

**TOWN OF IRVINGTON, VIRGINIA**

**TOWN COUNCIL REGULAR MONTHLY MEETING**

**IRVINGTON BAPTIST CHURCH**

**THURSDAY, SEPTEMBER 9, 2021; 6:30 PM**

**AGENDA**

1. **CALL TO ORDER** – ***Frances Westbrook***

Frances Westbrook: This is the Irvington Town Council’s regular monthly meeting held at Irvington Baptist Church. Today is Thursday, September 9, at 6:30. Before we go into items on the agenda, I would like for us to just have a moment of silence, for two reasons, one, remembering the 13 military men and women that were killed in Kabul and also tomorrow the upcoming 20th anniversary of 09/11/202. Thank you. Alright, we’ll start with roll call vote please. Mr. Patterson.

1. **ROLL CALL**

Dudley Patteson, present.

Chris Braly, present.

Anthony Marchetti, present.

Frances Westbrook, present.

Jackie Brown, present.

Bonnie Schaschek, present.

Wayne Nunnally, present via phone.

**Staff In Attendance**

Justin Nelson, Zoning Administrator.

Laurel Taylor, Town Clerk & FOIA Officer

1. **APPROVE AGENDA – *Frances Westbrook***

Frances Westbrook: Alright, do I have a motion to approve the agenda as presented?

Dudley Patteson: So moved.

Frances Westbrook: Second?

Bonnie Schaschek: Did you want us to say that we didn’t have a report?

Frances Westbrook: When we get to that.

Bonnie Schaschek: Oh okay, thought it was before approval.

Frances Westbrook: No. Alright so we have a motion and second is there any discussion? All in favor?

Group: Aye.

**Vote**

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Wayne Nunnally, aye.

Frances Westbrook: All opposed? Alright, the agenda is approved.

**Motion To Approve The Agenda (*Dudley Patteson)* – Motion passes 6-0.**

1. **APPROVAL OF MINUTES – *Frances Westbrook*** 
   1. **07.15.2021 & 07.29.2021 Minutes (tabled at the last meeting)**
   2. **08.12.2021 Minutes**

Frances Westbrook: The July 15 and July 29 minutes we received at the August Town Council Meeting but they were tabled and so we will be addressing those tonight in addition to the August 12th, our last. Any comments.

Chris Braly: So moved.

Frances Westbrook: Second?

Dudley Patteson: Second.

Frances Westbrook: Any questions or discussion? Before we take a vote, was it helpful to get those minutes this last set a couple of weeks ahead of time?

Chris Braly: Yes.

Bonnie Schaschek: Uh huh.

Frances Westbrook: And that gives you enough time to talk to the office if there is any issues. Perfect.

Dudley Patteson: Thank you.

Frances Westbrook: Perfect. Alright, we have a motion and second, all in favor?

Group: Aye.

**Vote**

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed?

Wayne Nunnally, aye.

Frances Westbrook: Sorry Wayne, all opposed?

Wayne Nunnally: I voted….

Frances Westbrook: Yes sir.

**Motion To Approve 07.15.2021, 07.29.2021 and 08.12.2021 minutes (*Chris Braly*) – Motion Passes 6-0.**

1. **FINANCIAL REPORT – *Frances Westbrook.*** 
   1. **Treasurer’s Report**
   2. **Appropriations**

Frances Westbrook: Alright, now we move to the financial report. The Treasurer’s Report August 2021, any comments? May I have a motion?

Bonnie Schaschek: To do what?

Frances Westbrook: Well, if there no comments we will move to, oh I’m sorry, you’re right, we don’t approve, we file these, that’s correct, thank you Bonnie. Getting ahead of myself here. Alrighty, now we move on to appropriations. We have one appropriation for tonight which is Irvington Mayor’s Golf Tournament. Oh, excuse me, also Virginia River Round, I beg your pardon. These were in our budget. They were passed and they are making request for the funds at this time.

Chris Braly: The golf tournament?

Frances Westbrook: Yes.

Chris Braly: What is the golf tournament?

Frances Westbrook: It was started by Gordon Slack probably about 10 or 11 years ago. It’s been in the last 3 years that it has been called the Irvington Mayor’s Cup, it allows Irvington residents to have a day of golf without any fees so, they do ante-up $20 a person which is a case prize that they give at the end of the tournament. There is also the trophy which is quite nice. They do it annually.

Chris Braly: What is it, just like a sponsorship?

Frances Westbrook: Yeah.

Chris Braly: How do we sign up?

Frances Westbrook: Actually, the zoning administrator is the contact point at the town office.

Justin Nelson: As soon as I get a firm date from….

Frances Westbrook: From Bill, uh huh, they are looking at maybe the first part of November….

Justin Nelson: Yes, that has been mentioned.

Frances Westbrook: …but no definite date right? Yeah, and we encourage everybody to field a team, that would be great. Alright, do I have any….

Bonnie Schaschek: It’s open to all residents?

Anthony Marchetti: Yes, if you are an Irvington resident, you can sign up, right, at no charge?

Frances Westbrook: Well, you don’t, I mean as long as each team has at least one Irvington resident on it, I would say.

Bonnie Schaschek: Yeah, if you have guests they can….

Frances Westbrook: Yeah, so, I mean you’ve got a 4-person team, one has to be, or whatever you want to do, yep, as long as one of them is a town resident. Alright, do I have a motion on the appropriations?

Anthony Marchetti: Are we doing them together?

Frances Westbrook: I thought so, I thought we could. Golf tournament and the Virginia Round.

Dudley Patteson: So moved.

Anthony Marchetti: Second.

Frances Westbrook: All in favor?

Group: Aye.

**Vote**

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Wayne Nunnally, aye.

Frances Westbrook: All opposed? Wow, we’re going right along through here.

**Motion To Appropriate – Irvington Mayor’s Golf Tournament & River Round – (*Dudley Patteson) –* Motion Passes 6-0.**

1. **PUBLIC COMMENT – *Frances Westbrook***

Frances Westbrook: Alright, public comment. There is a sign-up sheet up here, you all know the routine on that, most of you do. When you stand up to comment, if you would, give us your name, and local address, and if you would please speak to the items on the agenda. Any comments? I’m getting suspicious. Okay, thank you very much. Next is report from the Mayor.

1. **MAYOR’S REPORT – *Frances Westbrook***

Frances Westbrook: I wanted to let you know I have gotten several phone calls asking about how the special election ballot is going to be done for those of us in Irvington voting for Mayor and Town Council Member, so I talked with the Registrar’s Office and it will indeed be one ballot, but Irvington residents will get a ballot with your general election on there as well as the special election and those other people in District 5 will get just the general election information. When you come in they’ll be checking of course the voter registration books that they have and it is clearly marked in the book who gets a ballot that includes our election that is going to take place, so it looks like everything is all under control. Just so you know, you can spread the word, anyone that asks you, that is what I was told, okay. We also have, our Town Council Members our background check has been started, so that’s underway and, the other thing Town Council Members, you know the week prior to our Town Council meetings is when it’s so crazy for Laurel, so, y’all can get your things in that first week before Wednesday, it is a pretty hard push on Thursday’s and Friday’s to get all this stuff out to you all so that you can have them for the weekend so, if y’all could do that we’d be much appreciative. Alright, moving along we have report from legal. Nancyellen.

1. **REPORT FROM ATTORNEY – *Nancyellen Keane***

Nancyellen Keane: Yes, I have an activity report for the last month, since this last meeting. This pertains to Fisher’s Pit. I have had two conversations with the County Attorney, I provided…

Wayne Nunnally: Fran, I cannot hear.

Frances Westbrook: I’m sorry, hold on Wayne. I’ll bring the phone to you. Hold on Wayne we are renegotiating here.

Nancyellen Keane: Since the last meeting, I have done the following: There have been two conversations with the County Attorney, I have provided additional documents to the Attorney General’s Office, I have requested additional documents from the County, and I have completed scanning and labeling documents that we received from a third party. I sent out two pieces of correspondence to the Attorney General’s Office and those pieces of correspondence advised the Attorney General’s Office of the votes taken by Council in July and August declaring Fisher’s Pit a property and nuisance and prohibiting further burning on the property. They both provided a background and chronology regarding the property, and they sought answers to a number of legal questions that I asked them and I am waiting for their answers. I currently have scheduled a conference call with the Attorney General’s Office for next week, okay. So, I anticipate that next month there may be more information and potentially information for a closed session, but I don’t know that yet.

Frances Westbrook: Okay, good, thank you very much. Next we have committee reports, budget and finance.

