He has just reopened the request. I think he would like to proceed with spring tennis lessons. The concern I think at this point is that the tennis courts have not been repaired. The town council approved the repair of the tennis courts but due to the temperature outside, the outside temperature weather, the vendor for the tennis court repairs recommended waiting until the weather warmed up so that you get a better application, and you get more longevity of the repair.

Mayor Bugg: Table.

Frances Westbrook: I have one thing for us to think about, in the past we have let pretty much anybody everybody use the court and happy for them to do so. The Academy does teach and what have you. I don't think we have ever had anybody use the tennis courts before to earn money, charging for lessons, so the fact that we pay to have the maintenance and now getting ready to do some pretty serious monetary repairs or maintenance on it and then, our insurance policy and what have you, I would for us to entertain a fee to use it for that purpose to help us recoup our repairs for more use. In fact, and the large fact that he is going to be making money.

Bonnie Schaschek: Mr. Mayor what was your intention when you said a contract here, was that a monetary contract or was that to hold harmless the town of liability

Mayor Bugg: Yeah, I'm glad you brought that up. Have the town speak up about this as well. We have not begun discussions yet in terms of the contract so, I'm glad you mentioned these points as well, I think there could be a risk.

N. Keane: The liability one that Bonnie just mentioned, the fee, the other piece that had been mentioned, was that the Chesapeake County had a license to use the tennis courts and so if someone is then going to be using it for business purposes, if they have to have access to it at some pre-agreed time as scheduled, we'd have to have a schedule or something to figure that out. Figure out how to operate that. So that might be in the contract as well.

F. Westbrook: So, it would also be advantageous the sooner we can decide this the better particularly if we decide to add a fee to this use, then that has to be considered for the budget so that we include that you know as revenues so we would, I would like to see us come up with that idea sooner rather than later is all. If we decide to go that route.

Mayor Bugg: I think his purpose was to bring it up now so we can get ahead of it and start working on it.

Anthony Marchetti: It would be a nice service, a nice service to have access to.

Bonnie Schaschek: At one time we did have a tin pan out there that people threw $.50 in or so. We did a real tin pan. Well, we had the box on the cage or whatever you call it.

Wayne Nunnally: Years ago, any resident of the town for $5.00 could get a key too and use it.

Frances Westbrook: I paid $10.00 one year for that and had to go to the town office to get the key.

Mayor Bugg: Do we want table to authorize the use of courts and possibly consider having the town attorney begin working on that contract so that we can discuss it at the February meeting.

Frances Westbrook: Yeah, I would.

Wayne Nunnally: Approve.

Bonnie Schaschek: I'd like to get a schedule and then Chesapeake is going to be there as well, so we can write it accordingly. You moved.

Mayor Bugg: Okay.

Wayne Nunnally: I moved to table.

Bonnie Schaschek: Second.

Mayor Bugg: Table the item motion listed to authorize use of the town tennis courts. Can we get a vote on that. All in favor.

Wayne Nunnally yes.
Frances Westbrook yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Frances Westbrook: Dudley, Dudley....
Dudley Patteson Call Failed

THE MOTION TO TABLE DISCUSSION OF USE OF TENNIS COURTS TO TEACH TENNIS IS PASSED 5-0.

Mayor Bugg: The motion passes. How about the motion for the town attorney to begin work on that contract and discuss it at the February meeting.

Wayne Nunnally: So moved.

Frances Westbrook: Second.

Mayor Bugg: All in favor.

Wayne Nunnally yes.
Frances Westbrook yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson Call Failed

Mayor Bugg: Opposed. That motion passes. That's it. New business.

THE MOTION TO FOR THE TOWN ATTORNEY TO BEGIN WORK ON THAT CONTRACT AND DISCUSS IT AT THE FEBRUARY MEETING IS PASSED 5-0.

J. NEW BUSINESS

1. **Motion to authorize Mayor Bugg to execute deed and related closing documents to effectuate closing of 235 Steamboat Road.**

Mayor Bugg: Nancyellen any further discussion regarding this?

Nancyellen Keane: I don't think so, I don't think there is anything unusual. There might be a couple of things that you have to sign for closing.

Wayne Nunnally: Doesn't he have that power by charter.

Nancyellen Keane: He's allowed to sign official documents it says in the charter but you have to authorize which ones they are.

Mayor Bugg: We could go to contract, now go to closing documents.

Wayne Nunnally: So moved.

Mayor Bugg: Second?

Anthony Marchetti: Second.

Mayor Bugg: Further discussion. Roll call vote.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.

Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

Mayor Bugg: The motion passes.
THE MOTION TO AUTHORIZE MAYOR BUGG TO EXECUTE DEED AND RELATED CLOSING DOCUMENTS TO EFFECTUATE CLOSING OF 235 STEAMBOAT ROAD IS PASSED 6-0.

Mayor Bugg: Thank you. Next item Ms. Brown NNPDC Mitigation Hazard.

2. **NNPDC Mitigation Hazard**

Lara Brown: I'm just the messenger, not nearly as exciting as the Tides Inn project, to participate in the Northern Neck Hazard Mitigation plan update, this plan has to be updated every 5 years. The Town of Irvington participated in this 5 years ago and then 5 years before that. Jerry Davis is Executive Director of the Northern Neck planning district commission and I asked him what this was for so I could bring it to you so that you could decide whether or not you were going to reup this. Jerry Davis states that the Northern Neck PDC is submitting a grant application for VDA and FEMA for funding to underwrite the next required update to the regional hazard mitigation plan. This letter of intent indicates that your locality will participate in the update planning process. What else can I tell you.

Wayne Nunnally: It's not going to cost us any money.

Lara Brown: It's not going to cost us any money. He said 12 years ago congress passed an act requiring all localities to have a hazard mitigation plan. If the Town of Irvington wants to receive grant funding you should submit the update of your intent. All localities have to agree to participate if they want funding. The local match money is paid by the NNPDC. If a natural disaster were to occur in our area that would require FEMA assistance, we would become ineligible to receive if unless we submit this intent.

Frances Westbrook: Not individual homeowners if they have FEMA insurace, that's not a part of this. That was my understanding. In looking at the codes he references in there, the state codes reference comprehensive plans, and I don't think we have a hazard mitigation plan in our comprehensive plan so I mention that only as to a planning commission member that maybe that needs to be added to, or something we need to address the next time we update our comprehensive plan. I don't know if this applies to us because it is not in our comprehensive plan, but I wouldn't necessarily want us to miss out on any funds that allow FEMA to help especially if it's not going to cost us any money to join this group.

Lara Brown: This is the reup so the Town of Irvington authorized this 5 years ago.

Bonnie Schaschek: They participated only in the kickoff meeting, they provided some data as to the number of residents and they attended the final meeting…I went out and read all 150 pages to find out, I said what is this. I'll tell you what Bob was very involved in it when he was on council with the other ones because this is where they went around and said you're the head of this area, this area and if something happens, they would check on all the neighbors and they had to put that as part of the plan so.

Frances Westbrook: There is some reference from Mr. Davis about attendance to meetings and that's my only concern with part-time staff who is very heavily taxed and their workload, you know attending and keeping up with all of this.

Bonnie Schaschek: That's why I said they only attended three meetings. Five years ago. Let me go back, it was a kickoff meeting, 3 meetings that's it.

Frances Westbrook: Maybe you can talk with staff and zoning and if they can or cannot maybe we could ask a particular council member that would be interested to attend these meetings and bring, maybe depending on the workload that is going on at the time. Tides Inn, done by then or…..

Mayor Bugg: That's makes sense, I think.

