



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY MARCH 11, 2021; 6:30 PM**

NOTICE: the Irvington Town Council will hold a Regular Monthly Meeting on Thursday March 11, 2021 6:30 pm; Irvington Baptist Church.

AGENDA

- A. CALL TO ORDER – Mayor Bugg**
- B. ROLL CALL – Mayor Bugg**
- C. APPROVE AGENDA**
- D. APPROVAL OF MINUTES AND ACCEPTANCE OF TREASURER’S REPORTS**
 - 1. September 23, 2020 Workshop Minutes
 - 2. October 8, 2020 Meeting Minutes
 - 3. October 15, 2020 Meeting Minutes
 - 4. November 17, 2020 Meeting Minutes
 - 5. November 18, 2020 Meeting Minutes
 - 6. December 10, 2020 Meeting Minutes
 - 7. December 17, 2020 Meeting Minutes
 - 8. January 7, 2021 Joint Public Hearing Minutes
 - 9. January 7, 2021 Meeting Minutes
 - 10. January 14, 2021 Meeting Minutes
 - 11. February 25, 2021 Meeting Minutes
 - 12. Treasurer’s Reports (4)
- E. PUBLIC COMMENT**
- F. MAYOR’S REPORT**
- G. REPORT FROM THE TOWN ATTORNEY**
- H. REPORT FROM THE ZONING ADMINISTRATOR**
- I. REPORT FROM THE BUDGET & FINANCE COMMITTEE**
- J. REPORT FROM THE FACILITIES, STREETS & SIDEWALKS COMMITTEE**
- K. OLD BUSINESS**
 - 1. Second Reading Resolution 2021-01 TC Rezoning Application – Rezone Parcel from R-1 to B-1; Tax Map 33-422
 - Vote
 - 2. Second Reading Resolution 2021-02 TC Conditional Use Permit Application – Town Office in B-1; Tax Map 33-422
 - Vote
 - 3. Second Reading Resolution 2021-03 TC Conditional Use Permit Application – Build Pool Inside RPA, R-1, Tax Map 33-361
 - Vote
 - 4. Second Reading Resolution 2021-04 TC Conditional Use Permit Application – Construct New Dock for Private Use in M-1, Tax Map 33-252B
 - Vote
 - 5. Second Reading Resolution 2021-05 TC Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252A
 - Vote



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6. Second Reading Resolution 2021-06 TC Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252
 - Vote
7. Second Reading Resolution 2021-07 TC Conditional Use Permit Application – Construct New Dock Private Use in M-1/R-1, Tax Map 33-253A
 - Vote
8. Discussion of short term rentals – Wayne Nunnally
9. Discussion of research on the survey and to discuss town planning - J. Brown

L. NEW BUSINESS

1. Consideration of a motion to appropriate \$2,778 from Community Support and Tourism; FlackShack
2. Consideration of a motion to allow use of Town Commons from Steamboat Era Museum for 2021 CrabFest

M. ROUNDTABLE

N. ANNOUNCEMENTS

O. ADJOURN



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TOWN COUNCIL SPECIAL CALLED MEETING
to be held as a WORKSHOP
WEDNESDAY, SEPTEMBER 23, 2020 5:30 PM
IRVINGTON BAPTIST CHURCH**

NOTICE

The Irvington Town Council will hold a special called meeting to be held as a workshop on Wednesday, September 23, 2020 for the purpose of discussing the Amended FY20/21 Budget, Fees, and Tax Rates.

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: Call this meeting to order. This is the Town of Irvington Virginia Town Council Special Called meeting held as a workshop. It is Wednesday, September 23, 2020, 5:30 p.m. at the Irvington Baptist Church. The first item on the agenda will be call to order.

B. ROLL CALL – S. Phillips, Town Clerk

Members of Council present:

- Mayor Bugg here.
- Bonnie Schaschek here.
- Anthony Marchetti here.
- Frances Westbrook here.
- Jackie Brown here.
- Dudley Patteson (arrived 5:46 PM)

Members of Council absent:

Wayne Nunnally

Staff Present:

- Nancyellen Keane, Esq., Town Attorney
- Sharon Phillips, Town Clerk, FOIA Officer, Treasurer

Guests:

See attached sign in sheet

C. PROPOSED AMENDED FY20/21 BUDGET – Mayor, Council, Staff

Mayor Bugg: Thank you. The next item would be the proposed amended 2020/21 budget. I know that has been circulated I hope everyone has had a chance to look at it. With that I'll turn it over to the budget and finance committee. You can take it in whatever order you deem appropriate.

F. Westbrook: Thank you Mr. Mayor, we want to address the fees and tax rates first, mainly because, this has to go in the newspaper next week, so we want to make sure everyone has a good understanding of what that is going to be to be and we do have some changes to help with revenue.

J. Brown: Go over this with everybody?

F. Westbrook: Can we do this first?

A. Marchetti: We are proposing mostly increases to permits. These are the proposed right?



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F. Westbrook: Yes.

A. Marchetti: You don't have the existing. I see Precious Metals Realer registration, that stays the same from previous. Sign actually stays the same \$20, we are adding?

Nancyellen Keane: You are increasing zoning to the \$100.00 and you adding conditional use and board of zoning appeals.

F. Westbrook: Is that not well laid out for you, I'm sorry.

A. Marchetti: Isn't that the previous, I just wasn't sure what the increase was from.

F. Westbrook: Alright so we are increasing CUP to \$200. What order are they in here. Alright, sign stays the same at \$20, subdivision is the same. Zoning is going from \$35 to \$100. Conditional use permit is now going to be \$200.

A. Marchetti: It's currently \$35.00.

N. Keane: Currently 0.

F. Westbrook: Currently 0. It's currently 0. Board of zoning appeals, that is, we've not ever charged a fee.

N. Keane: The code allows you to.

F. Westbrook: The code allows us to. That's going up to \$300. Golf cart fees, we've had the ordinance for golf carts, but we have never actually had a fee in the ordinance.

N. Keane: Now the way we can add this and make the fee authorized is because we are passing all these budget related documents as ordinances so, for example this one would be a fee ordinance, we can say that we are adding this to the code section as related to golf carts which allows us to do that. Remember how we had a conversation maybe a year ago and saying that we weren't collecting a golf cart fee because of the code section that was passed authorizing a golf cart regulation never called for a fee. It called for an insurance policy only.

B. Schaschek: We were just charging \$10.00.

N. Keane: We were charging \$10.00 but we didn't have any authority to do that. We can now fix that through passing this ordinance in assessing a certain fee for whatever you want individual or commercial or the same for both.

B. Schaschek: What's a commercial golf cart?

F. Westbrook: Well, the people at Rappahannock Rentals rents golf carts and so does Neptune. I have seen them deliver them over the past couple of years, so we were thinking, yeah in return they are responsible for the liability as far as any insurance coverage on the cart instead of the renter, they'd be responsible to make sure that it had the items on it like the triangle and the taillights and headlights if it is going to be operated when the sun is down, so they'd be responsible for all this to the renter.

J. Brown: Would this be per cart, per year?



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F. Westbrook: For commercial we are talking about annual.

J. Brown: Is what?

F. Westbrook: Annual.

S. Phillips: Per cart annually.

Mayor Bugg: That's a good call because I do see them a lot especially in the summer.

F. Westbrook: Yeah, so the private or the personal you know that's per year the \$25.00 per cart, for commercial it's just a flat \$200.00 a year.

J. Brown: How many carts now?

Mayor Bugg: Per cart.

S. Phillips: Right so if they have 10 carts that they rent to Irvington, every car that comes into Irvington has to have a sticker. That sticker is \$200.

F. Westbrook: Yeah, so they may only opt to have three of their golf carts in their fleet that they would rent to Irvington.

B. Schaschek: So they would be paying \$600.00 in a fee.

F. Westbrook: Uh huh.

N. Keane: What do they charge in Irvington, I guess there's not that many jurisdictions.

F. Westbrook: When we were talking about it I thought it was \$200.00 for the year period for them.

N. Keane: I don't know.

B. Schaschek: I think \$200 per cart is scary.

S. Phillips: That's up to the council.

F. Westbrook: The cart twice, it was cheaper just paying \$25.00 per cart.

S. Phillips: That's up to ya'll however you want to change it.

Mayor Bugg: Yeah \$200.00 is gonna get up there.

F. Westbrook: Alright so what do you want to do about that?

S. Phillips: But it's a tourist pass through, to the tourist. I think that you should be aware that there are multiple commercial golf carts in town and the town has no way to regulate them.

F. Westbrook: Right and this is a step to do that but the biggest concern to me is that these carts even though we have no way of regulating them actually, they still have to adhere to what the state says, these carts have to be and do, in order to be on the state road. So, by having Neptune and Rappahannock Rentals pay us a fee



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whatever we determine it to be annually for them to bring their golf carts in here then they know what's required so that we can keep, keep our carts going. We don't want to lose them because a renter comes in and is involved in some sort of bizarre accident and some, cops are involved in it and all of a sudden you know there is all kinds of infractions and they wouldn't even know it is a residents golf carts.

J. Brown: Do we have any idea how many carts were rented commercially?

F. Westbrook: No.

S. Phillips: We don't know the total number of carts that are rented, but we know that Neptune also rents in Irvington.

J. Brown: Say that again.

S. Phillips: That Neptune, is located.

S. Phillips: I think that everybody recognizes a 6-seater golf cart, commercial golf carts in town and so, are you interested in regulating a commercial golf cart.

J. Brown: I think we should, but I think it would be helpful to know about how many are being rented so we know whether this fee is a reasonable figure or not.

S. Phillips: I would have no way of knowing that.

J. Brown: Can we call and ask them?

S. Phillips: How would you ask that question, how do you want to handle it, I don't have a relationship with any of those vendors.

B. Schaschek: I would just ask them.

F. Westbrook: I don't know that it's necessarily important that they rent 10 or 100, I don't think it's all that many.

Mayor Bugg: I think its 2 or 3.

F. Westbrook: Yeah 2 or 3.

Mayor Bugg: It might be off but in that range.

F. Westbrook: Well, we don't want to make it prohibitive for them to rent the carts that are coming into Irvington.

J. Brown: No we don't want to but we want to be realistic of what the fees are. I mean they are operating a business and you know if they are renting hundreds of carts then the fee is too low, if they are renting two carts it's probably too much.

B. Schaschek: I can have Kurt call you at the office. You want, if you feel more comfortable with that. I can ask him because I don't think he is renting 10 golf carts. If it's three or four in town, that's a lot.

S. Phillips: Okay.



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B. Schaschek: Now, I got a golf cart from them, Wayne has two from them and somebody else in our neighborhood and so you may see them coming, but that's because they pick up golf carts for service.

Mayor Bugg: Yeah.

B. Schaschek: Even though you see them they may be rentals and one of ours, that's why I'm just trying to mention that. On the conditional use permit where you are going from zero charge to \$200, now is it resident still or the customer, or you whatever you want to call it still responsible for the ad and the letters and who is paying for all that.

F. Westbrook: Not yet.

S. Phillips: So the thought process on the CUP going up to \$200.00 is an interim step. At this time they don't pay anything directly to the town.