Bonnie Schaschek: Zoning administrator.

Frances Westbrook: Oh, I’m so sorry.

Justin Nelson: My first one.

Frances Westbrook: I know, your time to shine.

1. **REPORT FROM THE ZONING ADMINISTRATOR – *Justin Nelson***

Justin Nelson: We have a couple of permits, new houses, one for a dock wherein a property line adjustment and focusing on the Pollard Project which is on tonight’s agenda.

Frances Westbrook: Alright, so a little bit more from you when we get to that. Thank you.

Chris Braly: Did you ever find out if Lara spoke to the property owner adjacent to the North Commons?

Justin Nelson: I left him a message today.

Chris Braly: But Lara didn’t speak with him I’m assuming.

Frances Westbrook: I don’t think she did.

Justin Nelson: No.

Chris Braly: Okay, I’m assuming Bay Design is still at a standstill until we finish that action item.

Frances Westbrook: They did offer if say you wanted to have someone walk that property over, they did offer to go over there with zoning.

Chris Braly: Okay.

Frances Westbrook: So, I guess once we hear from them, we’ll know what the next step is.

Justin Nelson: I have not received, my personal cell phone.

Frances Westbrook: They live out of town don’t they?

Justin Nelson: I’m not too sure, I think they are in Noonan’s.

Frances Westbrook: Oh okay.

Anthony Marchetti: I think they have a local home in Noonan’s but I think they live in town.

Frances Westbrook: Okay. Alrighty, any other questions of Justin? Now, we can go to committee reports, Budget & Finance.

1. **COMMITTEE REPORTS** 
   1. **Budget & Finance Report – *Anthony Marchetti***

Anthony Marchetti: We have a proposed schedule for the amended budget. The goal will be to get it approved by the, amended and approved officially by the end of the year. There will be a Public Hearing sometime in October and at that meeting certainly encourage public to come and participate and be involved and give feedback, so, that’s the only thing new from Budget & Finance unless Chris has anything.

Frances Westbrook: Okay, thank you Anthony. HR.

Anthony Marchetti: One thing….

Frances Westbrook: Oh, I’m sorry…

Chris Braly: Budget & Finance will be also reviewing the CARES Act expenditures and hopefully we’ll have something to present at next month’s meeting.

Wayne Nunnally: I didn’t hear what he just said.

Chris Braly: Sorry Wayne, Budget & Finance will also be reviewing the CARES Act expenditures and presenting hopefully to the Council next month which items need to be reclassified that were spent prior to receiving the funding.

Wayne Nunnally: Thank you.

Frances Westbrook: Thank you gentlemen. Facilities, Streets & Sidewalks, Wayne’s not here, did you want to say anything.

* 1. **Facilities, Streets & Sidewalks – *Wayne Nunnally***

Wayne Nunnally: I would like to move that be tabled until next month.

Bonnie Schaschek: You forgot HR.

Wayne Nunnally: Madam Mayor.

Frances Westbrook: Go ahead.

Wayne Nunnally: I would to take that committee report to next month please.

Frances Westbrook: Okay, he is requesting that we do that report next month. Is that good with you? Thank you Wayne. Apologies, HR.

Anthony Marchetti: That one, should we address that, you want to do it in business?

Frances Westbrook: I think we’ll talk to him about that personally and let him talk, look into it, you think that’s alright?

Anthony Marchetti: Sure.

Frances Westbrook: Once again, sorry.

Dudley Patteson: Quite alright.

* 1. **HR Report – *Dudley Patteson***

Dudley Patteson: Quite alright. As Town Council remembers we had a special called meeting to discuss what we wanted to see in our Town Attorney and we had a meeting and we have had a number of topics come up and I tried with the handout this evening to incorporate everything that we talked about. However, if I have overlooked something or misstated something, please address it with me and we will make the change, but let me read it so that the folks who are here can also understand what we are looking for. We are looking for a person or a law firm in this position to follow the Town Code, train Council and participate as follows: I have broken it down into four sections. There are copies of it over here for you if you would like. The first one involves the Town Code and then there is a training role, there’s a counseling role, and a participatory role. The Town Code is pretty clear, there are copies of it over there as to what the Town Attorney’s duties are. What I should say is I did delete or leave out something that was in the Town Code for good reason of course, which was the saying “upon request to Mayor represent the Town on violations of Town Code or other Town Ordinances”. The reason why that was not put into this position description was that when the Town Code was written, the Town itself, the Mayor was a judge and the Town Attorney actually took all the cases and represented the Town in those situations and yet that is not the case now because the County courts hear all violations of our Code and therefore there is no reason to have that in there, and so I think when we do look at the Code this is one of the things that needs to be addressed. So, Town Attorney following the Code must be a licensed Virginia attorney, he or she is a legal advisor, attorney and counsel for the Town, all officers and matters relating to their office duties. For the Town, conduct cases in court, that doesn’t mean that the attorney is the attorney to represent the Town in the court, the attorney, the Town has the option to represent them at the court, but there may be other attorneys and outside counsel that we seek for a particular reason. The description continues and it says the Town Attorney will prepare and pass upon all contracts, bonds and written instruments of the Town, and certifying before execution the legality and correctness of all the documents that the Town executes. Also, other powers and duties as may be provided for by our ordinances, charter and laws of the state. That’s given in the Town Code with the exception of what I just referenced, everything should still apply today. The training role. It’s very clear that everything we do involves some type of legal interaction and process and therefore in the training role it seems appropriate that the orientation of the Town Officers and training of the Town Officers and Council be incorporated in the Town Attorney’s privy. The Town Attorney in training will conduct workshops, FOIA training and orientation and training for members of the Planning Commission. The attorney also has a counseling role which is advising the Town Council on legal issues or components touching all subjects when running a government. Advice should address proper protocol, procedures, postings, public policies, governances, etc. In a participatory role, the Town Attorney should attend public meetings to protect Town Officers and Town Council from violating legal process that could occur since no officer or council member are municipal experts and that is the posting that I would like to submit for the Town to post as we go out and seek a Town Attorney. Any questions?

Wayne Nunnally: Dudley, I did not understand that last three or four statements you made, could you repeat them.

Dudley Patteson: I can’t hear you too.

Frances Westbrook: He wants you to repeat, I think, the counseling role and the participatory role.

Dudley Patteson: Counseling role, can you hear me now?

Wayne Nunnally: Yes sir.

Dudley Patteson: I can hear you better too. Counseling role, advising Town Officers and Council on legal issues or components touching all subjects when running a government. Advice should address proper protocol, procedures, postings, public policy governance. Under the participatory role, should attend public meetings to protect Town Officers, and Town Council from violating legal process that could occur since no Officer or Council Member are municipal experts.

Wayne Nunnally: Thank you sir.

Dudley Patteson: You are quite welcome.

Bonnie Schaschek: …a municipal attorney?

Frances Westbrook: Uh huh.

Bonnie Schaschek: It doesn’t say that.

Dudley Patteson: Do we have a consensus that this is what we should use to seek our Town Attorney, which we need?

Frances Westbrook: Well, if we can have a motion and second then we can go into discussion.

Dudley Patteson: Okay.

Frances Westbrook: Do I hear a motion?

Anthony Marchetti: So moved.

Frances Westbrook: Is there a second?

Bonnie Schaschek: Second.

Frances Westbrook: Alright, now we can go into, you are supposed to have a motion and second before you go into discuss.

Wayne Nunnally: What was the motion?

Frances Westbrook: Do you have a comment Wayne?

Wayne Nunnally: I said what was the motion?

Frances Westbrook: To accept this document as our guidance for what we are looking for in an attorney.

Wayne Nunnally: Oh, okay, job description, okay.

Frances Westbrook: Yeah, more or less.

Anthony Marchetti: Should we specific municipal experience.

Bonnie Schaschek: I think it has to say municipal lawyer.

Anthony Marchetti: Yeah, okay.

Jackie Brown: Yeah, I think so too.

Anthony Marchetti: It would be pretty simple to add that.

Frances Westbrook: So where it says licensed Virginia attorney with municipal experience perhaps.

Dudley Patteson: We can do that.

Frances Westbrook: Yeah, okay.

Dudley Patteson: We are looking to this person to be our municipal expert.

Frances Westbrook: Yeah so we want, yeah. Alrighty, any other comments, discussion? Alright, we have a motion and a second.

Anthony Marchetti: Do we need to review it to….

Chris Braly: Let’s amend the motion to include this addition.

Frances Westbrook: Alright, I thought I had done that when I said we would add that to it, yeah if you want to read the whole thing if you would please.

