



**TOWN OF IRVINGTON, VIRGINIA  
TOWN COUNCIL REGULAR MONTHLY MEETING  
IRVINGTON BAPTIST CHURCH  
THURSDAY AUGUST 12, 2021; 6:30 PM**

**AGENDA**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVE AGENDA**

**D. APPROVAL OF MINUTES**

- Minutes of Special Called Meeting 07.15.2021
- Minutes of Special Called Meeting 07.29.2021

**E. FINANCIAL REPORT**

- Treasurer's Report
- Appropriations

**F. TRI-WAY TRAILS, presentation, *Jimmy Carter***

**G. DAVENPORT, presentation, *Ted Cole***

**H. PUBLIC HEARING**

- Ordinance 2021-08, "Adopt Short-Term Rental Registry"
- Ordinance 2021-07 "Repeal Reenact Town Code §34.02"

**I. PUBLIC COMMENT**

**J. REPORT FROM THE TOWN ATTORNEY, *Nancyellen Keane***

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

- Public Comments

**L. COMMITTEE REPORTS**

- Budget & Finance Report, *Anthony Marchetti*
- H. R. Committee, *Dudley Patteson*  
Town Attorney vacancy
- Planning Commission update. *C. Braly, liaison*
- Select Committee to Implement Investigation Recommendations, *C. Braly*



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**M. 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*

**N. NEW BUSINESS**

- Adopt CUP Rezoning Schedule
- Motion to authorize C. Braly, at the request of the Mayor, to assist staff as Council point person with AARPA funds.
- 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.
- Motion to accept Davenport Proposal, *Anthony Marchetti*
- Resolution 2021-10 Amended and Restated Banking Resolution

**O. ROUNDTABLE**

**P. ANNOUNCEMENTS**

- Next meeting – September 9, 2021
- VIA Concert on The Commons – September 2, 2021

**Q. CLOSED SESSION**

- Legal advice concerning Fisher-Pit under Virginia Code §2.2-3711 A 8

**R. RETURN TO OPEN SESSION**

- Action TBD

**S. ADJOURN**



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**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.



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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?



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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.



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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...



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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.



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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





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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.



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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.



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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 be 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.



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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?



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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.



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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.



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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**



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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





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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.



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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 2<sup>nd</sup>, 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



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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.



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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.



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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.



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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.



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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.



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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





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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.



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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



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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.



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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...



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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?



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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.



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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



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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: Excuse 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.





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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.



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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 Pateson: 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 Pateson: 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.



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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 typo.

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.



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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.



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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 pursuing 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.



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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....



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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



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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.





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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....



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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.