Frances Westbrook: It would be nice if we were present at every meeting, but that is something that zoning has to do.

Mayor Bugg: Absolutely. Do we need a motion to sign, again for this.

Lara Brown: Authorize someone to sign it. We need a signature.

Frances Westbrook: That would be mayor I would think.

Lara Brown: Town manager.

Mayor Bugg: I'll sign it if someone wants to make a motion.

Frances Westbrook: So moved.

Wayne Nunnally: Second.

Mayor Bugg: All in favor.

Frances Westbrook: Roll call.

Frances Westbrook yes.

Wayne Nunnally Did not vote – had stepped out of the meeting
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

THE MOTION TO ALLOW THE MAYOR TO SIGN THE NNPDC MITIGATION HAZARD IS PASSED 5-0.

Mayor Bugg: Motion passed.

Frances Westbrook: Wayne Nunnally has stepped out of the meeting.

Dudley Patteson: Okay.

Frances Westbrook: Sorry that's for the recorder.

Mayor Bugg: Rezoning schedule.

3. CUP & Rezoning Schedule

Lara Brown: So, we have a 4-year schedule for six CUPS and one rezoning. We have four new private piers, we have one full in the RPA under the redevelopment guidelines, we have one rezoning and a CUP to operate a town office. So, we are proposing that the town public hearing be held on February 16th. Please note that this is a different date and I did not mention it Julie at the planning commission meeting but, the mayor has asked that we consider moving the planning commission and town council meeting a week out because he would like to be here for all of these CUPS. Am I saying that right Mr. Mayor.

Mayor Bugg: That's correct. I will be out of town.

Lara Brown: He'll be out of town the week prior and we normally have the planning commission meeting before the town council meeting and his desire for attendance, he's asking if we can adjust our schedules and see if the dates of February 16th and February 18th, would work. We have contacted Ms. Farmer and she has verified that the dates area available here for the 16th and 18th and then planning commission would hear the first reading initially following the joint public hearing, town council would hear this reading on February 18th, the second readings would be on March 9th, and March 11th which are typical dates for planning commission and town council for March. Any questions about the proposed CUP schedule.

Mayor Bugg: Council?

Frances Westbrook: I won't be able to attend the 16th but that is a joint public hearing and as long as everybody else is here I don't think that is any detriment whatsoever.

S. Phillips: The 16th of the joint public hearing, what was the 18th.

Lara Brown: Town council.

Mayor Bugg: Town council. Anything further. Can we get a motion.

Frances Westbrook: To adopt....

Wayne Nunnally: So moved.

Mayor Bugg: Second?

Frances Westbrook: Second.

Mayor Bugg: Any further discussion. Roll call vote.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

THE MOTION TO APPROVE THE CUP SCHEDULE PASSES IS APPROVED 6-0.

Mayor Bugg Next item is discussion regarding committees, Mr. Nunnally.

4. **Discussion regarding committees – Councilman Nunnally**

Wayne Nunnally: I know it is getting late and we still have what could be a lengthy closed session ahead. I would delay my remarks on this topic because of time.

Frances Westbrook: Here here.

Wayne Nunnally: However, I would remind the council that we, the town council have been elected as the committee to govern and operate this town.

Mayor Bugg: Thank you Mr. Nunnally.

Wayne Nunnally: Your welcome.

Frances Westbrook: Will this be on the next regular meeting, is that what you're asking.

Wayne Nunnally: Another time.

Frances Westbrook: Okay.

Mayor Bugg: Just reach out to us when you're ready.

Frances Westbrook: Alright. So that is tabled.

Mayor Bugg: Tabled.

K. ANNOUNCEMENTS

ORDINANCE 2020-11

REPEAL, RE-ENACT TOWN CODE 154.106

USE REGULATIONS IN B-2 ZONING DISTRICT

WHEREAS, the Irvington Town Council ("Council") proposes to repeal and re-enact Town Code §154.106 regarding B-2 zoning district use regulations; and

WHEREAS this Ordinance 2020-11 will create a new subsection (K) in Town Code §154.106, allowing pilates, yoga, music or art studio in the B-2 zoning district.

WHEREAS, a notice of public hearing on this Ordinance 2020-11 was advertised November 25, 2020 and December 3, 2020, pursuant to VA Code Ann.§ 15.2-2506; and

WHEREAS, a public hearing on Ordinance 2020-11 was held on December 10, 2020 and the public also had the opportunity to speak about the ordinance at meetings held on December 10, 2020 and January 14, 2021; and

WHEREAS, this Ordinance 2020-11 was read twice before approval, at the December 10, 2020 and January 14, 2021 Council meetings.

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

1. Council hereby repeals Town Code §154.106, Use Regulations.
2. Council hereby re-enacts Town Code §154.106 Use Regulations as follows:

"§ 154.106. USE REGULATIONS.

In Limited District B-2, structures to be erected, not to exceed 1,500 sq ft of floor area, first and second floor total, can be used for one or more of the following uses with a conditional use permit:

(A) Town offices and other similar public uses;
(B) Bed and breakfast establishments;
(C) Office buildings;

(D) Professional offices;
(E) Antique shops and galleries;
(F) Catering;
(G) Bakeries;
(H) Florist shops;
(I) Barbershops and beauty shops;
(J) Hobby and craft shops;
(K) Pilates, yoga, ~~music~~ SA and art studios."

3. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this Ordinance 2020-011 in the Minutes of its January 14 2021 meeting.

Certification

I, Albert D. Bugg, IIII, Mayor, do hereby certify that Ordinance 2020-11 was adopted at the January 14, 2020 meeting at which a quorum was present and voting. The Vote was:

	IN FAVOR	OPPOSED
Jackie Brown	Aye	~~0~~
R. Wayne Nunnally	Aye	
Anthony Marchetti	Aye	
Dudley M. Patteson	(via phone) Aye	
Bonnie Schaschek	Aye	
Frances Westbrook	Aye	

Albert D. Bugg, III, Mayor

ATTEST:

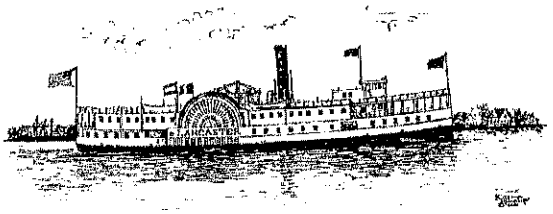
Sharon Phillips, Town Clerk

Ordinance 2020-11 Was passed unanimously by the Irvington Town Council on January 14, 2021

IRVINGTON VIRGINIA

TOWN OFFICIALS
Albert D. "Tripp" Bugg, III
Mayor
Nancyellen Keane, Esq.
Town Attorney
Lara M. Brown
Zoning Administrator
Sharon L. Phillips
Town Clerk
FOIA Officer

Town of Irvington



TOWN COUNCIL
Frances Westbrook
Vice Mayor
Jackie Brown
Bonnie Schaschek
R. Wayne Nunnally
Anthony Marchetti
Dudley Patteson

MOTION

MOTION TO AUTHORIZE MAYOR BUGG TO EXECUTE DEED AND RELATED CLOSING DOCUMENTS TO EFFECTUATE CLOSING OF 235 STEAMBOAT ROAD

Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson (via phone)	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye

CERTIFICATION

I, Albert D. Bugg, III, Mayor, do herby certify that the above is a true copy of the motion that was passed at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

Albert D. Bugg, III, Mayor

ATTEST:

Sharon L. Phillips, Town Clerk

Telephone (804) 438-6230
4203 Irvington Road * Post Office Box 174 Irvington, Virginia 22480
www.town.irvington.va.us

RESOLUTION 2020-14 TC

Conditional Use Permit Application – Replace and Extend Existing Pier, R-1, Tax Map 34F 13

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application TOI# CUP – 2020.CUP7_Alga to replace and extend existing pier at a residence in R-1 zoning district, Tax map # 34F 13, at 75 James Point Road ("Application"); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on November 25, 2020 and December 3, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on December 8, 2020 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings on December 8, 2020 and January 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on December 10, 2020 and January 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-14 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Jackie Brown Aye	0	0
Anthony Marchetti Aye		
Wayne Noonally Aye		
Dudley Patterson (via phone) Aye		
Bonnie Schaschek Aye		
Fran Westbrook Aye		

TOWN OF IRVINGTON

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

Resolution 2020-14 TC was passed unanimously by the Irvington Town Council on January 14, 2021.