Chris Braly: I just want to make sure we amend the motion to approve this description as written with the addition of the attorney having municipal experience.

Frances Westbrook: Alright, all in favor?

Group: Aye.

**Vote**

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Wayne Nunnally, aye.

Frances Westbrook: All opposed? Alright that carries. Thank you Dudley.

**Motion (Anthony Marchetti) To Approve the Town Attorney Job Description To Be Used In Seeking A New Town Attorney with the amended wording to include municipal experience – Motion Passes 6-0.**

Dudley Patterson: You are quite welcome.

Frances Westbrook: Now this other thing that you have here, this is just strictly policy that you are looking at for background checks, do you want that discussed here?

Dudley Patteson: I think we can discuss it here.

Frances Westbrook: Okay.

Dudley Patteson: There is a policy, well the Town asked that Nancyellen with respect to Risk Aware, our soon to be new relationship, I assume we signed a new document with them?

Frances Westbrook: Yes, and I just got Laurel signed and off so…

Dudley Patteson: Okay, we’ll go through this. This is a, Risk Aware was asking the Town to have in place a policy and procedure of which, for background checks because there are all sorts of issues that could come up and we need to be on the same page with them.

Frances Westbrook: Okay, excuse me for a minute, Nancyellen, do we need to send this to Risk Aware?

Nancyellen Keane: No, they just said you are representing in the contract, when you sign, I believe you signed a contract?

Frances Westbrook: Yes.

Nancyellen Keane: In that contract you are representing that you have a policy.

Frances Westbrook: Oh okay.

Nancyellen Keane: So you all authorized me at the August 12th meeting [background talking, inaudible], they agreed with it and they wanted to adopt it.

Frances Westbrook: Uh huh.

Nancyellen Keane: So, it wouldn’t have to come back to Council really.

Frances Westbrook: Okay.

Dudley Patteson: So, this is the policy and procedures and it basically talks about what each candidate and what we as a Town should do if we wanted to comply with what Risk Aware is looking for so they can do the background checks.

Frances Westbrook: Okay.

Dudley Patteson: Let me make certain I understand, both Laurel and Justin have signed.

Frances Westbrook: Justin has not.

Dudley Patteson: Justin has not.

Frances Westbrook: No, there was some question about since he doesn’t….

Bonnie Schaschek: Check….

Frances Westbrook: ….have anything to do with money, check signing authority or that type of thing that this probably would not have to be done for him but that is something Council will ultimately decide….

Dudley Patteson: Okay.

Frances Westbrook: ….if we follow through with Laurel because in a few months she will have check signing authority.

Dudley Patteson: Yes she will.

Frances Westbrook: Yes ma’am.

Nancyellen Keane: I just wanted to mention, the contract that you signed…

Frances Westbrook: Uh huh.

Nancyellen Keane: ….was for background checks that include criminal and calling prior employers…

Frances Westbrook: Uh huh.

Nancyellen Keane: ….does not include credit.

Frances Westbrook: Right.

Nancyellen Keane: So that if you wanted to add it you would have to have another contract because they outsource that to Trans Union remember….

Frances Westbrook: Right.

Nancyellen Keane: …so the point is, the credit check is the one that has to have a Nexus, the person you check, has to be involved with money.

Frances Westbrook: Right, oh, okay.

Nancyellen Keane: The criminal and the other check for your prior employer….

Frances Westbrook: Uh huh.

Nancyellen Keane: ….employment, perspective employment checks and anyone who is a perspective employee that you are hiring with a conditional offer of employment is who you would check.

Dudley Patteson: Yeah, the issue with Justin is, does he need a credit check, he needs the others….

Frances Westbrook: He needs the others, but we are not doing a credit check.

Dudley Patteson: Yeah.

Frances Westbrook: Okay, Justin, I’ll see you tomorrow with a little piece of paper to sign.

Justin Nelson: Alright.

Bonnie Schaschek: He doesn’t need it.

Frances Westbrook: Huh?

Bonnie Schaschek: I thought he didn’t need it.

Frances Westbrook: She just corrected me. Not for background check, if we are doing credit check then yes.

Bonnie Schaschek: Dudley as far as the legal services go, so that’s a good start for what we are going to be looking for, you want to take and put that in the paper? I mean we are not required to post it because it is a contract job, it is not an employee, so.

Dudley Patteson: I don’t know about, most businesses right now are having a very difficult time staffing….

Bonnie Schaschek: Yeah.

Dudley Patteson: ….um, Hope & Glory is included. There is one excluded quite frankly that I know of that has everybody in place.

Bonnie Schaschek: Exactly.

Dudley Patteson: So, I just think we need to put it out there and use every median we can to see what we find.

Frances Westbrook: A couple of names actually have floated into the office.

Bonnie Schaschek: Yeah, yeah.

Frances Westbrook: So, perhaps you and I can chat.

Dudley Patteson: Yes, we can. We need to when we interview these attorneys as you might imagine, or law firm, we need to make certain that there are no conflicts that they have and there is always that potential that if the fees, you know what are they going to charge and who is going to do the work, because the law firm is probably going to send some junior person, may be competent as can be but still a junior person.

Bonnie Schaschek: Well, that’s why we need to talk to them.

Dudley Patteson: That’s right, that’s why and, who will attend the meetings because we have so specific in this thing, they need to attend the meetings. All these are issues.

Frances Westbrook: If we can find someone local I think we won’t have the issues of dealing with a law firm as in who’s exactly doing the work.

Bonnie Schaschek: Exactly.

Frances Westbrook: So….

Bonnie Schaschek: In the interim do we want to put Sands Anderson on since they have somebody local until we find somebody, because we should have somebody.

Dudley Patteson: I don’t think we can take on a law firm without going through a conflicts…

Bonnie Schaschek: Well….

Dudley Patteson: …and fees….

Bonnie Schaschek: …we already got the thing from them telling, it matches exactly what you have in your job description.

Anthony Marchetti: Well we don’t know the, so I don’t feel comfortable proceeding to move forward with any firm without getting an indication of how much it is going to cost.

Dudley Patteson: And Sands Anderson is a great firm…

Bonnie Schaschek: They are a great firm.

Dudley Patteson: No doubt about it, however, you know…

Bonnie Schaschek: So you want to get somebody else because we need to, well, whatever, anyway, there’s other ones you and I didn’t have a chance to get together on this past week…

Dudley Patteson: Yeah we….

Bonnie Schaschek: ….and I do have other names for you.

Anthony Marchetti: Guess we could send it to Sands Anderson and ask them for an update on cost.

Frances Westbrook: Well we have to tell them what we want them to do and then they’ll give us a cost based on that.

Anthony Marchetti: Well, yeah.

Bonnie Schaschek: That’s what I’m saying, we have the document, and we can do that.

Anthony Marchetti: That’s why it should be one of the however many we reach out to.

Bonnie Schaschek: Yeah.

Frances Westbrook: Alright, why don’t we do that?

Bonnie Schaschek: Yeah.

Frances Westbrook: So that this doesn’t linger until, for another whole month, and we can get some costs together from Sands Anderson, is there anyone else we want to get cost from?

Dudley Patteson: Also, Bonnie’s other law firms ought to be…

Frances Westbrook: And maybe in the next couple of weeks we can come together for a quick meeting and get that.

Chris Braly: There are plenty of meetings….

Frances Westbrook: Opportunities….

Chris Braly: ….in the next several weeks that we can add on a special meeting if we need to the same date, committee meeting on the 20th for Budget & Finance, the 23rd…

Bonnie Schaschek: There’s a lot of meetings coming up.

Chris Braly: There’s a lot of meetings coming up.

Frances Westbrook: Yeah, alright, well let’s do that then and we can get some numbers together. I’d feel better about that as opposed to us just waiting and waiting. Another whole month goes by until the next meeting and then.

Bonnie Schaschek: Can you go ahead and send the job description to Sands?

Frances Westbrook: I certainly can.

Bonnie Schaschek: Do we need a motion for that?

Chris Braly: Probably.

Frances Westbrook: Yeah, if you are going to, yeah, if you are going to ask someone to talk for the Town Council.

Bonnie Schaschek: I make a motion that the Mayor sends the job description to Sands Anderson for a quote.

Chris Braly: Second.

Anthony Marchetti: Second.

Dudley Patteson: What about your firms?

Bonnie Schaschek: I want you and me to talk about that…

Dudley Patteson: Before we send it. So I move on that and we can probably pick this up at the next meeting in 2 weeks.

Bonnie Schaschek: Exactly.

Frances Westbrook: Alright, we have a motion and a second?