B. Schaschek: Right.

S. Phillips: But, they do pay for all of the advertising and that can range upwards of \$200 by the time they pay for the ad itself which is generally just at \$200 for the ads, then they have to pay depending on how many people are within 300', it can be 2, 6, I, also, the three CUPS that we processed in March, they had upwards of 20 a piece and generally at about \$6.00. So right now the applicant pays those fees, this is an effort in partnership with the zoning administrator she has weighed in on the thought process here. This is, it will be I'm assuming effective January 1, or whenever you make it effective it will carry you through this fiscal year. In the remainder of the fiscal year, you will authorize the town attorney, at your desire, you will authorize the town attorney to rewrite your code because right now your code is written that the applicant pays the advertising and the code probably needs to be rewritten so that the town is responsible so that the town controls the ad and the town controls the affidavit side of things. This is an interim step allowing the town to at least not lose money on the CUP process should you choose to modify your town code you might go up on the CUP again once the town is completely financially responsible turnkey for the CUP. Most jurisdictions charge anywhere from \$300 to \$500 for a CUP.

F. Westbrook: We looked at Middlesex and Lancaster, to see what they were charging so ours is somewhere between and going up to \$200 on the CUP particularly helps reimburse the town for the monies that are being paid to the zoning administrator. I mean it's, what did Lara say she's, 10 or 20 hours. For CUP, so this way at least you know the town is trying to break even a little bit on what it costs us manpower to do it and if we go to us doing the other aspects of it, the mailings and the newspaper ads we may have to go up another \$200 at least.

B. Schaschek: I think you have to do a range there, because if somebody has 40 certified letters.

S. Phillips: You would potentially modify the code to not say within 300 feet but to say adjacent.

B. Schaschek: You have to check the stated stuff, I think you have to do something.

F. Westbrook: I think the county only says adjacent, I'm not sure.

N. Keane: VMRC says adjacent.



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F. Westbrook: Who does?

N. Keane: VMRC and that's where most of ours come into the issue, VMRC uses the word adjacent we use within 300 feet.

A. Marchetti: Of all property lines?

N. Keane: Of all property lines. I mean, we are not suggesting changing it, but we'll have to come up with some way to figure out the cost to give you all some sort of income for this because you can't afford, I mean the town just can't afford.

F. Westbrook: Well we can't.

J. Brown: [talkerover] Sign fee needs to go up.

F. Westbrook: Well the sign fee will also, there will be a sign fee and a zoning. So it's so much per sign but they need the zoning permit.

F. Westbrook: If it is put in the ground.

N. Keane: Or the sign post then you have to get a zoning permit to put that up and that would be another \$100. So for a sign to be approved up on stake or post, it would be \$20 plus \$100.

J. Brown: Okay what items would be included under the zoning permits, is that sidewalks any buildings.

N. Keane: Any construction.

S. Phillips: So, the zoning permit also follows the CUP.

J. Brown: Pardon me.

S. Phillips: So, if you use an example, the Tides Inn when they did their floating docks they went through the CUP process and once that CUP was approved they then received a zoning permit so using the scenario that's before you, you would have a \$200 CUP fee and when that's concluded it's a \$100 zoning permit.

J. Brown: Okay, what about a homeowner who is making changes to their property.

S. Phillips: If they are just building a garage that's completely within normal everything \$100.

J. Brown: \$100. Sidewalk?

S. Phillips: What would you do to a sidewalk, install a sidewalk.

J. Brown: Install a sidewalk.

S. Phillips: As long as it's not in the RPA it is completely under the zoning administrator's purview it is \$100.

J. Brown: So, every time they want to do something it's \$100.



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N. Keane: If they need a permit for it yes. If you need a building permit for something Lancaster County won't give the building permit until we have given a zoning permit. So, they have to pay us for the zoning permit, they pay Lancaster County for the building permit. Whatever they charge.

F. Westbrook: That's more in keeping with what our neighboring counties are doing.

J. Brown: Okay.

Mayor Bugg: Any other discussion about fees?

F. Westbrook: One other comment would be BZA we have not had a fee on that before but we are allowed to. BZA at the county, if I'm not mistaken that's \$500. It's pretty steep on the county side and what do we have it down there?

Mayor Bugg: \$300.

F. Westbrook: \$300, so I imagine that wouldn't go up.

D. Patteson: I apologize for being late, my dog at 5:30 started howling in pain and I instantly became a veterinarian. Took care of it, but it scared the hell out of me. So, I'm sorry.

Mayor Bugg: No problem.

D. Patteson: I'm here.

F. Westbrook: So are there any questions then on the fees, let's see, tax rates. I was telling Bonnie earlier that this is a hard budget to deal with in that we've had to deal with COVID of course and that has affected not only cash flow but the revenue and it's, we've looked at, the only thing that we thought we could increase was our occupancy rate and given the other expenses which you'll see when we get into it, we figured things at a 1% increase which still left us heavy on the expense side and we figured at a 2% increase which would put us at a total of 4% on occupancy rate would make the current, what we are proposing here, would make it work, we would have about \$13,000 left over if we go to 4%. If we stick with the 3% total rate we are still going to be in the red, so we're going to have to consider going up on the tax rate of the occupancy. We talked about a meals tax but we can't institute a new tax at this time, we can next year when we are doing the new budget for the upcoming fiscal year.

B. Schaschek: This is the amended.

F. Westbrook: Yeah, this is the amended.

A. Marchetti: Pretty limited.

F. Westbrook: Yeah we are pretty limited.

A. Marchetti: Until next July.

F. Westbrook: Yeah.

J. Brown: Does White Stone have an occupancy tax?



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F. Westbrook: I have no idea.

J. Brown: Kilmarnock's is what 7 or 8%?

F. Westbrook: 7 or 8, you know you get into the cities, I mean Richmond is charging 12%, you go to a hotel they slap on 12%.

B. Schaschek: Doesn't Kilmarnock do a \$50 registration or a \$100 fee annually.

N. Keane: Kilmarnock does a business license.

B. Schaschek: Remember when we were at the town meeting and they were putting in the fee for occupancy tax and they had to register all the VRBO's and stuff....

F. Westbrook: Oh, yeah they were charging a registration fee. We haven't gotten to that step yet, yeah, there is an annual registration fee which we would probably, annual registration, I don't know if we are going to attach a fee to it but we will probably will.

B. Schaschek: We should keep it and we can based upon the state and the county.

F. Westbrook: So exactly what percentage that tax rate is going to end up being we'll determine tonight when we go through the budget and we figure out what rate we're going to need to make this darn thing balanced. The other thing we need to look at before we get right down to the budget itself is the amended budget schedule if you will and the synopsis, there's other drafts you have, there's three pages. The first one says advertisement number one, this is how it is going to appear in the paper on this advertisement number one. It's outlining our public hearings, the dates, you will notice that the hearing, this is all on the same day, Thursday, October 8th, this has to go in the paper next week.

S. Phillips: Tuesday.

F. Westbrook: Yeah, and you will notice that the first public hearing will start at 5:00 p.m. and the second, third and fourth will be immediately following the preceding one, so we don't have the structured time frame like we had last time we were sitting and waiting before we could start the next public hearing. This is taken straight off of the budget schedule which we already approved, so this is just the format that is going to be in the newspaper, we've already voted on this and that's how it is going to be listed in the newspaper. The second page that has advertisement, no excuse me, let me go back, the paper that has public hearing number five, this refers to, and this is the fifth public hearing, but it has to be a separate ad in the paper, it won't be a part of advertisement number one.

N. Keane: Wait a minute, can I jump in, are you looking at public hearing number five for the budget announcement?

F. Westbrook: Yes, that is part of advertisement, do I have that backwards.

N. Keane: Yes. That is all one ad and it has five public hearings and it is a two pager because we couldn't fit it all in there.

F. Westbrook: I beg your pardon.



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N. Keane: The other one says advertisement two, that's the one.

F. Westbrook: That's the one I'm, so this will be the increase in the occupancy tax rate and that has to be a separate ad in the paper, so it is very clear, very distinct to the public what we're doing and right now we have this occupancy tax rate 4%, if we decide to do 3, obviously this will change to go in the newspaper. Are there any questions on those? So these two ads will be happening next week for public hearings. Is there anything else we need to add to that? Okay, so that gets that part taken care of. Now down to the final part. I think we will start with the revenue. So, the revenue starts with occupancy rate, real estate tax rate. So the first item on there is the occupancy tax rate and we were just talking about that when I said, you see the \$75,000 the far right hand corner, that far right hand corner is the proposed budget figures at this point. The \$75,000 was arrived at by taking the base rate of both the Hope and Glory and the Tides Inn last fiscal year and using about 70% of that at a 1% increase that will give us \$75,000 projected. That's not quite enough to make the budget balance. If we go to a 4%, in other words a 2% increase then that would give us about \$98,000 which would give us another \$13,000 surplus if we do that, so, if we don't do the 4% on occupancy tax rate we are going to have to figure somewhere else to find some revenue. So once again, a 1% increase at \$75,000, a 2% increase is \$98,000. Real estate tax we have \$63,000, local sales tax at \$25,000, that's mainly because not quite as much spending in town to charge sales tax on so we are going to have a little bit of a decrease in what comes back to us from the state. We kept the auto tags the same at \$10,000, bank franchise we took up just a little bit to \$12,000 because of deposits, cable TV we are keeping.

B. Schaschek: Bank deposits are up.

F. Westbrook: Yeah, based on what they told me, well, Irvington, this is all based on the Irvington branch. Cable TV, communications, we took that down to \$2,000, it was at \$2,000 and we budgeted \$22, but we haven't quite hit that mark so we took it back down to \$2,000. \$1,000 remaining in permits, excuse me, \$1,000 in town property rental which is septic fields, septic tanks over there behind the bank, on the commons area, permit and zoning fees we went up to \$2,500 because of increased fees that we just went over. Interest income went down a little bit to \$5,500. That was just kind of a guesstimate on our part since rates have gone down, they've gone down since.

B. Schaschek: I think they should be lower than that.

F. Westbrook: You think so.

B. Schaschek: We are getting .45 on some of those.

F. Westbrook: What do you think we ought to take it down to 4.

B. Schaschek: Income and then we can figure it out, yeah because the rates have dropped.

F. Westbrook: Yeah but the CDs and stuff we had that rate stays the same for that year right.

B. Schaschek: .45, I think they are due in April.

F. Westbrook: Two due in April, the rest are.

B. Schaschek: They were 13 months.



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F. Westbrook: Yeah but they are staggered, they weren't all due in April are they.

B. Schaschek: Two major ones due in April.

S. Phillips: April?

B. Schaschek: Yeah.

F. Westbrook: No, we had one in September, two in March and one in December.

B. Schaschek: You are getting about \$127 a month in interest income, that's it.

F. Westbrook: It can't be down.

A. Marchetti: What were the rates at last year, down \$5,500.

B. Schaschek: That was like 1.75, yeah.

A. Marchetti: That's like three times as much.

F. Westbrook: We had \$6,000 that we had collected through the end of March or June.

Bonnie Schaschek: Well, that's because you had collected from March to whatever, through March it was still that 1.75. Interest income on P&L for August was \$127 and year to date it's \$254, I think just multiply \$127 out by 12.