Town Clerk

RESOLUTION 2020-15 TC

Conditional Use Permit Application – Build Pool Outside RPA, R-1, Tax Map 27-222A

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application TOI# CUP – 2020.CUP8_Smith to build a new pool at a residence outside the RPA in R-1 zoning district, Tax map # 27-222A, at 173 Virginia Road ("Application"); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on December 17 and 23, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on January 7, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings on January 7, and 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on January 7 and 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-15 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Jackie Brown Aye	~~0~~	~~0~~
Anthony Marchetti Aye		
Wayne Nunnally Aye		
Dudley Patteson (via phone) Aye		
Bonnie Schaschek Aye		
Fran Westbrook Aye		

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor

Resolution 2020-15 TC was passed unanimously by the Irvington Town Council on January 14, 2021

Town Clerk

RESOLUTION 2020-16 TC

Conditional Use Permit Application – Build Pool Inside RPA, R-1, Tax Map 34-21D

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application TOI# CUP – 2020.CUP9_ Webb to build a new pool at a residence inside the RPA, redevelopment, no further encroachment and no increase in impervious cover, in R-1 zoning district, Tax Map # 34-21D, at 391 The Lane ("Application"); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on November 25, 2020 and December 3, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on December 8, 2020 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings on December 8, 2020 and January 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on December 10, 2020 and January 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-16 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Jackie Brown Aye	0	0
Anthony Marcinetti Aye		
Wayne Nonnally Aye		
Dudley Patteson (via Phone) Aye		
Bonnie Schaschek Aye		
Fran Westbrook Aye		

TOWN OF IRVINGTON

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

Resolution 2020-16TC Was Passed Unanimously by the Irvington Town Council on January 14, 2021

Town Clerk

RESOLUTION 2020-17 TC

Rezoning Application – Rezone Parcel from R-1 to ~~B-1~~ or B-2, Tax Map 33-378

WHEREAS, the Irvington Town Council reviewed a Proposed Rezoning Application 2020.RZ1_Town of Irvington to rezone parcel Tax Map # 33-378 from R-1 to ~~B-1~~ or B-2 , at 235 Steamboat road ("Application"); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on November 25, 2020 and December 3, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on December 10, 2020 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings on December 10, 2020 and January 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on December 10, 2020 and January 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-17 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Jackie Brown Aye Anthony Marchetti Aye Wayne Nunnally Aye Dudley Patterson (via phone) Aye Bonnie Schaschek Aye Fran Westbrook Aye	~~0~~	~~0~~

TOWN OF IRVINGTON

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

Resolution 2020-17 TC was passed unanimously by the Irvington Town Council on January 14, 2021

Town Clerk

RESOLUTION 2020-18 TC

Conditional Use Permit Application – Pilates studio in ~~B-1~~ TB/SP or B-2, R-1, Tax Map 33-378

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application CUP – 2020.CUP10_ Town of Irvington to locate a pilates studio in ~~B-1~~ TB/SP or B-2 zoning district, Tax Map # 33-378, at 235 Steamboat road ("Application"); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on November 25, 2020 and December 3, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on December 10, 2020 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings on December 10, 2020 and January 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on December 10, 2020 and January 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-18 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent
Jackie Brown Aye	0	0
Anthony Marchetti Aye		
Wayne Nunnally Aye		
Dudley Patteson (via Phone) Aye		
Bonnie Schaschek Aye		
Fran Westbrook Aye		

TOWN OF IRVINGTON

Albert D. Bugg, III

Albert D. Bugg, III, Mayor

Resolution 2020-18 TC was passed unanimously by the Irvington Town Council on January 14, 2021

Town Clerk

RESOLUTION 2020-19 TC

Conditional Use Permit Application – Proposed boardwalk, docks, candock,in B-1, Tax Map 33-236

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit ("CUP") Application CUP – 2020.CUP11_ Tides Inn to locate a proposed boardwalk, docks, and candock in B-1 district, Tax Map # 33-236, at 480 King Carter Drive, Irvington, VA 22480 ("Application"); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on December 17 and 23, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on January 7, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings on January 7 and 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on January 7 and 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: See attachment A. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-19 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor	Opposed	Absent	Abstain
Jackie Brown Aye			
Anthony Marchetti			
Wayne Nunnally Aye			
Dudley Patteson (via phone) Aye			
Bonnie Schaschek Aye			
Fran Westbrook Aye			

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor

Resolution 2020-19TC was passed with 5 votes in favor, 0 votes opposed, 1 abstain (Marchetti) by the Irvington Town Council on January 14, 2021

Town Clerk

Attachment A

Condition for CUP #2020.CUP11_TidesInn

The northeastern most ten (10) feet at the terminus of the wharf (the "Terminus") will be a scenic area of quiet repose, used for ADA access, enjoyment of the natural environment and shoreline, and unobtrusive activities including without limitation, yoga, and small group education sessions. Consistent with these purposes, no concerts, parties, or organized events hosting more than 15 people shall be conducted on the Terminus portion of the wharf. Further, any improvement, permanent banner, decoration, lighting or signage to be erected on the Terminus shall require prior approval of the Zoning Administrator, it being the intent of this condition to minimize impacts of the Terminus portion of the wharf upon adjoining landowners.

This condition was added to Resolution 20201TC by the Irvington Town Council on January 14, 2021.

Sharon Sully
Town Clerk

TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY, JANUARY 7, 2021
IRVINGTON BAPTIST CHURCH

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: the Irvington Town Council will hold a Special Called Meeting on Thursday January 7, 2021 immediately following the Planning Commission Special Called Meeting; Irvington Baptist Church. Thank you, town council, for joining us tonight and also joining us for the previous meetings we had.

I have called this meeting to order. We will start with roll call.