Jackie Second: I second.

Frances Westbrook: Okay, all in favor?

Group: Aye.

**Vote**

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Wayne Nunnally, aye.

Frances Westbrook: All opposed? Okay, I’ll make sure that happens.

**Motion (Bonnie Schaschek) For the Mayor To Send the Job Description for the Town Attorney to Sands Anderson for a quote – Motion passes 6-0.**

Dudley Patteson: HR does have a couple of other issues but that’s likely to come up in, later on in the meeting.

Frances Westbrook: Alright. If you are good with that…

Dudley Patteson: Yeah.

Frances Westbrook: …that’s fine with us. I do want to bring attention to our Fourth standing committee which is Community & Special Events Committee that the one that can oversee kind of buying of the Christmas tree, the flags what have you. We don’t have anybody on that committee.

Bonnie Schaschek: Anthony was on it.

Frances Westbrook: Anthony are you on it?

Bonnie Schaschek: He was on it with Tripp before.

Frances Westbrook: Is that right?

Anthony Marchetti: If I was I, it’s possible.

Frances Westbrook: That solves 50% of that problem. I’d like to have a second person on there.

Wayne Nunnally: I would love to join Anthony on that committee.

Frances Westbrook: Wayne you’ve never been to tree decorating.

Wayne Nunnally: That’s right. I’ve never been on the committee before.

Frances Westbrook: So, are you saying that if you are on the committee that you’ll be there?

Wayne Nunnally: Yes.

Frances Westbrook: Alright.

Anthony Marchetti: I’ll get on your shoulders to hang Christmas lights Wayne.

Wayne Nunnally: And we will break….

Frances Westbrook: Very good Wayne thank you.

Wayne Nunnally: It will be part of our retreat training.

Frances Westbrook: The tree trimming.

Wayne Nunnally: There we go. Tree trimming.

Frances Westbrook: Yes sir. Okay, alright good, that solves that problem. Now we have Select Committee, Chris Braly.

* 1. **Select Committee – *Chris Braly***

Chris Braly: So we conducted the first meeting on August 26th at 4:00 p.m. here at the church and we reviewed four recommendations. The first one was retaining the services of Robinson, Farmer, Cox and Mr. Sanudo as Treasurer. There was consensus that that was a good idea to move forward on a permanent basis. There was also a recommendation to look into other local alternatives as well, and at this time we, I hadn’t had time to get to sit with Jackie to review this and get started on it, so right now it is just kind of in limbo and I hope to be able to schedule some time with you to start this process of at least getting some other firms or people to look at to consider as a permanent treasurer. I did reach out to Mr. Sanudo about it, like I said I would, and I will report that to you after we schedule some time to look at some other people. So right now there is no recommendation for this item. Second item we discussed was correcting the balance sheet to revert property holdings back to their original acquisition values. I spoke with Mr. Sanudo about this and admittedly there was a little confusion on my part of the meaning of exactly the mechanics of what he was going to do. He indicated that you do not account for an increased in assessed property value in GAAP or governmental county. The standard practice is to keep it on the books at the value of the purchase and then report the gain when it is actually sold. I reached out to two other accounting firms and they both agreed that that is standard practice.

Frances Westbrook: See the problem was we didn’t have any records, we don’t know what was paid for the original, so when we put things on Quick Books we deferred to the County’s tax books to put something on the assets.

Chris Braly: So, Mr. Sanudo previewed the reversal, and the adjustment is going to lower the retained earnings by a total of $530,500, that’s a combination of all three properties, the North Commons, the Main Commons and then the office and then it would account, it would add $51,700 of income that resulted from the sale of the Town Office.

Frances Westbrook: Okay, so you would report all of that at one time.

Chris Braly: By reversing the general entries, that’s what would happen, it would reduce the retained earnings by $530,500 and then add the income of the sale of the office.

Frances Westbrook: So, would he do that hopefully that’s as of our fiscal year end June 30th?

Chris Braly: Yeah, that’s when it would need to be done.

Frances Westbrook: And that would get the balance sheet squared away.

Chris Braly: That will fix the balance sheet.

Bonnie Schaschek: Part of the balance sheet, you still have the liability on the COVID funds that is not there.

Frances Westbrook: That’s a question that needs to be asked of him.

Chris Braly: The CARES Funds?

Frances Westbrook: Uh huh.

Frances Westbrook: That as well as the ARPA.

Chris Braly: The ARPA didn’t come in…

Bonnie Schaschek: It doesn’t have anything to do, yeah.

Chris Braly: The ARPA didn’t have anything to do with last fiscal year.

Frances Westbrook: No, no, the same situation as far as having the grant type funds here, then the liability down here since we have to pay back whatever we don’t use.

Bonnie Schaschek: Right, but for June we need to have a liability….

Frances Westbrook: For CARES.

Bonnie Schaschek: Because otherwise you are going to put…

Frances Westbrook: So, the question is do we need to do that, Mr. Sanudo can guide you on that.

Chris Braly: So, I will check into that.

Bonnie Schaschek: That has to happen as of the 31st as well.

Frances Westbrook: As of June 30th as well.

Bonnie Schaschek: June 30th.

Frances Westbrook: And then ARPA would be, we got that in July of this year, okay, yeah.

Chris Braly: So, at the outcome of that meeting I think, after getting clarification the committee would like to recommend reversing the general journal entries and revert the property holdings back to their original acquisition values. I’d like to make the motion to have Mr. Sanudo proceed with this change only regarding the property values.

Dudley Patteson: Second.

Bonnie Schaschek: Well don’t you want to get them all fixed so that he can fix the June 30th year end?

Chris Braly: I have to check on what he is going to do for that and I don’t want to do something without….

Bonnie Schaschek: Right.

Chris Braly: ….getting the approval of the Council.

Frances Westbrook: It is very possible if you can get with him sooner rather than later when we come back together for another one of these meetings…

Bonnie Schaschek: On the 20th or the 23rd…

Frances Westbrook: And then that way it is all taken care of for the end of that fiscal year and we are through with that.

Chris Braly: Okay.

Frances Westbrook: To put that behind us.

Bonnie Schaschek: Because if you are going to start your budget you need to know where…

Anthony Marchetti: Where it technically started, what you are starting with.

Bonnie Schaschek: Yeah.

Frances Westbrook: Exactly. Alright there is motion is there a second.

Dudley Patteson: I seconded.

Frances Westbrook: You second, I beg your pardon. Any other questions or discussion. All in favor, please say aye.

Wayne Nunnally: Let me make sure I understand.

Frances Westbrook: Okay.

Wayne Nunnally: We are going to correct the liability question too?

Frances Westbrook: He is going to ask about that. The motion did not address the liability issue. He needs to get with Jay Sanudo and then we’ll deal with that when we come back together sometime in the next 10 days or 2 weeks to get that squared away and when we do that it will get all of last fiscal year cleaned up.

Wayne Nunnally: That’s what the goal is?

Frances Westbrook: Yes. Okay, is that good Wayne?

Wayne Nunnally: Yes ma’am. I understand.

Frances Westbrook: Okay we are going to call for the vote now. All in favor?

Group: Aye.

**Vote**

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: Wayne?

Wayne Nunnally: Aye.

Frances Westbrook: All opposed. Motion carries.

**Motion (Chris Braly) To Have Mr. Sanudo proceed with making the change to reverse the general journal entries and revert the property holdings back to their original acquisition values – Motion passes 6-0.**

Frances Westbrook: Thank you Chris.

Bonnie Schaschek: Can I ask you a question?

Frances Westbrook: Uh huh.

Bonnie Schaschek: When did we deposit the check for the sale of the property?

Frances Westbrook: Well, it sat at the office for a good while. I think we got it February maybe March.

Bonnie Schaschek: Uh huh.

Frances Westbrook: And it went in I think in June.

Bonnie Schaschek: Did it go in June?

Frances Westbrook: Uh huh. I know it went before the end of the fiscal year.

Bonnie Schaschek: Okay good.

Frances Westbrook: Yeah.

Chris Braly: The third item we discussed was making the adjustments to the CARES Act Funding that we alluded to that in the Budget & Finance report. That has been transferred there and the Budget & Finance Committee will be working on that. The final item we discussed was the Leadership Retreat that was the recommendation. At the committee meeting it was, the consensus was that we needed to hold this to emphasize improving communication and behavior of Town Council and that the number one priority of that was for team building. It was also discussed that planning Council priorities should probably be should occur once the elections and a new body has been seated in January. So, the committee makes the recommendation to the Council that a final decision regarding the retreat be made tonight and it is on the Agenda in Old Business, so I’ll leave it there.