F. Westbrook: That's the two big ones, \$103,000 and \$113,000. Alright, and what did you say 4.

B. Schaschek: Yeah .45. Do you have your P&L?

F. Westbrook: I have one here

B. Schaschek: I have the one from August.

F. Westbrook: The one from July, alright we might just.

B. Schaschek: Multiply \$127 by 12 and be done.

F. Westbrook: I think that's, good grief, that's dropping \$4,000. Alright so, interest income we are going to take that all the way down to \$1,500, that's going to hurt. Okay, those are the two big ones, and we are not doing that much on money market, that's, we might be able to get a little more than \$1,500 with money market but it won't do much more. Then the fire grants \$10,000 and that in and out, the Lokey Wiley fund, we will take \$2,000 out of that investment and we use that to donate \$2,000 the libraries so that comes from another source. We have miscellaneous income of \$50 which kind of represents when we sell some books or whatever else happens inside the town office. We have Virginia Tourism grant, we've got \$15,000 that will be coming in, you'll see down below expenses, it will be \$25,000 going out, so that will be a net and then the COVID CARES Act, we put the full \$70,000 in here we've only received half of it, it is my understanding the county does have receipt of those monies in their possession and we think it is just a matter of us making the request to get the other half in, so we put the \$70,000 in income, you'll also see a corresponding entry later in expenses for the same amount, so that



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will net to zero, hopefully we spend it all and we are going to have to give some of that back which will reduce the revenue side. Are there any questions on the revenue part?

B. Schaschek: Based on this I think you should go with the 4%.

F. Westbrook: I would say so yeah.

Mayor Bugg: Yeah.

F. Westbrook: Yeah, now that you've licked the red off my candy here, alright operating expenses, employee expense will kind of hold, we are estimating \$65,000. Professional services is up to \$25,000 and that's because we put in an additional \$10,000 to pay the professionals who will do our financing stuff, they will go and see what our, whether we are, how much we can get loans for and what have you. Credit worthiness.

J. Brown: Pardon me.

F. Westbrook: They will be doing our credit worthiness and we are estimating about \$10,000 is what they'll probably charge us for that. Our VML insurance for overhead, the office, has gone up a little bit, we put it in there at \$4,500, public safety and code enforcement that's \$11,000, \$10,000 of that is where we give the monies that we get from the fire grant. Have I said that wrong, hold on that doesn't sound right?

N. Keane: That's the expense side of it.

F. Westbrook: That's the expense side of it, but we have an additional \$1,000 because we try to give some to Kilmarnock also in addition, so it cost us \$1,000. We get \$10,000 grant in, we pay out the \$10,000 to White Stone, but Kilmarnock also serves our area and we started giving some monies to them but we put them under, that doesn't sound right guys, hold on a minute.

J. Brown: So, you give them \$1,000 and you give White Stone \$10,000.

F. Westbrook: Well, the \$10,000 is a grant and they are the first responders for us for Irvington because they are the closest.

J. Brown: So, who is getting what?

F. Westbrook: Pardon.

J. Brown: So, who is getting what?

F. Westbrook: I've told you all wrong on this.

B. Schaschek: Yeah, last year we gave \$10,000 to the fire grant and \$500 went to code enforcement.

F. Westbrook: That's right.

S. Phillips: Code enforcement is under notice and violations.



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F. Westbrook: That's what it is, thank you very much. The \$10,000 is the fire grant, the extra \$1,000 is the ads that go in the paper for code enforcement and Lara has already had a couple of, yeah, that haven't, she's had to deal with them and they haven't done what they should have done the way they should done it.

B. Schaschek: So, you think code enforcement is up by \$1,000.

F. Westbrook: Well, she is going to have to start putting ads in newspapers and stuff for certain things. Recently she put an ad in the paper reminding people, if you have to come to the town office and get permits, you all saw that ad, but that was posted what maybe 2 weeks ago, so that helps cover that cost. I didn't think that sounded right initially. Office expense we're up \$14,000 that's just to help with some of the papers and things that they need to get into this office but it also.

S. Phillips: Reflects the fact that zoning is now up and operational.

F. Westbrook: Yes, and they are using more papers and stuff. Yes. We have bought some things to help get her outfitted. Municipal expense \$14,000, this is covering, this gets things listed on the website correct.

B. Schaschek: That is the tax collections, collection costs

A. Marchetti: The expense for Lancaster to collect

B. Schaschek: That's what that stuff is.

F. Westbrook: I don't know why I'm so dead tonight.

S. Phillips: Municipal expenses are what it actually cost to collect the tax.

F. Westbrook: To collect our taxes.

A. Marchetti: Collect our taxes from the county.

F. Westbrook: Yeah, that's what we pay the county.

F. Westbrook: Alright, I have to get my act together before this stuff goes public that's for sure. Town council expenses stated \$3,000 that includes our advertisements that go into the newspaper for the meetings and includes some fees if any of us do.

B. Schaschek: Can we municipal expenses because part of that was elections and we had election this past year we don't have one this year.

S. Phillips: So you could reduce it by \$3,000 I think we paid, we generally budget about \$3,000 for election.

F. Westbrook: But we also allowed for the fact that we may be having more ads, more CUPS and things. We haven't been doing those.

S. Phillips: Those fall under town council and planning commission.

F. Westbrook: And planning and zoning.

S. Phillips: And municipal expense is.



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F. Westbrook: See we didn't go up in municipal expense, I mean excuse me in planning commission.

S. Phillips: No, no you're right, because it's never been used, we are quite comfortable with that number.

B. Schaschek: I thought that is why we went up to the \$1,000 for the COVID enforcement stuff. Okay.

S. Phillips: So also the reason that your town council and your planning commission COVID has affected these things, but you had a new mayor, new administration and you have a very new planning commission.

B. Schaschek: Right.

S. Phillips: And we anticipated everybody going to some kind of seminar.

F. Westbrook: Training of some sort. Now these areas right there.

S. Phillips: Orientation fees Fran, so if your planning commission or town council, even so because they can't go away to seminars, it's a way to compensate for the services when they do orientation.

F. Westbrook: So these are areas, I mean between now and the end of this fiscal year we can probably cut from some of that.

B. Schaschek: That's why I was saying we should cut the election. Because we are not paying any of that this year.

F. Westbrook: Alright, so you are recommending the municipal expense we can cut down \$1,000.

B. Schaschek: I would cut \$3,000, we have \$3,500 in there for election expense that we are not going to.

F. Westbrook: Alright so let's look here a minute, so we spent the year before \$8,700, the year prior to that \$11,000, alright I can see that if we cut \$3,000. So, we'll take that down to \$11, okay. Alright town council.

S. Phillips: Again, that's all your advertisements, you're whenever the town council has any kind of public notice, orientations, the same for your planning commission. I think somewhere along in here there was also \$500 for a map.

F. Westbrook: That should have been under planning, usually. Alright so what we have been spending, okay, well we haven't spent the, there is only one year we went over \$3,000, each year for the past 2 years we have been under. So, we might can do \$2,000 there because we did build in some training that would probably.

B. Schaschek: That's built into the \$1,850. We have the \$750 for conferences.

F. Westbrook: \$1,850 is planning commission training, we also had allowed for some for new council members and the mayor to attend a conference, yeah. So I'm thinking that for town council we might can go down to \$2,000.

B. Schaschek: Yeah because they can't travel.

F. Westbrook: They can't travel, I mean, it's almost \$1,000 of three.

N. Keane: The training we have been doing here is orientation.



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F. Westbrook: I'm talking about the mayor's conference and things like that in October each year and then for new council members. Planning on that, it happens October 9th or something like that so is that your pleasure then.

N. Keane: Sure.

F. Westbrook: Planning commission, that's where we are going to get into more ads than we have been having in the past.

B. Schaschek: I would leave that like that.

F. Westbrook: Okay.

F. Westbrook: Utilities, we are anticipating it to be a little bit higher in that bigger building so we are going from \$13,600 to \$15,000.

B. Schaschek: Does it have a decent HVAC system.

F. Westbrook: It's a new one.

Mayor Bugg: Brand new one, huge.

F. Westbrook: We still have to keep the old office, heated and cooled until we sell it. Town maintenance we are leaving at \$15,500.

B. Schaschek: I have a question, did you see, it's just a curiosity thing, any decrease in the Christmas lights because we went LED. They said it is supposed to be more efficient and cost less.

S. Phillips: We normally get, I have not gotten the festoon light bill, so yes it was decreased. But seriously, I haven't gotten it.

F. Westbrook: Alright we are leaving our town maintenance at \$15,500, and then these other, the next few items that are at zeros, they will cycle off this year.

B. Schaschek: So, let me ask you a question.

F. Westbrook: Yeah.

B. Schaschek: Town maintenance is the landscape work included in the rent or.

N. Keane: The rent includes \$200 a month for leaf, snow and grass and seeing how it is like a park, it's gorgeous.

F. Westbrook: We're also, we have the mayor's discretionary fund over the years, we are maintaining at \$750, this allows the mayor to spend obviously at his discretion, sometimes we have council members who are ill or family that has passed away at the mayor's discretion, flowers or what have you, often sent, things like that.

Mayor Bugg: It has been mentioned to me that current affairs and COVID and office that we may want to consider adjusting that figure upwards. I am comfortable with whatever you guys want to do, that was suggested to me, Sharon if you want to say a few things about that.



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Sharon Phillips: So examples would be again we just have the office transition and you guys do a fantastic job budgeting but sometimes things just aren't in the budget like lateral files we just found out we needed lateral files with the new office there are hardwood floors throughout, and we don't want to damage them so we are looking to protect the floors, spending wisely those things should probably just go under the mayor's discretion.

B. Schaschek: Can we use COVID CARES because we have to move out of the office.

Sharon Phillips: So I think you're going to have a conversation about how you spend your COVID money, you're right but I think there's going to be a thought of how to more efficiently spend that COVID money so whether the carpet and the filing cabinets come out of CARES or mayor's discretion.

B. Schaschek: We could take the lateral files out of office supplies.

F. Westbrook: That's what I was going to say, why don't we just increase office expense?

Sharon Phillips: So the reason is the treasurer is the one that asked that the mayor's discretionary fund come out of community support and tourism because mayor's discretionary fund if it lives in community support and tourism, requires specific appropriation because it's community support and tourism.

B. Schaschek: It's an operating expense.

F. Westbrook: That's what it is supposed to be.

Sharon Phillips: It was in community support and tourism before which required you guys to vote on it. So, it really wasn't his discretion. So, the thought is to bring it back under general operating and again, we have, there are a couple of things that have come along and it is not just flowers for someone or.

F. Westbrook: Rannie used it in the past, there were things going on in the office we were running short in one area or another.

B. Schaschek: The other thing is if you are buying carpet and cabinets and stuff like that, stuff like, those are assets and you put them in your capital expense.

S. Phillips: I don't think carpet squares are a capital expense.

F. Westbrook: What are they 36 x 36 squares? And the rolling chairs on the wood floor.

B. Schaschek: Are you going to put the carpet down, get yourself a plastic mat, static that you create on the rolling chairs and the carpet is not good for your PCs. You have to use those plastic things that go over the carpet.

Sharon Phillips: What we are looking at is carpet squares that are felt back so there is no adhesive, they are weighted, they are commercial and this is only in the board room.