B. ROLL CALL – Mayor Bugg

Members of Council Present:	Frances Westbrook present. Jackie Brown present. Bonnie Schaschek present. Dudley Patteson present. Anthony Marchetti present. Wayne Nunnally present.
Administrative Staff Present:	Nancyellen Keane, Esq., Town Attorney Lara Brown, Zoning Administrator Sharon Phillips, Clerk, FOIA Officer
Guests:	See attached sign in sheet

C. MAYOR'S REPORT

Mayor Bugg: Thank you again council. The first item I have is the mayor's report which unfortunately is a little bit brief. A little bit shorter than what I have presented the past few meetings, but it touches on a number of issues I think need to be mentioned. The first is an independent review. At our last meeting I called for an independent review of the town finances. I want to let you know that we are moving forward on this. The insurance company has engaged the law firm of O'Hagan-Meyer to investigate the allegations made starting in December of 2020 concerning financial, human resources and related matters. The investigation is underway. As part of the investigation, the insurance company will be hiring and paying for an auditor. The auditor is prepared to conduct a full financial review under the following procedural parameters. For the period July 1, 2018 through December 31, 2020, the auditor will review expenditures of $100.00 or more from the town operating accounts, and also deposits, transfers and withdrawals for all town accounts. I agree with these parameters of the audit. The second item is appointing an interim treasurer. We need to appoint an independent CPA or accounting firm as soon as possible as interim treasurer. The law firm directing the investigation has advised us that the interim treasurer should be independent and not be affiliated in any way with the town, council members, mayor or staff. This interim treasurer will have to work closely with the auditor and the

law firm directing the investigation. I understand there are some possible firms for consideration. With that I have a document packet to hand out to each one of you. If you could pass them down Mr. Nunnally and take one and pass it along. Council as you can see these are letters of interest submitted by various accounting firms. I would like to thank Mr. Patteson for his efforts as HR Director in securing these possible candidates and having them submit their letters of interest regarding serving as an interim treasurer and I know this is the first time you are getting these packets. Obviously, there is a number of pages in here that you have not had a chance to review them until now. My recommendation is that we consider these and either call a meeting for Tuesday, to select an interim treasurer or else do it next Thursday at our regular meeting. Obviously, we need this appointment as soon as possible. Council, I welcome any comments and thoughts.

W. Nunnally: I don't think we need the expense of this. I mean, why can't we write the checks and pay the bills until this audit is over with. Why do we have to have an independent outside source doing this. I mean, historically when Jackie Burrell was sick, I think it was Fran and Ms. Pollard, they took over the office, paid the bills and wrote the checks. I don't know why we have to continue spending our town money on everything that is outside when we can do a lot of this stuff ourself. So personally, I would oppose any interim treasurer being appointed. The job itself is not interim treasurer. The job is we need an interim clerk and an interim treasurer.

Mayor Bugg: I'm glad you brought up those points because I'm sure they have crossed a number of council members minds and I welcome any comments regarding that. I believe there is a problem with a member of council actually issuing checks and signing checks for legality purposes. I can have Nancyellen discuss that with you and anything Dudley or anyone else would like to add about that arrangement and furthermore about expense and I'll turn that over to Nancyellen. Would the insurance company be paying for the treasurer?

N. Keane: I don't know, not the interim treasurer, we should ask them that question. I don't know.

F. Westbrook: If the interim treasurer is going to be interacting with the audit.

Mayor Bugg: Correct.

F. Westbrook: Is that what I just heard you say.

W. Nunnally: Dudley shouldn't be messing with the finance committee's, I mean he got all upset when we tried to do something with personnel, now he's trying to tell us how to run the treasurer department, which should definitely be a finance department problem, finance committee problem.

F. Westbrook: I would say that this is probably the same reason. In fact if I remember correctly when we decided to go this route, I believe the motion you made and there was some conversation and stuff back and forth, withdrawing and adding with the motion, but I believe this was supposed to have gone to budget and finance and report back to town council.

W. Nunnally: It certainly was.

F. Westbrook: And if that's the case then somebody has jumped the gun on doing any of this because budget and finance has not had the opportunity nor were, we asked or talked to about any of this. So.

A. Marchetti: It's in front of everybody to review. We don't have to do anything tonight.

F. Westbrook: I agree with that.

D. Patteson: I was asked by the mayor.

F. Westbrook: Just like I had been asked by the mayor and you fussed about.

D. Patteson: Pardon.

F. Westbrook: Just like I had been asked by the mayor and you fussed about that.

D. Patteson: I don't want to address that at the moment.

F. Westbrook: I'm sure you don't.

D. Patteson: Well, it's not for that reason. I will address it, but the mayor asked that I help him find a qualified independent entity to serve as interim, interim treasurer capacity. These two firms that I spoke with all have government practices under their umbrella and they all have people able to serve in this capacity at this time of the year. We did seek out local firms that might be independent of all of us on council. It was tax season and we were politely turned down. So, we needed to reach outside and so we did. Both firms have the ability to electronically deal with the books and will probably make some good suggestions as to how we proceed in the future on Quick Books. They don't think it is going to be many hours. In some cases here, there is a questionnaire of things that need to be answered in order for them to appropriately determine the number of hours but it seems like it is going to be 1 day a week or less on their part because they have extraordinary skill sets and experience and unfortunately the events that have taken place have prompted us to go to outside help to determine what is true and what is not and in order to keep the independence of all things I don't think anyone on town council should serve in any capacity in the finances of the town while this investigation is going on. It puts you in harms way and puts all of us in harm's way if we do that. As much as I would like to save money, this is not a case of, it is not a case, we need to do it the right way and do it quickly and hopefully resolve all this so we can get on to the business of the town which we have not been able to do for quite some time.

F. Westbrook: I agree with just about all you said and I'm sure these are very fine people. My point which evidently I wasn't making very well is that this, the motion that was made and voted on by council and passed, in fact it was a unanimous vote was not properly followed in doing this.

D. Patteson: The motion was for you all to go out and to find somebody. Have you done anything in that regard to follow-up on the motion. I have a town office which is short a treasurer.

F. Westbrook: You don't have one, we all have one.

D. Patteson: But as head of human resources.

F. Westbrook: I have talked to you throughout the holidays a number of times. I have talked to the mayor a number of times. I have asked you all questions, you have put me off. I ask you the status of things, well we are waiting, we're waiting, we gotta talk, we gotta talk. Not one time did either one of you tell me a town council member just like each of you that any of this was being done. You couldn't give me answers to my questions.

D. Patteson: I think you should thank me quite frankly for doing the work.

F. Westbrook: Well excuse me.

D. Patteson: Because you haven't done the work that you were asked to do.

F. Westbrook: What about all the times I've asked you about this stuff.

D. Patteson: What stuff.

F. Westbrook: The conversations we've had about where we are on everything and my concern about this….

D. Patteson: I don't know what you're, be more specific because I don't know what you're talking about.

F. Westbrook: I don't know that we should go into this right now but I will with you later. But my point is, this does not conform to the motion that was made and voted on.

D. Patteson: Well.

F. Westbrook: That's my point. So as far as I'm concerned that motion was not followed and so this is invalid.

Group: Talkover.

A. Marchetti: It's important for the town to have a treasurer so we can pay bills.

F. Westbrook: That's not what…

A. Marchetti: This is embarrassing. Everyone get off their high horses. It's not about anybody here, it's about the town. The town needs a treasurer. We need to pay bills.

F. Westbrook: It is, but we made a motion and that is legally binding to us unless we want to undo the motion and do it again.

Mayor Bugg: Nothing is being voted on right now.

A. Marchetti: Nothing has been voted on. What's wrong with doing some research, what's wrong with….

F. Westbrook: I'm talking about a procedure.

A. Marchetti: ….either of these, the….

Mayor Bugg: There are three actually.

F. Westbrook: I want an outside source, I want an interim.

A. Marchetti: This sounds like a discussion for later, if there is outside, the answer to what the town needs is right here.

F. Westbrook: I agree, but the process that we voted on was not followed. Why did we go outside the motion that was voted on.

D. Patteson: The mayor who serves in the capacity of our leader asked me to as human resources…

F. Westbrook: Well then he was incorrect in doing that because that was not the motion that was voted on.

Mayor Bugg: So we are going to let the town not be able to pay its bills.

F. Westbrook: No we should not. We should.

Mayor Bugg: …this afternoon.