Frances Westbrook: We did take a vote I thought at that special meeting we had following your committee meeting and we did vote to do the retreat.

Chris Braly: To do the retreat, right but the decision of…

Frances Westbrook: Of who and what, yes.

Chris Braly: …we wanted to do tonight and so the committee agrees with that and is going to make a final decision tonight which comes later on.

Frances Westbrook: Which comes later on, okay.

Chris Braly: So, I’m don.

Anthony Marchetti: How much later?

Frances Westbrook: Not much later.

Chris Braly: So, I’ll move into the Planning Commission report, that’s all for the committee.

Frances Westbrook: Alright, yes.

* 1. **Planning Commission – Chris Braly**

Chris Braly: The Planning Commission conducted their regularly scheduled meeting on September 7th, at 6:30 in the Town Office. A review of the proposals received for the town survey and comprehensive plan update was conducted under old business. Under new business the first reading of a rezoning resolution and CUP resolution was conducted. The Planning Commission received four proposals from Berkley Group, BFJ Planning, EPRPC and Rethink Main Street. Three of the firms that they would be submitting proposals did not. One said that their workload was too heavy and they couldn’t, and that they declined to participate and two others did not offer.

Frances Westbrook: No show.

Chris Braly: So, during the meeting the commissioners discussed each of the proposals, they felt that Berkley Group was well written, and they are qualified for the project. They felt that certain parts of the proposal relating to the comprehensive plan and zoning update were I guess greater in scope and cost than the Town was thinking and so they’d like to have them reassess that scope and see if their proposal can be resubmitted to come closer in line with the other proposals and expectations. BFJ Planning the proposal was also well written and responsive. They also demonstrated that they are qualified for projects similar to this, but they did not demonstrate any experience with Virginia localities. They are a New York based firm and most of their projects have been in the New York area and the commissioners and I were concerned that they would not be able to, they couldn’t successfully navigate some of the Virginia laws that they might run into. EPRPC, their proposal was very responsive but did not provide some of the details that were requested. The commissioners are going to suggest that they review the RFP and resubmit their proposal.

Bonnie Schaschek: Do you have deadline dates for all of this?

Chris Braly: Well, yes, let me get to that.

Bonnie Schaschek: Okay.

Chris Braly: The commissioners are going to ask that the cost kind of be reformatted to match the request in the RFP, their cost was not broken out in the way that was asked. Then, Rethink Main Street, they felt that the proposal did not address the requirements of the FRP adequately and did not demonstrate the experience required for the project. There was a motion made to continue to engage with the Berkley Group and EPRPC to get proposals specific to what the RFP asked for and ask them to update what they submitted. They also are going to inform BFJ Planning and Rethink Main Street that they will not be moving forward with them. They have essentially followed their evaluation process that was reported on, we got less than expected, they got less than expected but they did whittle it down to two firms, are going to reengage with them to kind of get into where the planning commission is happy before they make a recommendation. The goal is to be able to make a recommendation to the Town Council at the October 14th meeting. The planning commission obviously is dependent on how quickly the organizations can respond and resubmit their revised proposals, but they don’t feel that it should take much effort and they fell like it can be done fairly quickly. So, they hope to move forward with a recommendation at their October 12th, move forward with selecting a firm at the October 12th meeting and making a recommendation to the Council at the October 14th meeting. Any questions?

Frances Westbrook: Thank you Chris. I attended that meeting last Tuesday and I am very impressed with thorough this planning commission is. They are Johnny right on it. We are fortunate to have them. They are doing a great job. Thank you guys and ladies. Alright, anything else for Chris. Alright we’ll move onto old business.

1. **OLD BUSINESS** 
   1. Town Council Retreat

Frances Westbrook: Here we go with the Town Council Retreat. You all received last month I believe information or at that last special meeting, the information I had received from Mr. Whitley. Chris has made contact with a company called Shifting Gears.

Chris Braly: That’s the name of the program. The firm is Signature Team Building.

Frances Westbrook: Oh sorry and then I told you all I would contact Andrea Erard who is over in Urbana who is another name that came to us. So if you like, would you like to go over and tell us about yours?

Chris Braly: So, I reached out to Signature Team Building, they are out of Richmond to provide a proposal. The organization has over 30 years of experience working with organizations large and small Capital One, the Grace E. Harris Leadership Institute at VCU, Aldi, The Navy, Norfolk Navy Shipyard and you name it, they work with groups. Mr. Greg Huber, the founder of the company recommended the Shifting Gears program. They have four different programs that they run, but he recommended this one primarily for our size, the size of our group. The information, and I apologize I didn’t have more details for the meeting packet, but I did provide a brief explanation of kind of what it is in the meeting packet. They customize the program, it is a series of connected problem solving activities that requires the team to use all of their talent, creativity and unique capabilities to succeed. Each program is designed from scratch to address the particular challenges that the team has. The outcome of the program is basically to achieve deeper relationships and new ways of thinking amongst the group. At the, so the process for designing the program Greg will have a conversation with the group coordinator Madam Mayor, probably yourself would be the one to do it, to discuss how the group would define success and determine what we want to achieve. After that discussion they’ll choose about half of the activities prior to arriving and then kind of prepare, customize activities as the program progresses. They have over 150 activities in this program and so there are plenty to choose from. He did indicate that the size of the group might limit or prevent us from some of the activities, but he did not seem that that would be a problem to do it.

Frances Westbrook: He is not talking physical activity is he?

Chris Braly: No. Well, I don’t know, he didn’t tell me….

Bonnie Schaschek: Sometimes there is…

Chris Braly: All the activities are inclusive for all participants regardless of who the participant is.

Frances Westbrook: So maybe wear sensible shoes that might be good.

Bonnie Schaschek: Well, they do have requirements and I wanted to ask you about that, you talked to him about those.

Chris Braly: The cost is $750.00 plus the mileage to and from Irvington which is about $100 at the government rate, he estimated about 2½ to 3 hours for the program. It says usually 4 hours or longer but he said that 4 hour time is typically if there is 100 people it takes those people awhile to get refocused as they transition from one activity to another. We can do it here at the church because this building does meet their size requirement, so the only limitation would be we need to schedule it if we choose to move forward on a day that is available. Usually, his lead time is about 4 to 6 weeks scheduling it in advance which would put it middle to end of October to do it. Now, if he has dates available sooner he could definitely accommodate us, we would just need to be kind of the luck of the draw.

Dudley Patteson: I think it is ironic when we are talking about team building when all the votes tonight have been unanimous.

Frances Westbrook: It’s been a long time since that happened.

Dudley Patteson: I’ve never known it to happen.

Chris Braly: Bonnie you said you had some questions?

Bonnie Schaschek: Well, yeah, these requirements they wanted to have it outdoors and only indoors as a backup for inclement weather.

Chris Braly: Well he said if the program is delivered outdoors. This program does not need to be outdoors.

Bonnie Schaschek: Okay.

Chris Braly: They do have an outdoor program.

Bonnie Schaschek: Okay.

Chris Braly: And he didn’t, I told him that we had a space. He has actually conducted programs at the Tides before.

Bonnie Schaschek: Oh has he.

Chris Braly: So he is familiar with Irvington.

Bonnie Schaschek: Good.

Frances Westbrook: Alright, does that conclude?

Chris Braly: It does say wear comfortable loose casual clothing for the program.

Bonnie Schaschek: No dresses, skirts, high heels.

Chris Braly: He did say it is an all-inclusive program and the activities are chosen for, to ensure that the entire group will be able to participate the entire time.

Frances Westbrook: I don’t think we necessarily learn to trust each other by falling backwards in someone’s arms, so.

Chris Braly: I will make a note of that. You can discuss that with him, what he, thank you.

Frances Westbrook: Thank you. The other offer we have is from Mr. Bill Whitley. He was a past manager if you will for the County of Gloucester. He has been doing these local government type training sessions for quite some time. He did quote us a price of $1,500 that is anywhere from 4 to 6 hours, but it is no so much of a team approach as maybe the other people are. He would start with calling each of you and find out what you think the group issues are, what your personal issues are, things that we would want to address that specifically deal with our problems and from there he would design the work session if you will. That’s kind of it in a nutshell and you have the written document. Andrea Erard, I hope I’m pronouncing that correctly. She and I talked the other day and she’s evidently done a heck of a lot of these over the last 10 to 15 years and her specialty are government bodies who are somewhat dysfunctional which I thought was kind of a fair description of us to some extent and she too would be speaking with each individual to make sure, and actually I really like that approach because I don’t want to be the person to tell someone else what I think our problems are and what you feel and think don’t get addressed and I look like a jerk, so, I do like the approach that they want to talk to each one individually and see what happens and let them design it around us individually and as a group. Her price is going to be similar to this. It is going to be closer to $1,500, but she does like to offer snacks and things which is included in her price, so, I don’t know what her idea of a snack is but at any rate.