F. Westbrook: I do think maybe that would be more appropriately reflected in office expense as opposed to using the mayor's fund for that, because that's what we are using it for. So if that's the case, Sharon you plan on spending how much \$1,000?

Sharon Phillips: The lateral files are \$400 and the carpet right now is \$500.



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F. Westbrook: So if we raise office expense to \$15,000 from \$14,000, does that sound.

B. Schaschek: I think so. If you think \$1,000 is going to cover it, if you think you need more than \$1,000, you think \$1,000 is sufficient.

Sharon Phillips: The carpet is \$500 and the lateral files are \$400.

B. Schaschek: But that's today, you don't know what tomorrow is. So why don't we add an extra \$500 to it because you don't know, if you don't spend it then it just.

Sharon Phillips: I do think we are in a bit of a state of flus with the new office, we just don't know what we're going to need, when we're going to need it. We were all in one room.

N. Keane: The reason for asking for the increase on the mayor's discretionary is because it's not always going to be an office expense for something that is already in the budget.

B. Schaschek: This we know is an office expense.

F. Westbrook: It's six one way and half dozen the other where we put it, to me it more accurately reflects the use by having it in office expense.

B. Schaschek: Especially since you know, so put it in the budget for it.

F. Westbrook: We still have the discretionary fund if we need to fall back on it for. We only have to get by 6, 7, 8 more months so.

J. Brown: So what figure did you end up with \$15 or?

F. Westbrook: \$15,500 under office expense. Then as I mentioned above the COVID CARES act that is showing up in its entirety as an expense. The town office rent, this reflects.

B. Schaschek: Wait. Did you up the mayor's discretionary fund?

F. Westbrook: I left it at \$750 because we upped office expense, but if you think we need to up the mayor's discretionary fund, then yeah, just give me a figure.

N. Keane: \$1,000, \$2,000. What are you comfortable with?

Mayor Bugg: \$2,000 is fine. \$2,000.

F. Westbrook: Alright I've got it in there. Alright, so COVID I just explained that and then the town office rent, we think that we can use funds past December 31st.

B. Schaschek: How many months is this rent.

F. Westbrook: This right here represents 6 months. January through the end of June, it's likely we won't have that but I'll throw in another part of the conversation, here with the COVID stuff, we are anticipating using about \$40,000 of the total COVID funds as a down payment to get a new office going and that would leave the other \$30,000 to spend on Sharon's buckets that she has given us this list on, and, it would be cleaner I think if we



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didn't divy up COVID into all these different months of rent, if we had fewer entries on COVID. We have to go through an audit from them, the county, it would be cleaner if we didn't nickel and dime ourselves with the rent for the first few months and all the moving and all of that, if we pay for that out of our funds which we pretty much allowed for in these other items here, and had a larger amount that we could put towards the town office like the \$40,000, it's going to be 6 one way half dozen the other. It's just that we'll use it under a new office, a brand new office.

B. Schaschek: And we have confirmed that we can use the funds for that.

F. Westbrook: Uh huh.

B. Schaschek: Because if they come back and say we couldn't do that you have to give it back.

F. Westbrook: I was initially concerned that if we used it for this interim office and then tried to use it again for another office but Nancyellen had a good point when we were talking about that and that we needed to get out of this other office, one we can't meet the COVID regulations in there, secondly we have the mold situation going on downstairs. We had to get out, there's no way we are going to have office space available for us immediately so this interim measure is mandatory, there is no other way that we can do what we need to do, so that was a very valid comment there. We haven't heard about an extension yet past the 31st have we. That's where I'm antsey, the thing is if we had to reimburse any of the monies we have to have a line item in our budget we just can't give that money that we haven't budgeted for. We have to have a line item from which to disburse it to give it back so we have a little bit of a cushion there. Any comments or questions on expenses.

J. Brown: What was your final figure for town maintenance you said \$15,500 but it's \$18,500, did you take 3 out of that.

F. Westbrook: Town maintenance we left at \$15,500.

Sharon Phillips: And I might encourage you to consider the reasons that that number increased was the repairs for the mold remediation, carpet removed.

F. Westbrook: Well that would be office expense though. Town maintenance is where we.

A. Marchetti: Is there a line in capital budget for that.

F. Westbrook: Town maintenance is where we do the grass cutting and all on the other stuff.

A. Marchetti: On the office building.

Sharon Phillips: There's no increase to that contract.

F. Westbrook: Right, so we left it at \$15,500.

A. Marchetti: So is that just a typo because my copy says \$18.

B. Schaschek: Mine says \$18,500 but you said \$15,500.

F. Westbrook: Well mine has \$15,500. Okay so I don't know how that got to \$18,500, but \$15,500 is what we'll go with on that.



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B. Schaschek: Yeah you had \$10 in town renovations.

S. Phillips: Was it \$9,000 to do the foundation repair. Somewhere we need to find money to pull the carpet out and probably some kind of mold mitigation.

A. Marchetti: Is there a plan for if the property is going to be sold. What needs to be done a punch list?

Mayor Bugg: Sharon, will.

B. Schaschek: Capital planning \$10,000 in there.

F. Westbrook: We'll get to that under.

B. Schaschek: You need more than \$10,000.

S. Phillips: Ron Bays is right at \$10.

F. Westbrook: And that's, we've got that under. Okay we'll move onto transport and tourism. We, let's see, charitable donations they remain the same across the board. Under other, community events we left at \$10,000 not knowing whether we will have a parade next year. Flags and banners we did take up \$1,000.

S. Phillips: That \$1,000 is for flag poles and such.

F. Westbrook: Yeah crab festival, is at \$1,200.

B. Schaschek: Are you putting under, or capital, so what's the \$1,080 tourism then. If you take it out of capital.

F. Westbrook: We took it out of the capital budget because there was such a low dollar item and we put under community events, under other where we have all the things that we do for the town.

B. Schaschek: Right.

F. Westbrook: Like we just took flags and banners and added that \$1,000 to it.

S. Phillips: So, under your flags and banners is roughly the \$3,000 contract for Elbourne to install the flags and banners and then the \$1,000, for community, capital budget, again that was just flag poles. Your hardware if you will.

B. Schaschek: Why would you pull it from capital?

F. Westbrook: Because a \$15 flagpole is not capital. Not when they snap, last year we lost a whole.

B. Schaschek: Every time a truck went around that corner and hit them.

F. Westbrook: So, of course we are not doing the WIFI anymore but that has to stay on for 3 budget cycles so that the public sees you know, that will cycle off eventually. Obviously, there is a zero dollar there. The trolley we put at zero.

B. Schaschek: They're not running.



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F. Westbrook: They are not running now and by the time this budget cycle is over they may or may not have kicked back in, but if they do it'll be okay for us because we will have the new budget by July 1 and we can budget that \$250 on the next budget cycle. Virginia River Realm we left that at \$2,000. Virginia tourism grant, this is the \$25,000 I read earlier, we have the \$15,000 in revenue that comes back to us, we have to spend \$25,000 to make that happen, so the net \$10,000 which is what will be out of pocket. Mayor's discretionary fund we moved to the other category. Irvington Golf Tournament, we left that the same at \$2,000. Any comments or questions on that.

F. Westbrook: So Fran, what does that take your community sport in terms of total number to.

F. Westbrook: That whole category is at \$51, hold on, \$51,400.

S. Phillips: So, you didn't adjust anything in there.

F. Westbrook: No, not just now, we did not.

S. Phillips: May I back up.

F. Westbrook: Yep.

S. Phillips: You did your general operating, after you made all of your adjustments, what was your total general operating.

F. Westbrook: General operating, that, the two adjustments is the occupancy tax up to \$98,000.

S. Phillips: No, general operating expenses.

F. Westbrook: Oh I'm sorry.

S. Phillips: \$273,432.

F. Westbrook: It's at \$246,952.

J. Brown: Is that operating expenses?

F. Westbrook: That's operating expense \$246,952.

N. Keane: What was three, two changes under that Fran it was the office expense going up to \$15,500.

F. Westbrook: Going up to \$15,500.

N. Keane: And you have \$2,000 mayor's discretionary fund and then there was the town maintenance that was a typo, says \$15.

F. Westbrook: It's \$15,500.

F. Westbrook: So, in other words the total is \$246,952.

N. Keane: Right, I just wanted to know what the three changes were.

F. Westbrook: Want me to go down that list real quick.



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N. Keane: Yes..

F. Westbrook: I'll call them out to you starting with employee expense \$65,000, \$25,000, \$4,500, \$11,000, \$15,500, \$11,000, \$2,000, \$1850, \$15,000, \$15,500, going down to mayor's discretionary \$2,000, \$70,490, \$8,112 and that gives it the total of....

N. Keane: Where is the reimbursement contingency fund is that still on, that's the.

A. Marchetti: That's on this sheet, does that give you a total of what you said \$240....

A. Marchetti: Yeah but we didn't change \$30,000, \$28,000 worth of stuff there.

B. Schaschek: We did not change that much. Something is not right.

A. Marchetti: Something is not right. We made changes but it wasn't more than a few thousand dollars.

C. Bradley: Town office rent.

F. Westbrook: Yeah the town office rent.

C. Bradley: The number I have is not 81.

F. Westbrook: Yeah, I just checked that, it goes all the way down, let me double check that....

A. Marchetti: \$22,000.

F. Westbrook: \$220 to \$226, yeah that's what.

A. Marchetti: I have a \$35,000 difference if I just do quick math in my head. So, if the \$273 was right then it would have been \$270.

F. Westbrook: I get \$246,952 exactly.

N. Keane: Does everyone agree with the numbers office change of \$15,500.

B. Schaschek: Fran. Your formula is not putting in the reimbursement to the contingency.

A. Marchetti: Yeah, before the thing last night I had the \$246.

B. Schaschek: It's not adding it.

A. Marchetti: \$21,000.

C. Bradley: And that would give you the right number.

F. Westbrook: Alright what's the reimbursement?

B. Schaschek: \$21,360.

F. Westbrook: Alright now that brings it up to \$268,312. Yeah, \$268,312. Alright let's go up to revenue, I have that at \$312, \$312,540, \$312,540.



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B. Schaschek: We've got \$293,040. It should have gone down.

F. Westbrook: Well we went up on occupancy tax, we went from 75 to 98.

N. Keane: Oh, we don't have that on here.

S. Phillips: And you dropped the interest rate.

F. Westbrook: And we dropped the interest rates.

A. Marchetti: So the change would be this needs to go to 98.

F. Westbrook: Alright, I'll read them down the line to you okay. Starting with occupancy tax, \$98,000 that reflects the 4%.

B. Schaschek: Yes.

F. Westbrook: Total, real estate \$63,000, next \$25,000, \$10,000, \$12,000, \$2,000, \$1,000, \$2,500, \$1,500 \$10,000, \$2,000, \$50, \$15,000, \$70,490.

S. Phillips: One adjustment the \$15,000 should be \$15,250.

F. Westbrook: Which you mean down, alright \$15,250. Alright so let's do that, \$15, alright \$15,250, so it we would be out of pocket a little bit more than a 10. Alright so the new number under revenue is \$3, excuse me \$312,790, operating \$268,312, community support \$51,400, now, that brings us down to a short fall of \$6,922.