F. Westbrook: It should have never happened. It should have never happened period.

D. Patteson: Fran, as part of budget and finance you should have taken the initiative to go out and do what I had to do.

F. Westbrook: I touched base with you all all day long.

D. Patteson: I would have loved for you to have taken that role but.

W. Nunnally: Excuse me, I think it's enough of that. The problem is this, Fran can write a check and the mayor can sign it.

N. Keane: No, she cannot do that.

W. Nunnally: We've done it in the past.

D. Patteson: This is not the past Wayne, we're not going to do it the way we've done I the past. That's why we are here.

Mayor Bugg: It's for your protection.

F. Westbrook: I'm fine with that, my point…

W. Nunnally: So the bills don't get paid. We can't put these people on tonight.

A. Marchetti: We can vote on something tonight. Pick one. We can have somebody.

F. Westbrook: No, I'm going to read through this.

Mayor Bugg: That being the case, when do we want to reconvene to discuss this further.

A. Marchetti: The bills aren't getting paid.

W. Nunnally: We can adjourn anytime, we can come back tomorrow.

N. Keane: You have to give 3 days notice for the next meeting.

Mayor Bugg: Three days, we can....

F. Westbrook: No actually can we just continue this meeting and come back the next day. There's a way to do that.

A. Marchetti: The sooner the better for the town.

F. Westbrook: Yeah, I mean we could do that, we could come right back down here tomorrow. We don't adjourn.

W. Nunnally: You do, you call it adjourn.

F. Westbrook: No, if you are going to continue it to the next day.

W. Nunnally: You adjourn it to the next date.

AnnGardner Eubank: In White Stone we have done it before as town council we table it.

W. Nunnally: I think tabling and adjourning is probably....you know I didn't know this was on the agenda. Is this on the agenda.

F. Westbrook: It's on the mayor's report.

Mayor Bugg: He just got that this afternoon. That's why it is relatively soon, there is a pattern to meet after this meeting, so I'm presenting it as part of the mayor's report. I just got the packet when I walked in here so. I want you guys to have time to review it obviously because there are what 40 pages in there, a little bit less. I'm not asking you to take all of that in and make a decision. But the decision needs to be made as soon as possible.

W. Nunnally: Let me tell you something, if Fran, if the finance committee, I am embarrassed at this statement, that we have not paid our internet, that we have a telephone evidently that was cut off. This is serious stuff, I'm embarrassed and every one of y'all should be embarrassed. You don't cut a phone off without 60- or 90-days notice, a phone call. This is not something that just happened. We need to get it paid and there is no reason that the finance committee and the mayor can't write these people checks and get this stuff off our back and get on about what we need to do. I just, I just can't believe that it's illegal for the finance committee, she is a signatory on the check, you're a signatory on the check, we've done it in the past. In fact, as I understand it, Fran asked for checks so that she could pay the bills.

F. Westbrook: No, I was going to do two payroll checks for the employees.

W. Nunnally: And they wouldn't give you checks.

F. Westbrook: No, the mayor and I talked about it and we decided I would go down there and do that so that they could get paid, so the question is why were we so late in paying the bill that it was cut off. That's what I'd like to know.

S. Phillips: We pay the bill in advance.

F. Westbrook: Okay, so why did it get cut off when it did.

S. Phillips: It was cut off, I don't know. It's due on the first of the month.

F. Westbrook: So why didn't you pay it the first of the month.

S. Phillips: Who, I resigned the 17th.

F. Westbrook: You resigned as treasurer correct.

S. Phillips: Yes ma'am.

F. Westbrook: The deal is that is not just one position, it is a yolk position, as treasurer and clerk. You don't get to decide as an employee what part of your job you're going to do and what part you're going to resign.

Mayor Bugg: Fran, let's bring back to this.

F. Westbrook: I'm not through, just hold on. The reason it didn't get paid was because our employee was derelict in making sure that happened.

S. Phillips: Careful. She resigned.

Mayor Bugg: Being investigated.

F. Westbrook: She resigned....

S. Phillips: I'm not derelict.

F. Westbrook: I'm not through please, thank you.

S. Phillips: You don't get to say slanderous words on the record with a reporter sitting here.

F. Westbrook: I can say it louder if you want.

S. Phillips: Say it. Please say it. Please say it.

F. Westbrook: Look, you're not supposed to be saying anything at a town council meeting. You're not a town council person.

S. Phillips: I'm not.

F. Westbrook: You're not elected, so I respectfully ask.....

S. Phillips: I am a staff member and you are saying slanderous words to me.

D. Patteson: And you should show a staff member more respect and treat her....

F. Westbrook: It goes both ways.

D. Patteson: As we should treat each other.

F. Westbrook: It goes both way. Now, having said what I've said, this is not the place for that, there is a method for doing that. So, since that position was resigned and it was a yolk position, I make a motion we consider she resign from both positions.

Mayor Bugg: It's not on the agenda.

F. Westbrook: You opened the door with this discussion of all this.

D. Patteson: I object to that as chair of human resources because I've also had said in my last session with everyone was that if there was a human resources issue you don't take it to council in closed session. You don't take it anywhere but to the human resources committee. We will evaluate it which is the mayor and myself and we will make a recommendation to council based upon our findings and that's the proper way to do it. If you have an issue with one of our staff members, I'm all ears, you have not come to me at all, as you have said I have not come to you and I am more than happy along with the mayor to review and listen to everything that you have to say, but it is unfair to suggest what you have just suggested as a motion.

F. Westbrook: I don't see it as unfair. First of all I see it as part of my duty as an elected official. Secondly, you do not automatically as a council, as a committee assume that you just inherit something like oversight of an employee. These things have to be assigned to our committees as they come up and the committees are needed. I can't just do anything in budget and finance because I'm budget and finance. It comes to town council.

D. Patteson: I can't do, I can't do as you said in human resources, but.

F. Westbrook: It's the same for you.

D. Patteson: But when there is a human resources issue you should bring it to committee. When there is a budget and finance issue I should bring it to you. And that is what I plan to do and will do.

F. Westbrook: Alright there is a motion on the floor.

D. Patteson: I'm going to object.

F. Westbrook: I made the motion.

N. Keane: Could we have a 5 second break, I need to see you outside really quickly, please.

F. Westbrook: No I'm not leaving.

N. Keane: Please, Fran.

F. Westbrook: At this point I will do that.

Mayor Bugg: Thank you. Briefly in recess.

W. Nunnally: In recess, I want to say this, I think we should do away with all committees. There's only six of us. What do we need committees for.

Mayor Bugg: We are back on the record. Before we discuss these items, where I left things…

F. Westbrook: Excuse me, there is still a motion on the floor.

Mayor Bugg: Your motion.

F. Westbrook: Yes.

N. Keane: It's not on the agenda.

Mayor Bugg: It's not on the agenda.

F. Westbrook: It was an open door when you started.

A. Marchetti: This is ridiculous.

F. Westbrook: You opened the door when you started talking about bills that were unpaid.

A. Marchetti: …opened the door…

W. Nunnally: …bills unpaid.

D. Patteson: Human resources got the internet back up and the telephone back up. Not budget and finance.

A. Marchetti: Can we spend time on a solution.

Mayor Bugg: That's why I'm trying to do.

F. Westbrook: You can't ignore a motion that's on the floor. If it dies for lack of a second.

N. Keane: It's not on the agenda.

Mayor Bugg: It's not on the agenda.

N. Keane: There's no motion on the agenda.

F. Westbrook: And you know what on the mayor's report, we don't know what's on there either. He gets to do whatever he wants.