Bonnie Schaschek: Is she going to send you a write up?

Frances Westbrook: She is, she is getting that together and I should have it hopefully tomorrow then the first part of next week. She had a short week in her office this week.

Bonnie Schaschek: Can I recommend that we postpone this to our next meeting then so we can look at all three at the same time and then we can move on.

Frances Westbrook: Does that sound good everybody. Good, did you hear that Wayne.

Wayne Nunnally: I did, are we postponing?

Frances Westbrook: Well, when we get together for the next meeting this is going to piggyback on that also. We’ll have her proposal in front of us at that time rather than just my verbal report, okay.

Wayne Nunnally: Perfect, yeah.

Frances Westbrook: Alright, that sounds good. At least we are starting to make a little progress. The other old business Davenport Agreement.

* 1. **Davenport Agreement**

Frances Westbrook: I think we voted on that at the August meeting to proceed with that.

Bonnie Schaschek: We did say we were going to proceed. I would hesitate on signing the contract right now though. I’d like to get the year end financials so we know where we are starting from because they said they are going to turn it around in 45 days, so if we sign it and they start right away without having a good set of financials, I would question that.

Frances Westbrook: The signature, I mean we can certainly sign and then tell them when the start date will be.

Anthony Marchetti: When we sign, it is going to take them time to collect as they examine historical, I would assume how many years they go back, we would tell them that….

Bonnie Schaschek: How are they going to get this information, when are they going to get this information because they are going to have to go to Jay probably to get it.

Anthony Marchetti: Part of the motion would be to have, allow Jay to provide them historical financials to Davenport for the services outlined in their contract.

Dudley Patteson: They should be made aware there are a couple of adjustments coming.

Anthony Marchetti: We can tell them not to go into July 2021 until we say okay. I think they can probably start the process and by the time in 2 weeks if we can get that current we will just tell them not to touch 2021 until we tell them it is up to date. But even if you want to hold when they start I don’t see an issue to sign it and.

Frances Westbrook: May I have a motion please.

Dudley Patteson: So moved.

Wayne Nunnally: Madam Mayor, wait a minute, discussion yet.

Frances Westbrook: Alright go ahead.

Wayne Nunnally: I was not at the last meeting ladies and gentleman and so what I have to say won’t necessarily affect that vote at all, but I have to go on record saying this. The Town Council can only raise money by raising taxes, initiating new taxes or bonds. That’s the only way, they are the four areas. I don’t need to pay somebody $10,000 to tell me how to raise money. We did have an obligation of how we spend that money, a legal obligation that our lawyer that we so carefully are hiring to tell us whether we can spend it or not. So, why are we hiring somebody to spend our money when we are going to get advice from our lawyer and we already know where we are going to get our funds from? What value do they offer? So, I tend to vote no on this particular motion, for whatever it’s worth, but I wanted my statement as to what I think about it on the record. Thank you for listening.

Frances Westbrook: Wayne, I’ll just remind you that this was included in the budget when it was passed and so the money is already there through the budget process. So, we will note your no vote. Actually, when we get ready to take the vote, if you’ll just say no and then, we’ll have this to add as your reason, okay. That work?

Wayne Nunnally: Thank you.

Frances Westbrook: Alright, thank you. Alright so we have a motion.

Anthony Marchetti: Second.

Frances Westbrook: Any other discussion? Alright let’s take a roll call vote on this please.

Bonnie Schaschek: Can we back up on this because Wayne was not present at the last meeting so….

Frances Westbrook: He said that.

Bonnie Schaschek: This is more than just telling you how to spend the money, this is actually going to help work on capital plans?

Frances Westbrook: No, they are going to tell us how….

Bonnie Schaschek: That’s what I thought they said.

Chris Braly: Well, it’s not specifically capital projects, more of like this is what your financial health is and almost assessment to help provide us with an understanding of what we could do, and could afford to finance, could afford to move forward if we have capital project X, Y or Z that we want to move forward with. I don’t think it, they were going to also have different scenarios if you know there was a meals tax that they were going to talk about for example, if that was in effective this is what…

Bonnie Schaschek: I thought they were going to work on the stuff for the meals tax?

Frances Westbrook: No, they are not going to…

Bonnie Schaschek: I thought that’s what they said.

Anthony Marchetti: They are going to provide scenarios, they are going to say here is our current income based on meals state tax, occupancy tax, if we do nothing different here’s a healthy service, here is what type of capital project you can take on or shouldn’t take on if you add a revenue stream regardless of what it is, or meal tax, here is how it would change and what services you can carry here is some different scenarios, should you pay cash, should you finance it, should you finance some of it. I think they are going to address all of those.

Jackie Brown: Also, we talked about getting information to residents of ideas about what the impact will be from the survey.

Anthony Marchetti: Right, how much it’s going to cost, what it is going to cost you if anything right.

Chris Braly: It was going to be used a tool to help survey questions.

Bonnie Schaschek: Because the survey was supposed to have a cost, if they want a septic, this is what it is going to cost you.

Anthony Marchetti: Right, if it was a project, it is going to cost X amount of dollars and we had to finance it like this, would you be willing to do it or, not, so it is going to be used as a tool just like the survey at the North Commons is going to be used as a tool if we want to proceed doing anything there. But, I envision it.

Bonnie Schaschek: That’s why I wanted to back up Wayne.

Wayne Nunnally: Well, that’s what I couldn’t understand Anthony was we’ve already voted to do a survey and I think the planning commission is working on hiring somebody or suggesting somebody to us to conduct a thorough citizen survey, alright so now we are going to hire another person to do a survey and then based on that survey tell us these various things that you are saying. So, I don’t know why we are doing, it sounds like we are just paying for a survey in my mind from Davenport.

Anthony Marchetti: It’s not a survey, it’s a financial health assessment so to speak, that I envisioned giving us the output of the Davenport assessment to the planning commission and when they are working with, and when we work with the organization to develop the survey questions, that is part of what the firm uses to develop certain questions that involve capital expenditures and asking the town how they want to proceed with major capital expenditures.

Dudley Patteson: It’s an assessment of eligibility of the town provided in a safe and sound way. In other words they are not going to recommend anything that based upon how other towns look at liquidity, look at reserves, look at leveraging themselves, they will recommend something within the confines of those limits but at least it will give us what we need if we are going to consider some of the capital outlines in the future.

Frances Westbrook: An example of the sewer Wayne, if it would cost us X amount of money to make that happen and how are we going to raise that kind of money, that would be one of the important factors for us to know to include in the survey when we ask the town citizens would you be willing to pay, I’ll just make this up, don’t anybody get upset another $.50 on $100 for your real estate taxes to support getting a town wide sewer system.

Bonnie Schaschek: Well then, they have to pay another $17,000 to hook…

Frances Westbrook: Well we don’t, no…

Bonnie Schaschek: …I’m just saying….

Frances Westbrook: So that’s what this Davenport Company could help us determine what it would take to do something of that nature, or build a town office, or build a new playground, park, whatever we might look at doing, they are going to help pus determine how we are going to pay for it and where we would go to get those funds so that we can then turn around in a survey and ask the residents if they are willing to have an increase in a certain tax or to add an additional tax in order to make those plans a reality.

Chris Braly: Or we might not need to do anything, we don’t know.

Frances Westbrook: That’s true it may be nothing.

Wayne Nunnally: Well, that’s why I’m sticking on holding, probably don’t know a whole lot, but I know that I only have four ways to get money from the town and I don’t need anybody to tell me unless they have a whole different way than we are legally allowed to get. I mean, we are legally allowed to do bonds, we legally allowed to raise taxes, we legally can add new taxes, i.e., the meals tax and business tax or we can float the bond. I don’t need, what are they going to tell me that I can go out and buy a bridge and resell it and make the money on that.

Anthony Marchetti: They are going to tell you how to obtain…

Wayne Nunnally: I don’t know what they are going to tell me other than those four things.

Anthony Marchetti: They are not telling you how to raise money, they are telling you how to comfortably carry and be responsible to finance, to finance projects.