B. Schaschek: What was the short fall?

F. Westbrook: \$6,922.

S. Phillips: Is there a consideration on fractions on your occupancy like 4.25?

F. Westbrook: Let's see what that would give us. Alright, you're saying 4.25.

S. Phillips: Just a thought to see what it gets you. I suspect it's going to be 4.025.

F. Westbrook: I didn't do something right. Alright hold on.

N. Keane: If 4% gives you about \$100,000 which is what it is, a quarter of a percent will give you 4.25.

F. Westbrook: I haven't done something right....it should be roughly that....I'm getting an error, oh I'm down to less than 10% on mine. Alright so if you'll take this x the 4.24. Actually 70% of that x 4.25....that's going to give us \$6,000 more.

A. Marchetti: Almost \$7,000.

A. Marchetti: 4.5 would give us \$5,000.

S. Phillips: So one of the things I'm hearing and seeing is a change in trend, your VRBOs are obviously two key players in your occupancy tax as the Tides Inn and Hope and Glory and a handful of the VRBOs that remitted occupancy tax, I think that with the change in landscape and the change in dynamic in Irvington I'm seeing less



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and less VRBOs and more long term rentals so I think the point of the conversation is I think the Hope and Glory and Tides Inn will stay strong as destinations but I think that your VRBOs have transitioned to long term rentals so those incidental VRBOs are going to not remit occupancy tax so if you go ahead and capture it from your two key players as a pass through tax.

F. Westbrook: The reason we used as the base was those two entities. What we could do, here is a suggestion.

D. Patteson: What's your definition of a long term rental?

F. Westbrook: More than 30 days.

D. Patteson: Anything at the, seasonality and where we are.

F. Westbrook: Has to do with COVID right now.

S. Phillips: There are several properties that have changed hands and they aren't no longer being used as VRBOs they used as permanent residents.

D. Patteson: [laughs]

S. Phillips: Right, so as well as several of the central VRBOs that routinely paid are either A, now a permanent home or they have transitioned to long term.

D. Patteson: Overall the VRBOs and Air B&Bs in most areas are doing very well in COVID because.

B. Schaschek: Yes.

F. Westbrook: They've gone long term. Yeah we don't get any money for the long term. Here's a suggestion for us to consider, we've got the \$21 plus \$1,000 that we owe back to our contingency fund, we could pay half of that this fiscal year and the other half next fiscal year and that would give us....

D. Patteson: A balanced budget.

N. Keane: What do you mean?

B. Schaschek: So they only want to pay half the contingency fee this year and then that would be to bind the next council.

N. Keane: That's basically an accounting thing.

F. Westbrook: That's just an accounting thing, any council can undo what a previous council does so if we paid back \$10,000 instead of the \$21,360 we would leave the occupancy at the \$98,000 that we projected for income, we would pay back \$10,000 to the contingency fund, that would, we would be in the black \$4,400.

D. Patteson: I think that is a smart idea because.

F. Westbrook: We are only talking about 6 or 7 months difference in paying it back.

Mayor Bugg: Yeah I like that.



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B. Schaschek: You could bypass that next year because of COVID-19.

D. Patteson: It's fairly reasonable to pay back something over 2 years.

F. Westbrook: We can wait and see, we don't have to pay it back tomorrow, we can wait until June and you know if we can we do. I mean these are different times we are dealing with now so. Does that look like, alright then what I'll do since I have this, this is updated here, we'll make sure and get Sharon to send you guys a clean copy.

N. Keane: So you're going to take your reimbursement contingency fund down to at or...

F. Westbrook: \$10,000, just \$10,000.

N. Keane: I'm trying to get all the changes because she has to put them in the ad and that brings your operating expenses.

A. Marchetti: \$258,312.

F. Westbrook: You want me to read you those again.

N. Keane: Just need the total Anthony if you figured it out.

F. Westbrook: What are you looking for operating expense?

B. Schaschek: \$252 312 is not right.

F. Westbrook: It's going to be \$256, 952.

S. Phillips: Mr. Mayor with your permission I think Fran is asking what that step might be? Council before you leave this evening everyone take the budget synopsis that you have and handwrite the numbers that we are going to share with you and so everyone is aware of what that ad would be when it hits the paper.

Mayor Bugg: Absolutely.

F. Westbrook: Okay, so that's the second page of the first advertisement. So, the occupancy tax is \$98,000, this is what you are talking about Nancyellen?

N. Keane: I'm on the operating expenses and you were taking a reimbursement contingency fund down to \$10,000 so that reduces it by \$11,360.

F. Westbrook: Yeah.

N. Keane: So, I'm taking \$11,360 off of the total of \$268,312 we had come up with.

F. Westbrook: So it would give you \$256.

N. Keane: So 12 minus \$11,360, it does give us \$256,952.

F. Westbrook: Okay.

N. Keane: So we need that figure for the budget synopsis for the ad, that's why we were interested in that number.



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B. Schaschek: So you're at two. Did you change it in both places?

N. Keane: So, the category \$256,952 is your operating expenses, you've got \$51,400 community support piece that goes in the budget not synopsis. Capital is left, community and resource \$312,790.

F. Westbrook: Yeah.

N. Keane: Okay.

F. Westbrook: Alright, that should take care of that.

D. Patteson: Is this the municipal software package that you used.

F. Westbrook: Say that again.

D. Patteson: Is this the municipal software package that you used to pull all this together.

F. Westbrook: No, no, this dates all the way back. That particular was just a spreadsheet that Jerry Latell and Bob Westbrook came up with.

D. Patteson: Okay.

F. Westbrook: There is no package to do, yeah I mean it is just done, get the figures off QuickBooks but.

D. Patteson: So get the figures off of QuickBooks and plug them in.

F. Westbrook: Plug them in.

D. Patteson: Like Excel it does formulas automatically and you use PowerPoint with it?

F. Westbrook: So that's why I brought it in so we could talk about it and change figures and it reflected those changes. So, what I'm prosing is that the one that we've got our changes and the new totals then we will get a clean copy of this proposed budget to you so that it will reflect all the changes we made tonight.

F. Westbrook: We usually do when we do the public meeting. Have you not come to any for the public hearings when we do the budget. We use that big screen.

N. Keane: Fran are you going to go over the -\$31,000 number.

F. Westbrook: Well that changes now, I'm getting ready to do that, so the negative now becomes \$44,438.

N. Keane: \$44,438, takes it to \$31,792.

F. Westbrook: That's a good number, that's where it should be.

F. Westbrook: That is a good figure. That is a good figure.

B. Schaschek: So are you just amending the revenue, operating and tourism expenses, you are not amending the capital budget.



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F. Westbrook: No we are getting ready to do that now. This is the last leg. There is not as much on here. The first column we've got obviously more figures and we'll go over all of that. I started with cash assets as of the end, the end of one fiscal year and the beginning of the other. So that date there should read June 31st, 2020.

N. Keane: June 31st?

F. Westbrook: June 31st, July 1, same thing for cash assets.

N. Keane: June doesn't have a 31.

F. Westbrook: Okay June 30th then.

F. Westbrook: That date has that sheet well, it will say, it can be July 1 since it's the budget because it's the same figure regardless. I used cash assets that was reflected on the balance sheet, this does not have any retained earnings in it. It is strictly the cash assets we have on hand that we can get our hands on. Now that \$31,792 has now changed because of the other changes we made. That \$31,000 negative is a positive number of \$4,438, that's the net if you will off of our budget that we just went through. Let me get to that and I'll make these changes we'll be updating. Alright, our restricted funds is the CD that we have for sidewalks and that's the only thing we can spend it on so we can use that obviously.

J. Brown: CD what?

F. Westbrook: That we have for, sidewalk. I'm sorry what did I say sidewalk, bike path is what I meant. So, we take that out and then we are going to add to that \$85,000 which is just a rough estimate of what we think we can get for the town hall, we may be able to get a little bit more, it is estimated, it is on the tax books for \$90 something I think. I think between \$85 and \$90, \$90 would be good, we just estimated \$85 for right now.

S. Phillips: Does everyone understand that you guys will have to make a decision to sell the town office.

N. Keane: I mean just putting it in the budget doesn't commit you.

F. Westbrook: This doesn't obligate us to anything having it in the capital budget.

N. Keane: Yeah.

D. Patteson: Profit if we sell it.

N. Keane: That's up to you all. It's just the fact of putting it in the budget doesn't make it so.....

F. Westbrook: On the capital budget.

N. Keane: It is still property there is certain things you have to go through publicly and so forth to do that.

B. Schaschek: Is that something we can accomplish in 4 or 5 months

S. Phillips: I would encourage council to consider considering the lucrative real estate market.

B. Schaschek: What renovations have you done?

S. Phillips: Renovations are due to start very soon, let me take a look.



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B. Schaschek: As soon as they are done we need to put it on the market.

S. Phillips: The renovations are starting October 19th.

S. Phillips: This is not on a topic tonight but you should consider that I will need the council to direct staff what to do with the downstairs as far as carpet, do you need to consider if you want to show it with that carpet.

Mayor Bugg: That's a good idea. That's the best idea.

B. Schaschek: You have to take the carpet out. Even if they just come in and paint the concrete slab that's fine, there are actually some nice epoxies that would be gorgeous.

F. Westbrook: There is some good concrete....

B. Schaschek: Especially since you don't know long term how the water is going....

A. Marchetti: Is the water coming back in.

B. Schaschek: Yeah, it's pretty nasty down there.

F. Westbrook: Alright if we were to sell the town hall at \$85,000 that gets added to our readily available cash assets and I've put down in here \$40,000 from the COVID CARES Act which we would use as a down payment towards the new town office, so those are the funds that are available to us. Any questions on that part. Alright down below we have our contingency fund the goal is to bring.

B. Schaschek: Make it \$70,000.

F. Westbrook: Say that again.

B. Schaschek: Just make it at \$70,000, it doesn't have to be \$80.

F. Westbrook: No, I mean just because we've put \$80 there, we put \$80 in there because at that point in time the established the contingency fund what 2 years ago, it represented the occupancy tax if anything happened to the Tides Inn and that.

B. Schaschek: This budget you had it at \$70,000.

F. Westbrook: I'm sorry say it again.

B. Schaschek: Put the \$70,000 and put the \$11,360 in year 2.

F. Westbrook: Alright so you are saying reduce it to \$70,000 contingency. Alright we can do that.

B. Schaschek: So that's putting \$10,000 back in.

F. Westbrook: Alright and then we'll put the balance in.

B. Schaschek: The following year.

F. Westbrook: Yeah, okay, I see what you're saying. So that would bring it to \$70 and then the following year it will go back up to \$80.



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B. Schaschek: Yeah.

F. Westbrook: Alright, we still have those stumps to remove over there on north commons before we can even consider putting in a storage shed. In the past we talked about a good size shed, so 40 x 60, wasn't it somewhere along that line. We have got to get those stumps up before we can have a concrete pad poured to put the building on so we've estimated about \$5,000 to have the stumps removed, tennis court repair we know is at \$8,800.

S. Phillips: May I interrupt.

F. Westbrook: Yeah.

S. Phillips: May I encourage counsel to on your 3 year prediction, every 3 years you need to budget roughly \$10,000 be it maintenance repairs, the tennis courts is generally about a 2 year warranty and I think that the tennis courts usually held up beautifully and that's one of the first projects that staff worked on in 2017 was the tennis court repair and they last roughly 3 years.