N. Keane: He is not asking you to vote on anything.

F. Westbrook: I understand.

D. Patteson: But you are.

F. Westbrook: I am because you started talking about the issue.

Mayor Bugg: I'm reporting to the council. I'd like to report to the council in terms of trying to resolve this and come up with some solution. I will mention I know tonight we are not going to solve these issues but we have a meeting next Thursday as well. Business is continued. The immediate thing we need to do tonight is come up with a plan for our next immediate meeting to, after you've taken a look at these documents come up with a plan for a treasurer, an interim

treasurer for the immediate future and my question is not, it's not going to be who are we going to decide on right now, it's when's that meeting going to be and how soon are we going to do it so that we can make that decision at that meeting in the future. I'm open to any suggestion in terms of that date.

A. Marchetti: Tuesday, before the planning commission or, 3 days not enough time to notice.

S. Phillips: No because that meeting, no.

N. Keane: Well, they've already discussed that they could adjourn this meeting to another day and they could do it tomorrow, they could do it Monday, they could do it Tuesday, they could do it Wednesday.

A. Marchetti: It's got to have.

N. Keane: Or you could have it on Thursday at your regular meeting.

F. Westbrook: Actually, if we were not adjourned, we would just do a, meeting, notice tomorrow, that's Friday, Monday, Tuesday, we could have it Wednesday but I want a closed session added onto that meeting.

S. Phillips: For HR.

F. Westbrook: And I'll deliver paperwork to you in the morning.

D. Patteson: If the closed session is on HR it should be coming through human resources.

F. Westbrook: I don't have to come to anyone to ask for a meeting.

W. Nunnally: Absolutely not, any council member can make a motion, any three people…

D. Patteson: Then you are, then my opinion is you are not following the proper procedure with regard to the topic that you are likely to bring up.

F. Westbrook: There is no proper procedure…

D. Patteson: You're putting us in harm's way…

F. Westbrook: I'm asking for a closed session.

D. Patteson: And I don't think that you should.

F. Westbrook: Any of us can ask for that closed session and it will happen. That's state law.

Mayor Bugg: I have some comments about the closed session, Fran. You are welcome to bring those documents to me first. My suggestion is very much that I would then, actually what I would do is bring Dudley up to speed as well and try and see if we can all discuss this towards what it may be that you are seeking and try and solve this issue if it needs to be a closed session.

A. Marchetti: The last closed session was called for personnel matters, the only, it had nothing to do with personnel matters. It was all financial.

F. Westbrook: It had to do with performance is what it had to do with.

Mayor Bugg: I believe you should reach out to Dudley first, but if you need to reach out to me first, that is fine, just know that I'm then to reach out to Dudley and I'll reach out to you too. We will all be on the same page.

F. Westbrook: I'll withdraw my motion and I'll see you in the morning, how's that.

Mayor Bugg: We can do that.

F. Westbrook: You've got time in the morning.

Mayor Bugg: Just text me in the morning, we'll go from there.

W. Nunnally: Mr. Mayor before we leave this subject I'd like to inquire about the law, if three council members or more ask for a closed session, don't we have to have one.

N. Keane: If you have three members of council who ask for a meeting you can call a meeting, yes.

W. Nunnally: Yeah.

N. Keane: You can call a meeting, you can't, this is a special called meeting tonight, you can't change the agenda unless you have a unanimous vote, okay. That is what the issue is tonight.

W. Nunnally: That was not my question.

N. Keane: Yes, if you want to call a meeting, you've done that before.

W. Nunnally: Alright, I just want to make sure we all understand.

Mayor Bugg: Alright.

N. Keane: With the closed session.

F. Westbrook: Well, we can call it for a closed session, we can call it, obviously we can start as a public meeting then we can go into closed session.

A. Marchetti: Considering the investigation, I'm not sure there's a whole lot to discuss.

Mayor Bugg: That's exactly where I'm heading.

A. Marchetti: We have been advised by legal counsel when taking this claim on to not discuss anything…

F. Westbrook: It doesn't..

A. Marchetti: And it's what you want to discuss.

D. Patteson: Yes it does.

A. Marchetti: You can, but been advised not to and, and I want to go on the record that we should not discuss things we shouldn't be discussing.

F. Westbrook: We're not going to discuss that stuff. But we can call a closed session.

A. Marchetti: You can, you can, absolutely.

W. Nunnally: May I make a point.

Mayor Bugg: Yes Wayne, that letter says we shouldn't be discussing this outside and probably it should not be discussed in public but it certainly doesn't mean us as a body are forbidden from discussing it and I encourage us to discuss it. I mean I think it is part of our responsibility to do that.

A. Marchetti: The investigation is out of our hands.

W. Nunnally: We're not talking about the investigation. That's nothing, I mean what we got to discuss is, the point I'm trying to make Anthony is that we are not put a gag on our mouth with each other. We can talk to each other.

A. Marchetti: Sure.

W. Nunnally: And I urge us to talk to each other.

Mayor Bugg: I have some final comments about closed session. This is not opening up any doors or I'm hoping this won't open up any doors for further comments. I have a sense where each one of you stand. Communication will continue that is my goal. For the record another closed session was requested for personnel matters by Fran Westbrook early this week. I did not place this topic on the agenda because an investigation is pending and it takes precedence. We have been advised by counsel of O'Hagan-Meyer that the investigation should be completed prior to any decision being made to hold a closed session for this purpose. Again, I am stating that for the record for all of us. Now back to where I was with the next meeting. When do we want to have that?

W. Nunnally: Lets schedule it for Thursday.

Mayor Bugg: You want to handle the treasurer issue on Thursday, that's what I'm talking about.

F. Westbrook: How long can we go without paying bills.

Mayor Bugg: Or the alternative was continuing this meeting until tomorrow sometime.

F. Westbrook: Do you know whether or not the church is even available to us.

W. Nunnally: I'll have to check, I know they use it Wednesday, I don't know about Tuesday.

Mayor Bugg: We can set everything for Thursday and take care of it all then.

W. Nunnally: I suggest we do that.

Mayor Bugg: Okay. Are you guys okay with that, take care of it all Thursday, review the packets between now and Thursday. Is that okay with you Anthony.

A. Marchetti: Yeah, the sooner, the better if there is a way to do it sooner.

Mayor Bugg: Right now it sounds like Thursday is the most viable option. Dudley.

D. Patteson: I will be available by phone.

Mayor Bugg: Huh.

D. Patteson: I'll be available by phone.

Mayor Bugg: Bonnie.

B. Schascheck: Okay that works with you.

F. Westbrook: We're talking about…

Mayor Bugg: Next Thursday, the 14th, and that works with you too Fran, Wayne, and the church's participation. Alright new business.

D. NEW BUSINESS

1. 1st Reading of Resolution 2020-15 TC_CUP Application 2020.CUP.8_Smith

Mayor Bugg: 1st reading of resolution 2020-15 TC_CUP Application 2020.CUP.8_Smith. Madam Clerk do you need to read that at this time.

S. Phillips: Resolution 2020-15 TC_CUP Application build pool outside of RVA R1 tax map 27222A is attached and incorporated within.

Mayor Bugg: Thank you. The next item will be the 1st reading of resolution 2020-19 TC_CUP application 2020.CUP.11_Tides Inn.

2. 1st Reading of Resolution 2020-19 TC_CUP Application 2020.CUP.11_Tides Inn

S. Phillips: Resolution 2020-19 TC_CUP application proposed boardwalk CANDOCK in B1 tax map 33236 is attached and incorporated within.

Mayor Bugg: Thank you.

E. ADJOURN

W. Nunnally: I move we adjourn.

Mayor Bugg: Well that was fast. Is there a second.
B. Schaschek: Second.