Dudley Patteson: Wayne, even if you were able to tell us that the town based upon its capital and its reserves and based upon its history of earnings, if you were able to comfortably tell us that the town could borrow like $2,000,000 like White Stone is going to issue bond for $2,000,000 then we can’t rely on you to be the one to tell us. We need the municipal experts to come in and tell us what we can and what we can’t do. That’s all we’re hiring them for to protect us and also use their experience working with other municipalities and what they’ve done and what they can do to tell us what we can do.

Wayne Nunnally: Anthony have you read the contract?

Anthony Marchetti: Yeah, lots of times.

Wayne Nunnally: So, you are satisfied with what they are giving us for our value?

Anthony Marchetti: I am, I think, I liken it to using a financial planner for your personal, for your personal life to help ensure that your sending, not overspending that you are saving, that you are preparing for retirement and that you have contingency reserves. I mean it’s basically a financial planner for the town. I think that is very valuable. I am personally not comfortable making any big capital decisions not knowing, not knowing what they had to tell me. Is the town, should we pay all cash for it, should we borrow because money is cheap right now. Should it be a combination of the two? How much debt is too much debt you know? Can we do everything we want to do and reduce the real estate tax, maybe, I don’t know, but that’s one of the things I think they can tell us and I think they can play different scenarios, if you did this, then this would happen, if you did that, you know here is the result and that is where I think it is going to be pretty valuable for us to see what it means when you make these changes to project out the future.

Wayne Nunnally: Anthony, I really value your opinion. I really do, but I understood from just our regular scuttlebutt after meetings that part of the contract had a provision in it where they were going to conduct a survey of the town residents.

Frances Westbrook: No, not this.

Wayne Nunnally: Is that in the contract?

Frances Westbrook: No, they are not doing any kind of survey.

Bonnie Schaschek: That’s not this company.

Anthony Marchetti: Yeah, wrong scope.

Wayne Nunnally: Okay, did you understand that Jackie?

Frances Westbrook: Did you understand that Jackie that the survey is not part of Davenport.

Jackie Brown: Oh no.

Frances Westbrook: Yeah, she’s onboard. She knows that.

Bonnie Schaschek: Actually, Davenport will provide good services. My only hesitation was that we haven’t had a good financial report in over a year so to have, because they said they will turn this around in 45 days, so we need to get our year end in order before they start working.

Anthony Marchetti: I absolutely agree.

Bonnie Schaschek: So, I don’t have a problem if you want to go ahead and sign a contract, but they can’t start until after we get a good year end.

Dudley Patteson: I think that is part of the motion.

Frances Westbrook: Yes it is.

Dudley Patteson: And therefore, a motion is on the floor, it has been seconded, we had discussion….

Wayne Nunnally: Well, Dudley do we need to amend it to say that it doesn’t start until this contingency happens?

Anthony Marchetti: Well, I mean they can start collecting historical information from 5 years ago.

Frances Westbrook: They can start collecting reports, yeah from the previous years, but we’ll hold off for the year 2021 fiscal year ending until these corrections have been made, 2021.

Bonnie Schaschek: Oh yeah, we going 2021.

Frances Westbrook: Yeah so it would be June 30th of 2021 year end fiscal, yes.

Wayne Nunnally: Well thank all of you for your hard work on this project and gentleman and ladies can disagree.

Frances Westbrook: Alright, so let’s get this.

Jackie Brown: Can we get microphones, this is so ridiculous.

Dudley Patteson: I agree with you, we need to do it.

Frances Westbrook: So, if we could have a roll call vote, the motion is that you are authorizing the Mayor to sign the Davenport agreement with the caveat that they can work on prior years while we are trying to…

Dudley Patteson: Other things that don’t involve a closed year end.

Frances Westbrook: Yes, yes, roll call vote please.

**Vote**

Dudley Patteson, yes.

Chris Braly, yes.

Anthony Marchetti, yes.

Jackie Brown, yes.

Bonnie Schaschek, yes.

Wayne Nunnally, no.

**Motion (*Dudley Patteson)* To Authorize The Mayor To Sign the Davenport Agreement with the condition that they work on prior years until the current fiscal year end is complete – Motion passes 5-1.**

Wayne Nunnally: Thank you guys.

Frances Westbrook: Alright the next thing we have new business coming up.

1. **NEW BUSINESS** 
   1. Renew Domain Name – “LoveVirginia.com” (Tourism Grant)

Frances Westbrook: Renew our domain name. This has to do with the LoveVirginia.com tourism grant. Dudley would you tell us about this…

Bonnie Schaschek: I couldn’t even find it when I went out there.

Dudley Patteson: Love Irvington was a domain name that was selected by Flack Shack to help market Irvington under their grant contract. Domain names are valuable. I think when we went out to find something that said Visit Irvington they couldn’t find it and a lot is cost to keep a domain name such as Love Irvington which dovetails into Virginia is For Lovers and I think it would be an asset to the town. I personally collect domain names to protect my business.

Frances Westbrook: Yeah.

Dudley Patteson: And, only for protective purposes and only for purposes that that is something that I might want to do in the future and so no one else can have it.

Bonnie Schaschek: Well, why would it say Love Irvington.

Anthony Marchetti: At this point…

Frances Westbrook: It does. That’s what I told Laurel so that’s what she put on there, but it should be Love Irvington I was just told, sorry.

Bonnie Schaschek: That’s why I couldn’t find it.

Anthony Marchetti: When they started that campaign, the Flack Shack campaign and it is most notably on Instagram you know hashtag LoveIrvington they obviously Flack Shack reserved that LoveIrvington.com domain name. I don’t think it was either developed, it is due to expire, so the question is do we want as a town pay $18.99 a year to control LoveIrvington.com. Whether we do something with it or maybe to Dudley’s point so that Irvington, New York doesn’t use it.

Dudley Patteson: Or Irvington, New Jersey.

Anthony Marchetti: Or Irvington, New Jersey.

Jackie Brown: Or Irvington, Pennsylvania.

Frances Westbrook: Alright.

Dudley Patteson: I think we need to keep it.

Jackie Brown: How much is it?

Frances Westbrook: $18.99.

Wayne Nunnally: Is that…

Frances Westbrook: What Wayne?

Wayne Nunnally: Is that $18 decimal 99.

Anthony Marchetti: Yes $18.00.

Frances Westbrook: It’s less than $20.

Bonnie Schaschek: Why are we even discussing this?

Wayne Nunnally: I vote to keep the thing, let’s go.

Anthony Marchetti: Second.

Frances Westbrook: We have the motion, we have a second, all in favor?

Group: Aye.

**Vote**

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Wayne Nunnally, aye.

Frances Westbrook: All opposed. Motion passes.

**Motion (*Wayne Nunnally*) to keep the LoveVirginia.com domain name – Motion passes 6-0.**

Frances Westbrook: Alright, now we get to the two resolutions, and I will turn it over to Justin.

Justin Nelson: This will be the first reading Resolution 2021-15PC Recommendation regarding zoning parcel from M1 to B1, tax map 33-379, whereas the Irvington Planning Commission was asked to review and make a recommendation to Town Council on the proposed rezoning of a parcel from M1 to B1 zoning application 2021-Pollard located at tax map 33-379 to 73 Seafood Lane, that’s the application and whereas delivered to all regarding property owners within 300 feet and placed on town website and whereas a joint public hearing was advertised in the Rappahannock Record on September 30, 2021, and October 7, 2021, whereas the Planning Commission considered the application at its meeting held on September 7th, 2021 and October 12, 2021 and whereas the Planning Commission and Town Council held a joint public hearing on October 12th, 2021, to hear public views on the application. That is the rezone application. The second one Resolution 2021-14 CUP, recommendation regarding conditional use application in B1 tax map 33-379.

Frances Westbrook: Hey Justin.

Justin Nelson: Yes ma’am.

Frances Westbrook: Are those the planning commission ones or the Town Council ones.

Justin Nelson: I might be reading the planning commission.

Frances Westbrook: Our first reading, ours is a little bit different.

Justin Nelson: I was the one that screwed up.

Frances Westbrook: I should have asked you before you even got started.