F. Westbrook: Alright anything else. Speak up. Alright, the lanterns, this is part of the Christmas decorations, this is where we took.

D. Patteson: Can we go back to the storage shed.

F. Westbrook: Yes.

D. Patteson: I don't think and someone needs to help me go through this, why this is a separate item when it all can be incorporated in the new town office and the consideration of that. The new town office should be a cure for all of that needs including storage and I know, do we have so much that we really need a storage shed for.

F. Westbrook: We have a lot of stuff, it is spread all over, those lanterns, those Christmas lanterns we hang on the flagpoles are huge, and we have all those in an old shed over on the lodge side of the Tides Inn it's a building back up over there, part of their shop, maintenance shop.

D. Patteson: Good place for them.

F. Westbrook: Well, a lot of room.

D. Patteson: I just think a shed on the north commons is going to ruin the ambience of the...

F. Westbrook: Not the style we are talking about, we are in keeping of more residential look and feel to it on the outside, we've looked at a number of styles.

D. Patteson: Is this a temporary shed?

F. Westbrook: No, no, this would go up, supposedly, this is what we've talked about in the past. At the far, well, if you are standing on the north commons looking at, standing on the main commons looking at the north commons, the storage shed will be all the way down to that end, there's a line of trees that we've cut back some of the undergrowth because we had to cut back some trees that were dead and diseased but left stumps but there is, basically wraps that curve and down the side of the field.

D. Patteson: I walk dogs past there every day.



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F. Westbrook: Okay so you know, so that would be a little bit of a buffer for the residential area but would give us an entrance from that side too so that we could theoretically gain access to that building from either side.

D. Patteson: It would be close to the road, to Chesapeake Drive.

F. Westbrook: Not too terribly close. I mean it won't be sitting right on top, I guess it depends where we actually decide.

B. Schaschek: It has to have a setback for ordinances, it has to have a setback.

F. Westbrook: Yeah well we want to probably be able to pull a truck up off the road before you get to the building, you have to have some.

D. Patteson: I have some, heartburn over that and I just want everyone might understand, but I also think.

F. Westbrook: We're not even ready for that, I'm just saying what you're saying.

D. Patteson: I guess the big picture would be have the building and the storage area all in one, why spend money on \$50,000, \$40,000 on a shed that may not have applicability.

J. Brown: I agree with Dudley I think we need to plan a town complex and have it look right and be right and not just stick a shed over there and what we are going to do next.

F. Westbrook: That could be, but that doesn't even come into play on this budget cycle.

D. Patteson: Okay.

F. Westbrook: We are only looking at doing stump removal. So we've got plenty of time.

D. Patteson: And I've got neighbors over there that ask me to deal with those stumps.

Mayor Bugg: You know exactly where they are then.

F. Westbrook: And our guy that cuts the grass over there, he has to weed eat around some of those stumps so that's not really, I don't think that was in his contract necessarily he was just trying to keep the grass down around the stumps. I mean you're right, we have to have the whole situation...

D. Patteson: It needs to be planned out.

F. Westbrook: There will be a lot of talking about that here before long. We are going to have to make some other big decisions.

D. Patteson: Thank you.

F. Westbrook: This is just until the end of June that's all this represents.

D. Patteson: Okay.

F. Westbrook: So it's \$5,000 for stump removal, then we have the tennis court repair which we have already voted on to have done, I did add \$10,000 over again in the 2023/2024 column. Then we come down further still



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under Christmas lights and decorations to update what we have, get new the lanterns we have budgeted \$5,000 for each of the next 4 years. The electrical renovations that goes hand in hand with those lanterns, our flag poles, the wiring on the flag pole to receive the lanterns is not up to date, is not up to code.

B. Schaschek: I thought we did that.

F. Westbrook: We are doing them a few at a time as we buy new lanterns.

Sharon Phillips: I had a phone call today with Blake Smith of Dominion Energy and Dominion Energy is going to reach out to their consultant, their consulting firm and they are going to send us a price to switch out the electricity, to switch out and get a plug-in box.

F. Westbrook: We were told at one time it is going to cost about \$1,000 per pole.

B. Schaschek: Wasn't that Elbourne that said that.

F. Westbrook: Yes.

S. Phillips: It's gotten more complex since then.

F. Westbrook: Should we just ditch that for this year and pick it up again for next year.

Sharon Phillips: Yes you can because Mike Smith with Dominion Energy shared with me the numbers for the bid he is getting us will not be available prior to your October meeting so we can't bring this to you prior to the October meeting, he knows that we hang up Christmas lights the day after Thanksgiving, I'm hoping to have this number before you guys have your second meeting.

F. Westbrook: So that's assuming we get the number and the work done.

S. Phillips: There is no way it is going to be done this calendar year.

F. Westbrook: So we can take out.

B. Schaschek: Take out all the electrical this year.

F. Westbrook: Zero out all the electrical in that column for now.

B. Schaschek: Leave all the other ones.

F. Westbrook: Flags and banners \$1,000. We can take that out too for this year. Alright town hall renovations/repairs at \$10,000 reflects what Sharon was talking about a few minutes ago, that's Ron Bay's contract \$9,800 and some odd dollars.

S. Phillips: A talking point for council again might be a punch list or if you choose to sell it as is, whatever so if you make a decision to sell that property, what would you have to do to it.

F. Westbrook: Well like you said remove that carpet downstairs.

S. Phillips: What administrative things do you have to, have it surveyed, do you have to have, what items should you associate with the sale of that building as it applies to capital.



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F. Westbrook: It probably would have to be surveyed; they'd have to inspect the septic.

B. Schaschek: How do you get past that because part of the building is on somebody else's property?

N. Keane: We don't have to get a survey, the buyer would have to get one.

F. Westbrook: We can also consider doing as is can't we.

N. Keane: Yeah but if you encroach on somebody's property, I don't know.

B. Schaschek: I would say put that up to \$12,000 because we have to get rid of the carpet and we have to paint, you can't sell it even as is like that. I mean it is very bad down there.

F. Westbrook: I know.

B. Schaschek: And I'm assuming you have to get all of that stuff out there.

Sharon Phillips: So the mover moved everything upstairs but because of the mold downstairs, as well as there needs to be a priority given to downstairs what has to move with the town due to record retention and then what will be mold mitigated, I don't know if that's the right word, but everything is covered regardless of type of surface.

B. Schaschek: Are they going to spray all of that.

Sharon Phillips: It is sprayed but you still have dormant mold, so the majority of what's downstairs is 95% paper, and 5% vinyl being parade associated things, the magnetics, not to belabor this workshop but there are 40 foot books, those books need to be prioritized as to what cost is given to the book to keep the book, the maps and other things that are historical and fall under record retention absolutely you are going to have to associate some kind of cost for keeping them. The books I think, I reached out to Bay Restoration to get a quote, I told them they would have to do a site visit, there was no way I could explain like over the phone, books don't fall under record retention so we just have to get a price on what it costs to keep it, whether it's cheaper to buy a new book than it is to pay something to wipe everything, every page.

B. Schaschek: When you say books what do you mean?

N. Keane: Legal books.

Sharon Phillips: Law books.

N. Keane: The Acts of Assembly, the General Assembly, the Code of Virginia.

Sharon Phillips: There's some manuals and some record manuals, you are talking about the prioritization, The Acts of Assembly they are on line and will not be kept. I was going to say 90% of those are trash. 90% of the books there go in the trash unless anyone on council can think of someone.

Mayor Bugg: Yeah.

D. Patteson: Are any of those books left.



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B. Schaschek: I think they went to the regular library.

Sharon Phillips: There are no reading books. There are a couple of manuals, again I think that 90% of the books are trash so we will have to get a cost for what it's worth to keep the remaining 10%, again if it's a manual that we can buy for \$25 it's going to be cheaper than paying for someone to wipe those down. So again that is just a little project we are working on.

B. Schaschek: I would do the \$12,000 in there versus \$10.

F. Westbrook: Alright we have zeroed out lights for renovation, we zeroed out flags and banners. Town hall renovations we are going to put in at \$12,000 is that what I'm hearing. Alright.

B. Schaschek: We're not going to do Muni Code this year so get rid of that.

F. Westbrook: Alright town hall renovations at \$12,000, information, we are looking at trying to get that stuff online, alright.

S. Phillips: Just a point of clarification, to Bonnie's point the, in your capital budget, that \$3,000, I know you put in the Virginia Tourism rate in your budget, but that \$3,000 was appropriated, where would you like for me to take it from if you remove that.

B. Schaschek: That's \$2,000 for Muni Code.

N. Keane: I don't have that in front of me.

F. Westbrook: We are not doing that, not there.

B. Schaschek: You took the \$3,000 from the contingency fund.

Mayor Bugg: Yeah.

F. Westbrook: That came from the contingency fund.

B. Schaschek: That's right, we're not going to do Muni Code in the next 6 months, they have a new representative, so I don't know who's going to talk to them.

F. Westbrook: There are other avenues on that so. Alright so now we are down to the big one, the new town office, this building is going to cost us roughly \$250,000. You want to talk about that.

S. Phillips: So the new town office, the thought process is to use the CARES funds because CARES funds can be used to purchase bricks and mortar. Your total CARES funds is roughly \$70,000. Fran has shared with you potentially using \$40 of the \$70, council can decide what else to use CARES funds for, but you do have upward, up to \$70,000 minus the roughly \$1,500 that had been spent from CARES at this point so you have close to \$70,000 that you can put towards that building. Again, that's free money to purchase bricks and mortar...

N. Keane: The issue that it is important to note about it is you can say well can deal with this later, maybe we just rented a place, we don't need to buy a place. This money has to be spent by December 30th or we lose it. So, if you don't buy something with it, or you don't buy something else with it, you have to give it back.



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S. Phillips: So, the clock is ticking on spending the \$70,000 and the zoning administrator, myself, staff, budget and finance committee, the mayor, have looked at an alternative to an onsite stick-built office, it is possible for the town to actually spend that money and probably buy the 6-month turn around for the product to be delivered once we close on it we would have to have a financial transaction under our belt before December 30th to spend this money. This conversation will come up in much more detail at a later time. I think Wayne Nunnally is also in support of the conversation about the town office but that is why the lease for the town office is only for 2 years is the product that the town is looking at will be delivered in 6 months, probably take another 3 months to get plumbing, electrical and then the town would potentially have a new office in a just under 1,300 square foot town office only to the sole purpose of that building would be to be a town office, it does not include council's desire to have a large facility room but the product that we are looking at you can add onto. It is a stick-built product, it can be added onto. I think that we are potentially looking at 15 to 18 months before the town will be utilizing the north commons as its town office. Utilizing potentially \$70,000 of grant money. Combined with the sale value of the current town office so if you are using \$50,000 of the CARES money, partnered with anywhere from \$50,000 to \$80,000 of your real estate, it's a nice position for the town to have a physical town office while still maintaining your cash reserves.

F. Westbrook: We can have it paid for and still have cash reserves.

S. Phillips: Yeah pay cash.

A. Marchetti: Are you saying you might want to borrow.

S. Phillips: You don't know that you are going to qualify because you've not done, that's Dudley's point about financial.