A. Marchetti: Second.

Mayor Bugg: All in favor. Meeting is adjourned.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor

TOWN OF IRVINGTON, VIRGINIA
JOINT PUBLIC HEARING
IRVINGTON BAPTIST CHURCH .
THURSDAY JANUARY 7, 2021 5:30 PM

NOTICE: the Irvington Town Council & Planning Commission will hold a Joint Public Hearing on Thursday January 7, 2021 at 5:30 PM; Irvington Baptist Church.

AGENDA

A. CALL TO ORDER – Mayor Bugg
Mayor Bugg: I have called this meeting to order. We will start with roll call and how about we start with the town council, then we will just move to the planning commission.

B. ROLL CALL – Mayor Bugg
Town Council
Frances Westbrook present
Jackie Brown present
Bonnie Schaschek present
Dudley Patteson present
Anthony Marchetti present
Wayne Nunnally (arrived 5:34 pm)

Planning Commission
Lee Capps, Planning Commission – present.
Steve Kimmeth, Planning Commission – present
Chris Braly, Planning Commission – present
Brian Forrester, Planning Commission – present
Tom Chapman, Planning Commission – present
Julie Harris, Planning Commission – present

Absent:	Phil Robinson
Administrative Staff Present:	Nancyellen Keane, Esq., Town Attorney Lara Brown, Zoning Administrator Sharon Phillips, Clerk, FOIA Officer
Guests:	See attached sign in sheet

Mayor Bugg: I will note for the record that I believe Mr. Nunnally will be present for the town council, however he has not yet arrived.

PUBLIC HEARING

1. **CUP Application 2020.CUP.8_Smith**
   The Town seeks public comment on a application for a conditional use permit for tax map 27 222A; 173 Virginia Road; swimming pool not in the RPA.

Mayor Bugg: The main item on the agenda for this public hearing would be the public hearing itself. Two matters to be discussed. The first would be CUP Application 2020.CUP.8_Smith. Would anyone like to speak to that CUP application from the public. With no one speaking....

T. Armstrong: Which one is that, I'm sorry.

L. Brown: Smith is a pool not in the RPA it is not the Tides Inn.

Tom Armstrong: I don't recognize them by number.

Lara: It's Allen Smith CUP on Virginia Road for the pool is what it is.

Mayor Bugg: Anyone from the public? Good, no one from the public is going to speak, I'll turn it over to the planning commission or the council. Lara, do you have anything you'd like to add?

Lara: I'll make my comments regarding individual applications during planning commission meeting.

Mayor Bugg: Okay. Excellent then, for the record since I had mentioned Mr. Nunnally here a few minutes, I'll note for the record that Mr. Nunnally is here for the town council.

Wayne Nunnally: Thank you.

Mayor Bugg: Thank you. If there is nothing further to mention from the public concerning CUP Application 2020.CUP.8_Smith we will then move onto the next item on the agenda which is CUP Application 2020.CUP.11_Tides Inn and Exception. Would anyone from the public like to speak concerning that CUP application.

2. **CUP Application 2020.CUP.11_Tides Inn And Exception**
   The Town seeks public comment on application for a conditional use permit and exemption for tax map 33-236; B-1; 480 King Carter Drive; proposed boardwalk, new proposed docks/piers; and CANDOCK; passive recreation trails.

Holmes Ginn: Yeah I would.

Mayor Bugg: Sir could you come up here and just state your name and address.

Holmes Ginn: I'm adjacent property owner 142 Lancaster Road, would you like me to sit or talk or what.

Mayor Bugg: However, you're comfortable.

Holmes Ginn: Yeah, I mean I want to see Wayne's, I've talked to Wayne Savage a bit about it, but I mean my concern is that the boardwalk area is going to come right around the bluff which is right next to my property. It's actually going to be within, I don't know 25' of our property line and I'm concerned that you know having a public, you know, sidewalk if you will right outside my backyard is concerning. You know, also the bluff what it will be used for. I have questions about that. It would be bands, weddings, I mean again, I would invite anyone from the planning commission or the town council to come to my property and take a look. I mean, it is within like 100' of our backyard. The proposed dock I think is 84' from our dock. You know that's public, having a public or commercial dock right by the private dock, so those are my concerns. I mean I've talked to Lara, I've been and seen the diagrams. I haven't seen the presentation yet from Wayne, but, those are my concerns.

F. Westbrook: Can you tell us your last name again, I apologize.

Holmes Ginn: Ginn, G-I-N-N.

F. Westbrook: Oh, okay.

Holmes Ginn: I just moved right there at the end of Lancaster Road. We just moved in in October but we bought this piece or property about 8 years ago.

Mayor Bugg: That's the new house that was built. Okay. You're welcome.

Holmes Ginn: We came from Richmond, we're glad to get out. I know, nice to see you.

Mayor Bugg: Would anyone else from the public like to speak. Yes sir.

Tom Armstrong: I'm Tom Armstrong, 82 Binnacle Lane, if you throw a stone real hard and I can bounce it off the top of the Tides Inn. I had a list of questions and rather than elaborate in great length, I'll just list the items. This is in reference to page 3 or 4, Kayak/paddle board/swimming access is the title. What navigation restrictions will be imposed on Carter's Creek. How will they impact the nearby dock owners? How far offshore can the swimmers go from the Inn. What buoys and markers will be installed? How far out will the platforms extend? What anchoring restrictions may be imposed and power boat access to the shore and platforms? If we could address those issues one by one I would appreciate it. Thank you.

Mayor Bugg: Thank you. Whose is next from the public? Anyone else?

Wayne Savage: I'll say real quick, I want to kind of address the planning commission, after Lara speaks maybe. I think ya'll know me now. I'm Wayne Savage of Bay Design Group, I'm one of the designers for the project along with Water Street. Our owner representative here Brian Muzyinski is here for questions as well. I'd be happy to address, I talked to Mr. Ginn, I actually worked for Mr. Ginn on his project at that house. I've talked to him a little bit. I can certainly maybe address his concerns, maybe personally. It kinda depends on what you guys prefer. I don't have all of his answers right here, right now, I need to do some work back at the office to figure some of them out. The other gentleman that just spoke, some of those I think are VMRC, maybe navigational issues. I don't know how we address any of those. A lot of them we can answer the question about how the dock extends. Again, I don't have it off the top of my head, but we can certainly get that information over to Lara and she can maybe share it with all of you members here. I will inform you guys, I think Lara is going to expand on this a little bit more, but I will let you guys know that VMRC and the Corps of Engineers, I think as you know first and foremost, local wetlands board has approved the project and permitted it at that level for the JPA. VMRC, we actually got some comments from them very recently, right after the holiday and as of this afternoon at about 4:30/5:00 we got some information from Tony Watkins who is their chief executive director who issues the permit. He actually gave us good news that they have no objections to the permit other than shifting a section, a very small section of the boardwalk right behind Fish Hawk, I'm going to walk over here and show you guys. Fish Hawk is right here. It's the restaurant right here where the pool is, there is a little section of boardwalk, let's see if I have an overall that I can show you, so this section right here is just on, just into VMRCs jurisdiction, just below mean water. We are just basically going to take that and just shift it in, it's a few feet. That's pretty much the only change right now that we're seeing coming to us. Again, it is very minor, shouldn't affect. Doesn't affect the overall linear foot, the overall design and concept of what you guys are going to eventually be voting on and hopefully approving in our favor. Other than that again, VMRC is happy with the application. We do have a few minor outstanding comments from the Corps of engineers that again we just received this morning. We do plan on addressing those. We don't anticipate any ill effects from what they are asking for. So again, we are looking to see approvals from, and permits from both of those agencies shortly. Hopefully within the next week or less. Other than that, I will leave it to Lara to address further stuff and then we'll be here, we are here all night as long as you guys are here to answer questions, concerns, anything you may have, we'll be here to answer those. I think that's all I have for now. Thanks guys.
Mayor Bugg: Thank you. Yes sir.