Justin Nelson: Okay, reset starting over. First rezone application 2021-11 Town Council whereas Irvington Town Council reviewed a proposed rezoning application from M1 to B1 rezoning application 2021-RZ1 Pollard Tax map 33-379 located at 73 Seafood Lane application and whereas a joint public hearing was advertised in the Rappahannock Record on September 30th, 2021 and October 7, 2021, and whereas the Planning Commission considered the application at its meeting held on September 7th, 2021 and October 12, 2021, and whereas the Planning Commission and Town Council held a joint public hearing on October 12, 2021 to get public views on the application. Whereas the Town Council considered the application at the meetings held on September 9, 2021, and October 14, 2021. The next resolution 2021-12TC Recommendation regarding CUP N and B1 tax map 33-379 whereas the Irvington Town Council reviewed a proposed CUP application 20-21 CUP3 Pollard to locate an N and B1 zoning district tax map 33-379 located at 73 Seafood Lane and whereas a joint public hearing was advertised in the Rappahannock Record on September 30th, 2021, and October 7th, 2021l, and whereas the Planning Commission considered the application at its meetings held on September 7th, 2021, and October 12th, 2021, and whereas the Town Council considered the application at its meeting held on September 9th, 2021, and October 14th, 2021 and whereas the Planning Commission and Town Council held a joint public hearing on October 12th, 2021 to get public views on the application.

Frances Westbrook: You’ll be glad to know at the second reading you don’t have to read the whole thing again.

Justin Nelson: That’s great.

Frances Westbrook: In the Town Council pack that you all received Justin did send you the documentation that Planning Commission received and then Laurel sent you a letter from Custom Yachts that goes along with the information. So are there any questions. Justin you have that information in your packet, have you all had a chance to look at it.

Bonnie Schaschek: I’m kind of curious.

Frances Westbrook: Uh huh.

Bonnie Schaschek: Why are we changing from M1 to B1 because in M1 you can do everything you can in B1 and B2 as well as R1 and R2 so what’s the purpose of rezoning this to a B1?

Justin Nelson: I have come in kind of with this process, as I understand it would be beneficial for the Town to remove the M1 do anything you want zoning and put it into a B1 zone.

Anthony Marchetti: Is it necessary though?

Justin Nelson: No.

Bonnie Schaschek: Because M1 you can’t do anything you want, it does have some restrictions but it’s kind of.

Anthony Marchetti: Less restrictive than B1.

Bonnie Schaschek: Yeah and the property has been commercial for a long time, there has been oil and all kinds of things, have there been testing on that?

Justin Nelson: Yeah the applicant is working with the DEQ going through an actual program that they have set up to.

Frances Westbrook: Is it a remediation type program I’m not sure….

Justin Nelson: I’m not familiar with the details.

Anthony Marchetti: From what I read in the report….

Frances Westbrook: If Mr. Pollard is here he can answer any questions and I also think that is Mr. Friday here also, oh yeah, there you go, so if you have any question of either of them they are here.

Bonnie Schaschek: I’m kind of curious why do you want to change it to B1?

Albert Pollard: Thanks for the question Madam Mayor and Town Council I originally, I purchased the property towards the end, beginning of July putting in the CUP application, Lara on one of her last days had been talking to Maryellen, I believe I’ve got this right, correct me if I’m wrong, who suggested or the suggestion came back to me that it would be more beneficial to the Town if it were rezoned from M1 to B1 and I said as long as it doesn’t hold the project up I am happy to do that because I don’t intend to have industrial use on there. I’m happy that the use gets approved under whichever zoning the Town Council see appropriate.

Dudley Patteson: If there was a subsequent sale of the property if we change it to B1 that party would have to conform with B1…

Frances Westbrook: B1.

Dudley Patteson: As opposed to anything you want.

Frances Westbrook: M1.

Dudley Patteson: That in my opinion was why the recommendation was made to change.

Bonnie Schaschek: That whole area is M1 over there.

Dudley Patteson: It is M1 but again it is one parcel…

Bonnie Schaschek: Right in the middle.

Frances Westbrook: So, if we restrict it to B1 then we are restricting future.

Bonnie Schaschek: B2 is the buffer.

Anthony Marchetti: B2 can’t have an Inn, I think only B1 can have an Inn on it.

Albert Pollard: If I could in terms of the [inaudible] inclusion, the file has been closed at DEQ and I am working with an environmental consultant and most of the building that is going to be conducted is going to be above grade where we actually bring in fill dirt and then the foundation which will be minimally built will be a footing, rather will be dug into that fill dirt so that disturbing minimal amount of soil possible and then since there have been bore holes and tests over the years some places where we can dig a footing into the existing soil and then the upper portion is actually on sand pit and there has never been any pollution there and that’s where the drain will go and we are working on DEQ with everything to make sure that it is set.

Bonnie Schaschek: When you say you are bringing trucks and fill how are you going to change….

Frances Westbrook: Elevation?

Bonnie Schaschek: The elevation and the runoff because there’s always been a runoff problem over there.

Albert Pollard: When you say there’s always been a runoff problem do you mean, pack and fill will be no different than building any other house on any other piece of property.

Bonnie Schaschek: How high are you going to raise the soil?

Albert Pollard: Oh, it would only be deep enough so that we can dig the 18”.

Bonnie Schaschek: Isn’t there a culvert that runs underneath that building because when it rains it floods over there?

Frances Westbrook: I think they did away with it.

Albert Pollard: It’s still there. That culvert is still there.

Frances Westbrook: Oh it is.

Bonnie Schaschek: And it goes under that building down into…

Albert Pollard: And Mr. Friday did have some concerns and I’ve had conversation with him and I am going to continue to try to work with him and what is legally proper on some things, but I am going to amend some things so make it clear, make it a condition of the CUP that if any guests of mine enter his property then they are no longer a guest of mine, weekly stay is immediately terminated.

Frances Westbrook: And that will go back to the Planning Commission when they do their final work on it as far as any conditions on it.

Albert Pollard: I am going to bring that to the Planning Commission so that it will come to you all in one package.

Jackie Brown: Do you have drawings of what you are going to do.

Albert Pollard: I do, I don’t know if it’s in your packet but.

Justin Nelson: In the one that I emailed out.

Bonnie Schaschek: I didn’t see any drawings.

Justin Nelson: It wasn’t in yours.

Frances Westbrook: No, no, no.

Anthony Marchetti: Was it in his zoning administrator packet.

Frances Westbrook: This is what I found this morning and opened it up. This came to you from Justin.

Justin Nelson: Yes, I sent out two things, I sent out…

Frances Westbrook: Yeah, well here you can have mine. Take a look at it because I can print another one.

Jackie Brown: Okay thank you.

Frances Westbrook: Anything else.

Wayne Nunnally: Now that I’m thoroughly confused, are we voting for a rezoning.

Bonnie Schaschek: We aren’t voting for anything we are just reading.

Wayne Nunnally: Or are we voting for a CUP.

Frances Westbrook: No sir, this is just the first reading, the second step will go back to the Planning Commission and they will bring forward to us their recommendations on this CUP and it will most likely have a number of conditional uses outlined in it so that is what we are going to wait on.

Wayne Nunnally: Gotcha, thank you very much Madam Mayor.

Frances Westbrook: Your welcome, anything else Wayne?

Wayne Nunnally: No sir, ma’am or probably should have said that No, Mayor.

Frances Westbrook: Any other questions from Council? Anything of Justin. Thank you Justin.

Dudley Patteson: I do have one point.

Frances Westbrook: Yes.

Dudley Patterson: I feel that we receive a report from Justin his ZA report and typically we have a little more meat on the bones when these reports come to us so that we can fully understand how you are thinking and what you see and what are concerned about and I think we have dropped the ball on training him to provide that wealth of information and I would like to propose that we…

Frances Westbrook: Since this is a personnel matter can we talk about this after the meeting…

Dudley Patteson: Sure.

Frances Westbrook: I think that would be more appropriate if you don’t mind.

Dudley Patteson: I don’t mind at all.

Frances Westbrook: Perfect. Thank you. Anything else on this matter? Alright, then moving along we have a few announcements and then Wayne we’ll let you move to adjourn in just a couple minutes okay.

Wayne Nunnally: I’m ready.

1. **ANNOUNCEMENTS**

Frances Westbrook: Budget & Finance Committee Meeting September 20th here at the church, 5:00. Select Town Council Meeting is on September 23rd at 4:30, Town Council Regular Meeting October 14th, 6:30 here. October 12th we will be having a joint public hearing concerning the CUP and the rezoning we just heard from Justin here at the church 6:30 and Planning Commission will follow immediately after the joint public hearing. Also I want to make a plug for the Steamboat Era Crab Festival which is coming up on September 18th.

1. **ADJOURN**

Wayne Nunnally: Madam Mayor move to adjourn.

Frances Westbrook: I have a motion. Second.

Bonnie Schaschek: Second.

Frances Westbrook: All in favor?

Group: Aye.

**Vote**

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Wayne Nunnally, aye.

Frances Westbrook: We are adjourned Wayne.

**Motion (*Dudley Patteson) To Adjourn – Motion passes 6-0.***