N. Keane: You could do the transaction with the COVID funds by December 30th you could do something else later.

B. Schaschek: It wouldn't hurt to talk to the bank about it.

F. Westbrook: It is so different when you're a government entity and, they only allow us to even borrow a certain percentage of our financial worth and then that's determined differently for a government than would be for a private entity so, I'm not even sure what all those ramifications are, it is different for us.

S. Phillips: I don't know that you accomplish your loan criteria.

F. Westbrook: In time. Yeah, the time frame.

N. Keane: Really this is free money.

Mayor Bugg: Yeah it is.

B. Schaschek: I have no problem with the COVID money but I'm just saying, we don't want to use our cash for building we should be able to finance.

Mayor Bugg: Correct.



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B. Schaschek: The interest rates aren't going up between now and December if anything they are going to continue going down the way things are happening.

D. Patteson: I agree with Bonnie.

B. Schaschek: We need to pursue looking for a loan.

A. Marchetti: It's worth looking at and finding out what we can and can't do and make that decision.

D. Patteson: It's definitely worth looking at.

F. Westbrook: Here's another aspect of this, this is going to further muddy the water but I mean Bob and I have been getting ready to do an addition on the back of our house, we just last week got the final rendition of the plans and of course our builder is telling us that lumber has almost tripled in price. And, I mean it's outrageous, I mean we've already jumped about \$7,000 in 3 weeks additional cost in lumber for what we want to do. I called a friend of mine, Nelson Flippo, Flippo lumber in Doswell, he's been, it's a family owned, it's been there for almost 50 years now, and I was asking him the question because I wanted to know for Bob and I, is this, he's the manufacturer, they grow the trees, they do rough cut and they send it out to be finished, to sell at Lowe's and whatever, and he told me two things, he's never seen lumber go up this fast, this much in such a short period of time, in his whole 50 years.

B. Schaschek: Is there short demand because there's so much building and renovations.

F. Westbrook: Well the interest rates are low, people are home and they are doing projects, they are adding the garage, they are building the shed, I mean lumber is in high demand, people are building because of the interest rates, storm damage certainly some, but it is just phenomenal how much it has gone up. Now, he also told me yesterday morning that they are starting to see it trickle down a little bit and he firmly thinks that the cost of that lumber is going to come down almost as fast as it went up but it's going to take a little while for it to trickle down to the Lowe's and whatever and the people who build these houses like we're talking about, so it's a possibility if we want to get this going as soon as we can, but we might can build the same thing for \$2,000 less if we wait for spring for it to happen. I don't know how they lock in on that.

B. Schaschek: I think we have several avenues we can do at the same time.

A. Marchetti: Spending the CARES money is not going to preclude us from getting a loan. I think that can happen in parallel. We can spend the money and move forward, I think it is worth noting if we make a decision and move forward in the next 2 months we are still 18 months out from being able to move in, so, we will be renting for another 2 years or longer.

S. Phillips: If the market stays strong, there's just all kinds of options.

F. Westbrook: Yes, our rental lease is 2 years with the option to renew for 1 more year. So we have some place to be for 3 years if we have to be there that long.

A. Marchetti: We have the option but if we could also maybe now we can.

F. Westbrook: Exactly.



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A. Marchetti: Add 2 years on here.

B. Schaschek: Who knows if we start now we still have 2 years that we could put on a conference room or we could put a matching shed up and keep it moving.

D. Patteson: For budgeting purposes the \$40,000 we have there from the CARES Act does, from a budgeting standpoint only not necessarily financially feasible it doesn't marry up with the \$300,00 down at the bottom that you have for the new town office.

F. Westbrook: That's because we changed the year end contributions from a negative number to a positive \$4,438 which was the net.

D. Patteson: I got that that was the \$4,438, what I'm saying is if from a budget standpoint, you're on a budget 20% in cash and borrow 80%.

F. Westbrook: Well, that's a detail that you know....

D. Patteson: My point is that could be 60 if the town allows, it is going to cost the \$250, plus the \$30, plus the \$20 and if you have the ability to get the 60, if this is what the modular cost is going to be.

S. Phillips: I think it was a total of \$250?

N. Keane: No, it was a total of \$205 and \$250 to be on the very high end and then if we were able...

A. Marchetti: They didn't give that to you with the number.

B. Schaschek: Did they give you the foundation and everything with it.

S. Phillips: So Lara hasn't been on the forefront of that conversation and she was confident that the \$205 number, we added about an extra 40 just because I don't think it includes parking lot.

F. Westbrook: The site planning we have to [talkover].

N. Keane: Let's just \$250,000, COVID money or whatever and then money from the sale of the property it brings it down to \$120 or something.

A. Marchetti: It's still a pretty manageable number.

N. Keane:

you could get a lot for that or you could....

F. Westbrook: I mean that kind of money, that low. That will keep the cash reserves so.

B. Schaschek: You're not going to raise the cash reserves so the people aren't going to be screaming so.

F. Westbrook: So how about this, I'll rework this part of the capital budget, the other part was the most important part because that's what has to go in the paper and those figures that we needed to make that happen.

S. Phillips: So before everybody leaves.



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B. Schaschek, Is offset of what the capital budget will be.

F. Westbrook: No. It's just a figure, the, I'm sorry I don't understand your question.

B. Schaschek: Do we need to put the capital budget.

S. Phillips: Well no because we amended it, we added it separately.

F. Westbrook: It's there but only in a figure and that figure is the contribution to the capital budget.

S. Phillips: But when you pass your budget it will be these documents.

N. Keane: What you're doing right now is confirming numbers for the ad which is the synopsis only.

S. Phillips: Wait a minute Bonnie you are not happy, what part am I missing. Where do you want to see it on this page?

B. Schaschek: I'd have to go back and look at the one that we did last year.

F. Westbrook: That is the one that?

N. Keane: We did last year in June or July. We used that and we just updated the numbers.

B. Schaschek: So you put it on the door?

F. Westbrook: This is when we do the public hearing and everything that will happen with that.

B. Schaschek: I know we put it somewhere because I came down and.

S. Phillips: Right, so if everybody will take a look at this document, your estimated revenue, your occupancy tax is at \$98,000, your real estate is at \$63,000, personal property is at \$10,000 and we will have to adjust the revenue sources number but the total estimate revenue is \$312,790 and then you move to the right under your estimated expenses, operating expenses are \$256,952, community sport and tourism stayed at \$51,400, your capital improvements changed to a positive \$4,438, again that leaves you balanced on your total estimated revenue and your total estimated expenses, \$312,790. You can't take action at a workshop, just need your consensus that this is what will go in the paper understanding you have gone up on your tax rates, on your rate.

Mayor Bugg: Do we have everyone's approval.

A. Marchetti: Understood.

A. Marchetti: Consent given.

F. Westbrook: Alright so we'll get copies to reflect all the changes to you.

Mayor Bugg: Yes, that'll be great.

F. Westbrook: And that's what we'll go with for the public hearing unless something happens between now and then but this is what is going in the paper, so, this is what we are advertising.

Mayor Bugg: Excellent, job well done.



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F. Westbrook: Sorry, I was so incoherent.

Mayor Bugg: No job well done. Thanks for all your efforts.

D. ADJOURN

Sharon Phillips: You need a motion to adjourn.

Mayor Bugg: Motion to adjourn.

B. Schaschek: Second.

Mayor Bugg: All in favor.

Vote: Bonnie Schaschek
Anthony Marchetti
Frances Westbrook
Jackie Brown
Dudley Patteson

Mayor Bugg: We are adjourned.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



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AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: Go ahead and call this meeting to order. This is the Town Council special meeting at the Irvington Baptist Church on Thursday, October 8, 2020. This is immediately following the public hearings. Notice is hereby given that the Irvington Town Council will hold a special called meeting on Thursday, October 8th, 2020, immediately following the public hearings. The purpose of the special called meeting is to conduct monthly business. Call to order.

B. ROLL CALL – Mayor Bugg

Members of Council present:

Bonnie Schaschek
Frances Westbrook
Anthony Marchetti
Wayne Nunnally
Jackie Brown
Dudley Patteson

Staff Present

Nancyellen Keane, Esq., Town Attorney
Lara Brown, Zoning Administrator
Sharon Phillips, Town Clerk, FOIA Officer, Treasurer

Guests:

See attached sign in sheet

Mayor Bugg: To clarify the record that was actually the roll call.

C. APPROVAL OF MINUTES AND ACCEPTANCE OF TREASURER'S REPORTS

Mayor Bugg: The first item we have is Item C approval of minutes and acceptance of treasurer's report. We have a number of minutes here as you can see on the agenda, four of them actually. They have all been tabled to be formally drafted. If all of you have had a chance to review the agenda, I think we can move onto Item #5 which would be the Treasurer's Report. Madam Clerk."

1. August 13, 2020 Meeting Minutes - *tabled*
2. September 10, 2020 Workshop Minutes - *tabled*
3. September 10, 2020 Regular Monthly Meeting Minutes - *tabled*
4. September 23, 2020 Workshop Minutes - *tabled*
5. September 2020 Treasurer's Reports (4)

S. Phillips: Just a motion to accept.

Mayor Bugg: Could I get a motion to accept those minutes as tabled.

S. Phillips: No, number 5.

Mayor Bugg: Number 5. Have all of you had a chance to review the Treasurer's Report. Any questions.



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B. Schaschek: There's a number of items that I think are questionable and I think we should table it until Fran has a chance to look at it.

Mayor Bugg: Okay. Fran are you okay with that?

Frances Westbrook: I am, thank you.

Mayor Bugg: Okay. Is there a motion to table that?

W. Nunnally: So moved.

J. Brown: Second.

Mayor Bugg: Discussion. All in favor. Opposed.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO TABLE THE SEPTEMBER 2020 TREASURER'S REPORTS IS PASSED 6-0.

D. PUBLIC COMMENT

Mayor Bugg: Excellent the next item on the agenda is public comment. I would like to limit this to items outside of what we just discussed concerning budget and finance that was at the public hearing at 5:00, thank you for all of your comments then, but if anyone has anything else to add other than what was just discussed, please raise your hand and you will be called upon. Yes, Ms. Harris.

Julie Harris: Hi, Julie Harris, 1099 King Carter Drive, President of the Village Improvement Association, we would like to thank council for allowing us to explore further the possibility of having the Turkey Trot, but after further exploration the membership has decided to cancel the Turkey Trot for this year, and we would just like to advise council and again thank them for their suggestion.

Mayor Bugg: Certainly, and thank you for all of your efforts. I know a lot of effort was put into that and it is a difficult decision to make and I think it was the right one so. Thank you for being here tonight to announce that as well. Any other public comment. Yes.

Cay Bradley: Cay Bradley here, President of Steamboat Era Museum, we would like to thank town council for allowing us to hold our annual membership meeting in September on the town commons. Believe it or not we made quorum, and so we have a new board that has been instated and new officers and that would not have been possible without being able to use the town commons, so thank you all very much for letting us take care of business.

Mayor Bugg: Thank you. That's great to hear. Anyone else for public comments. Yes sir.