Brian Muzynski: Hey guys, my name is Brian Muzynski as Wayne mentioned. I represent the Tides Inn. I represent the Vice President of Development. Again, I'll just speak for a few minutes, I know Lara is going to be, but just

wanted to address a couple of things. First of all, certainly welcome any Tides historians, but it is my understanding that this January is the first time the Tides has been open since it was opened 73 years ago and so with this project we do have an intentional desire to continue to bring more guests to the region and in fact one of the things we want to do, and I think a lot of you guys have seen the renovations we did last year, is make more, make the Tides one of the best hotels in the US and so we see the shoreline project as really integral to that. As we mentioned we did get some comments, I know, you Nancyellen had some questions about the VMRC. They did reach out to us yesterday and we just heard back from Tony Watkins. They had some issues, but in talking through them, they have kind of resolved them and they are supporting the, we're calling it now a wharf instead of a boardwalk because it is all water dependent. I got some good news from them today and I know that the planning department kind of wanted to get some feedback about those conversations went and this just wrapped up about an hour ago. Any kind of technical questions, lengths, distances as we mentioned, we will be glade to answer it. Appreciate everyone's support and again are here for any kind of questions. Thanks.

Mayor Bugg: Thank you.

Lara Brown: Brian, can, may ask some questions to because I don't have the answers to some of these and I know that we will be asking you to address them. Maybe you can address them here instead of maybe having to come back to our next meeting. Can you give us an idea, or give the public and commission members and town council members an idea and some of the activities that may be happening on the bluff here next to Mr. Ginn's property. Are there going to be, they attained an excellent job with the supplemental materials and identifying what programming activities on this one here that I just handed out. She did an excellent job in outlining the program and activities and giving descriptions of what would be happening down on the cove on the boardwalk. But for Mr. Ginns you know and anyone else who is interested, let us know what kind of programming activities will be here, you know we noticed that there is some steps that I will go into detail later in my report tonight, but there were some steps coming down here into the bluff. Is that going to be used for weddings, concerts, amphitheater or not going to be above or if you guardrailed it.

Brian Muzynksi: Sure, so as you can see the wharf goes around through Fish Hawk what we are calling cove area and over to the bluff. The bluff area was actually one of the reasons why we kind of started this project because the trees are all falling down and it turns out there is a 200 year old, old grove forest up there and with that part of the site really being forgotten for since its inception. You get people coming over there and there is people who do bonfires and stuff. We really want to make this a more integral part of the Tides Inn and so in between Fish Hawk and the bluff is the cove area. That's where some of the oyster grilling and stand-up paddling board programming. We just hired a gentleman, his name is Will Smily, he worked for Christ Church for about 15 years. His first day at the Tides Inn is Monday, and we hired him to be essentially what we are calling a river ecologist and so he is going to be leading outreach and education programs. I think as I mentioned last month, this is a trend we are seeing at a lot of the hotels in the US is people want to come and they want to experience more than just sitting on a beach, they want to experience sort of an education and engagement and learn about the place. So, the idea is that from this section of the property we will be engaging in education about oysters, about ecology, about agriculture, specific to the Rappahannock and specific to Carter's Creek as it relates Lara to your specific question and sir to your question as it comes around on the bluff, it is kinda of just a walking path, so the top section there we potentially see as a future I guess a very quiet part of the site which might be a future spa, so one of the core competencies that our company has is that we run the Alamo which is a destination spa in Sedona, Arizona and we are looking for a site on the property to have again sort of a secluded quiet spot and it won't be you know on top of the bluff because that is in the RPA but behind that we see is probably a future building site for the spa, so nothing too loud going on out there. Just the opposite. And the reason, and I might have mentioned this the last meeting, the reason for the spa, which we see as a destination spa is to again bring more people to the region, during these months. This year we will be closing

January 31st, we will be closing February to the middle of March. Our goal is 365 days a year, year round resort, so this sort of unlocks this really underutilized section of the site that again has been kind of a place where you see bonfires and trash and stuff, so we hope to really beautify this and draw up a very kind of close connection to the water.

L. Brown: Thank you.

Mayor Bugg: Thank you. Anyone else from the public. Council, planning commission.

B. Forrester: Was there any public comment mailed into the town.

Mayor Bugg: Sharon, do you know if there was any town comment emailed.

Sharon Phillips: No, not emailed.

Mayor Bugg: Do we have a letter.

S. Phillips: Yes, the only, you heard from Mr. Ginn and I did not catch the gentleman's name, I did receive your letter yesterday, is it John Cooper Smith, the gentleman in the blue, yes sir.

Tom Armstrong: Tom Armstrong, you probably won't see a letter there.

L. Brown: This has been on the, did you say you wanted to....

Tom Armstrong: Yes ma'am.

Sharon Phillips: Okay, so maybe it is a neighbor. These same exact questions that you posed tonight.

Tom Armstrong: Cooper Smith would be the name on there.

L. Brown: Okay, it could be the handwriting. Thank you.

Tom Armstrong: I can't either.

L. Brown: His questions and this will be, I'll speak on this later but same questions that you have.

Tom Armstrong: ...submission totally.

L. Brown: That's it, everything else no objection.

Mayor Bugg: Anything further council or commission.

J. Harris: I'd just like to ask, is that boardwalk right down to the water's edge or is it back a ways.

Wayne Savage: In most cases it is out in the water actually. Not like it's, it's not 100 feet, it's not in the middle of the creek. It's kind of you know along the shoreline, but it's in the water except for around the bluff. Around the bluff where it creates a living shoreline and on that living shoreline piece the boardwalk, the wharf is actually what

our terminology is now, anyway at that point around the bluff it will be tucked in right at the base at that bluff, the newly created slope.

Holmes Ginn: I have one last comment. Just to confirm, so there will be no night activities on the bluff.

Wayne Savage: No, just people walking after dinner, it is certainly again, what's nice is the Fish Hawk is open to the public, our restaurant is open to the public, so we hope people will come, park at the dock and every time I come inside the first thing, I do is sort of walk as much of the dock as I can it is just the way to get people to kind of experience being close to the water. But it will be extremely low-level lighting and it is not going to be noisy or programming-based activities at that by yours house.

Holmes Ginn: Okay, thank you.

Wayne Savage: You bet.

Mayor Bugg: Anything else.

T. Chapman: Tripp.

Mayor Bugg: Yes.

T. Chapman: I have one question. Mr. Ginn, given what you've heard, do you feel more comfortable with the project.

Holmes Ginn: I would ask you to come look at my piece of property and see what you think, um you know honestly yeah, no night activities, I mean I might be obviously, sure if people are just going to be walking around that's fine. We've had issues in the past where kids I think mostly are out there drinking and partying and you know so be it, so we kind of wonder about drawing you know, a boardwalk wharf will draw more people to that area, um, but, yeah somewhat, I mean Wayne has been very forthcoming, I've talked to him several times and Brian and meeting him, sure. I mean Tides Inn has been a good neighbor, we've been a good neighbor to them, so you know. All I can do is come express my feelings and get to know everybody and talk it out.

Mayor Bugg: Thank you. Okay if there is nothing further that will conclude the joint public hearing and I will now turn it over to.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III

Albert D. Bugg, III Mayor