

**TOWN OF IRVINGTON, VIRGINIA**

**TOWN COUNCIL REGULAR CALLED MEETING**

**IRVINGTON BAPTIST CHURCH**

**THURSDAY, December 9, 2021, 6:30 p.m.**

**AGENDA**

1. **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.

1. **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).

1. **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.

Female: Can I ask a question?

Frances Westbrook: Yes ma’am.

Female: What is the Public Hearing about?

Frances Westbrook: Pardon?

Female: 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.

1. **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.**

1. **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.**

1. **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.

1. **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….

Female: 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.

1. **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

1. **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.

1. **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.

1. **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 Cooper, 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 Cooper 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 Cooper 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 Cooper to the Board of Zoning Appeals – Vote 5-0 – Motion carries.**

Frances Westbrook: I don’t think Mr. Cooper 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.

Male: [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 Baer.

Baer: I just wanted to roll out an idea.

Frances Westbrook: Okay.

Baer: 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 rereviewing 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.

1. **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.**

1. **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.

1. **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.