J. Crowley: I'm here, J. Crowley from the Tides Inn, I'm here just to speak on behalf of the Virginia Tourism Grant. You can kind of guess which way I'm going to go with this I think, but we are very much in favor of the town council passing this including all of your discussion that we had earlier today. Really appreciate that. We think it is a great investment in the long term plans for the town and I'm not just speaking on behalf of the Tides Inn, I think it is something for the entire town that as the grant as I understand it, is related to improving the tourism in the shoulder season, basically the winter months or the spring and late fall type of time frame. As I mentioned before at the Tides



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Inn at least half of our business comes in during the summertime which leaves 9 months only for the rest of our business and there is a lot of room available at the Tides Inn during those times and part of this we are also at the Tides Inn looking to increase the number of days that the Inn is open including this upcoming year. We are looking at being open through January of 2021 and closing for a short period of time and reopening much earlier than we did this year here in 2020. We really feel that the grant that is being presented would be very, very beneficial, not just for the Tide's Inn but for the entire town. One other point that I'll bring up sort of on behalf of the Tide's Inn, a little bit more personal is, there has been a lot of money and most of you have probably heard, there was a lot of money invested over the past few months at the Inn and a lot of improvements have been made over the last 6 or 8 months and we have seen some really great positive results so far since we have been open. What I think is really neat is we've actually reduced the number of rooms at the resort which actually in its own way reduces the amount of traffic that comes through the town, but what's funny is we are able to charge, we are getting better rates now because of the improved product at the property which in turn generates much more taxes which we would then turn over to the town. So, it is kind of a win-win situation in that it is actually reducing traffic, but the town is getting additional tax revenue at least from the Tide's Inn and I think that as well all saw in the report that Mrs. Westbrook presented a little earlier, the occupancy tax is a huge number part of all of this of your annual budget and with what we're projecting and Mr. Barwise former general manager had given some projections and as I looked at the numbers I actually think in upcoming years those numbers will be very, very achievable and my guess would be we would be exceeding those numbers if not in 2021 then certainly in 2022 as we look to potentially be open year round.

Mayor Bugg: Thank you.

F. Westbrook: Cool.

Mayor Bugg: Excellent thank you. Any further public comment. Thank you again.

E. REPORT FROM THE ZONING ADMINISTRATOR – L. Brown

Mayor Bugg: The next item on the agenda is from the zoning administrator Mrs. Brown.

L. Brown: Thank you Mayor. The planning commission and I just want to let everybody know that this coming meeting on Tuesday has been canceled as we do not have assigned tasks right now we are working on. On my report I've included some site visits that I made during the last month but also would like to put a notice in the Rappahannock Record and the next paper regarding notice to residents of the fire protection and prevention since we have the season coming up where we burn leaves and just want to make sure that residents are aware of what our town ordinance says and that is on the report that was distributed to you.

Mayor Bugg: Has everyone had a chance to review that report.

W. Nunnally: I haven't. I don't have it.

L. Brown: I think it was the third page here.

W. Nunnally: Third.

L. Brown: Right after the financials. It is where the financial started. Do you have any questions.

Mayor Bugg: Anything further. No further questions, we can move onto the next item. Thank you, Mrs. Brown.

F. REPORT FROM THE TOWN ATTORNEY – Nancy Ellen Keane, Esq.

Mayor Bugg: Report from the town attorney. Mrs. Keane.



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N. Keane: No report.

Mayor Bugg: Excellent thank you, that would bring me to the next item which is the mayor's report.

G. REPORT FROM THE MAYOR – Mayor Bugg

Mayor Bugg: The first item I have to report on is the through truck restriction. At the September 10 meeting we outlined the chronology of actions taken by Irvington between May and August 2020 to adopt a resolution seeking a through truck restriction on Route 200. We also heard from the public, namely there were some speakers and some 65 letters and emails from the Golden Eagle and Westminster Canterbury against the through truck restriction which designates Old Salem Road as the alternate route. Finally VDOT explained why it recommended Old Salem Road as the alternate route. VDOT asserts that this alternate route would be the most likely to be approved at the end of the full process by the Commonwealth Transportation Board. VDOT bases this on its evaluation of Harris and Old Salem Roads. According to VDOT these are similar roads in terms of their use. 1900 versus 1600 vehicles per day and design, similar width, lines, sites, etc. VDOT warned that choosing Harris instead of Old Salem would result in making exceptions to the normal practices of VDOT and the Commonwealth Transportation Board thus making the choice of Harris less likely to be approved. Even if one of the localities wants Harris Road as the alternate. Just to remind you in June Irvingtonians turned out in force to express their total support for the passage of the resolution adopting Old Salem Road as a through truck restriction on Route 200. All communications from Irvington residents and business plus one Weems business were in support of our resolution designating Old Salem Road as the alternate route. Based on this and the fact this council unanimously adopted resolutions using Old Salem Road as the alternate under VDOT recommendations the staff and I will be moving forward in the process to the appropriate next step by sending our resolution and supporting materials to the County of Lancaster and asking the county to place this matter on the county's agenda for public hearing. The next item I have to comment on is the September 10, 2020 vote to authorize the mayor as voting member execute vendor contract and appropriate \$3,000 to contractor Flack Shack as part of the VTC grant. I know we just talked a lot about this, but I have some additional details to clarify for the record as well. It was brought to my attention that the vote taken on this motion did not have enough votes cast in favor of the \$3,000 appropriation. You will recall that appropriations required affirmative vote of a majority of all members elected to council. That's article 3 Section 12 of our charter. I reviewed the portion of the September 10 meeting. This was stated as a combination motion. There was only one vote taken instead of three votes. The vote was three in favor, one opposed, one abstained and one recused. Technically the first two parts authorized me to be the point person and authorizing me to execute the contract passed. Later on in the agenda under old business I would like to take a separate vote on the appropriation tonight. The discussion at the last meeting focused on whether the grants had been approved. The grant is a contract, there are five parties to the contract. Irvington is one of the parties, it became a party when it electronically submitted the application. Last month you voted to authorize me to be the point person and to execute the contract. However, we need four votes to appropriate the \$3,000. Everyone at the table agreed the first check to come from was to come from the contingency fund. I agreed that the application process last year was confusing and not how I would have liked to manage these things going forward. However, this has been a learning experience for all of us. We need to move forward with this and get this done. I believe we accomplished a lot of this during our last meeting as well at the 5:00 public hearing, so thank you. That is all I have to say in terms of the mayor's report. That would bring me to old business.

. OLD BUSINESS

1. Virginia Tourism Grant Discussion

a. Motion to appropriate \$3,000 to Flack Shack

D. Patteson: I have a couple of disclosures to make that should go on the record. This one I've had before with a little slight change. Before we get into, the council gets into the discussion of the Virginia Tourism Grant. I have



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two businesses the Hope and Glory Inn at 65 Tavern Road, Irvington and The Dog and Oyster Vineyard at 170 White Fences Drive, in Irvington and they are partners in this grant. This grant was applied for in December 2019 and awarded in February 2020 both of that prior to my taking office. My businesses are not beneficiaries of any monies from the grant. My council term began July 1st, 2020. I looked into the COIA which is a conflict-of-interest act question that might arise and the answer is my businesses may remain partners in the grant. However, I will not be voting or discussing at the council table any matter pertaining to the grant by itself. I am disclosing this under Virginia §2.2-311. 3115F respectfully submitted and with that I come to join the people.

Mayor Bugg: Thank you Mr. Patteson. Naturally as you can see that brings me to Item 1, the Virginia tourism grant discussion. Is there any discussion about the grant in this aspect of it? Great.

Bonnie Schaschek: I do have a question, please.

Mayor Bugg: Yes.

Bonnie Schaschek: Is Flack Shack going to come and show us what they are going to do, there was a suggestion from Lisa Hull that they were going to show up and explain to us how this all works and everything.

Mayor Bugg: Madam Clerk.

Sharon Phillips: Would you like for them to attend the November.

Bonnie Schaschek: Yes.

Mayor Bugg: Any further discussion?

W. Nunnally: Are we going to table this.

Sharon Phillips: No.

Mayor Bugg: That's the thing, motion to appropriate \$3,000 to Flack Shack, would someone like to make that motion.

A. Marchetti: I'll make a motion to appropriate \$3,000 to Flack Shack.

Mayor Bugg: Could I get a second.

F. Westbrook: Second.

Mayor Bugg: Any discussion. All in favor.

Sharon Phillips: You going to do a roll call.

Mayor Bugg: I'll do a roll call vote. We will take it from Schaschek.

Bonnie Schaschek: As roll call what do you have to say.

Mayor Bugg: Your name and how you vote.



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Vote:

Bonnie Schaschek Yes
Frances Westbrook Yes
Anthony Marchetti Yes
Wayne Nunnally Yes
Jackie Brown Yes

Dudley Patteson Abstain

THE MOTION TO APPROPRIATE \$3,000 TO FLACK SHACK IS PASSED 5-0

2. Village Improvement Association – G. Kirkbride, Market Manager

a. Motion to authorize use of Town Commons for Farmers Market under existing contract; November 2020.

G. Kirkbride: Good evening Mr. Mayor and council. My final request for the year for the Irvington Farmer’s Market for the first Saturday in November is what I’m submitting.

W. Nunnally: Move that we authorize the VIA to use the town’s commons in October.

J. Brown: Second.

Mayor Bugg: All in favor. Mayor Bugg: Opposed.

Vote: Bonnie Schaschek Aye
Frances Westbrook Aye
Anthony Marchetti Aye
Wayne Nunnally Aye
Jackie Brown Aye
Dudley Patteson Aye

Mayor Bugg: Motion passes. Thank you for all of your efforts.

THE MOTION TO AUTHORIZE USE OF THE TOWN COMMONS FOR FARMERS MARKET UNDER EXISTING CONTRACT; NOVEMBER 2020 IS PASSED 6-0

B. Schaschek: How was the last market.

G. Kirkbride: We didn’t have as many people I think because of the holiday. I think we had good vendor turnout.

F. Westbrook: Good.

N. Keane: Are we using it in November or October. I think somebody said October and it says November here.

W. Nunally: Whatever is there.

B. Schaschek: It is for November.

N. Keane: I know but just for the minutes I was going to say, somebody said October.

W. Nunally: Amend that motion it is November.

Mayor Bugg: Do we need to take a vote on this amendment. Just do it over Wayne.



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W. Nunally: Move that we authorize VIA to use the town council, town commons in November for a farmer’s market under present conditions.

Mayor Bugg: Second.

B. Schaschek: Second.

Mayor Bugg: Any discussion. All in favor.

Mayor Bugg: Opposed. Motion passes. Thank you again.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO AUTHORIZE USE OF THE TOWN COMMONS FOR FARMERS MARKET UNDER EXISTING CONTRACT; NOVEMBER 2020 IS PASSED 6-0

3. Centric Business Solutions Discussion

a. Motion to authorize Mayor Bugg to execute lease on printer

Mayor Bugg: The next item on the agenda is the Centric Business Solutions Discussion and Madam Clerk could you give us some.

S. Phillips: Bonnie asked that Centric provide different lease options so that’s, you will see a single page and that simply identifies if you drop, if you go for a 36 month versus a 48 versus a 63.

Group: Talkover.

B. Schaschek: You are pushing this particular printer because it does 11 x 17 and Lara needs to do a lot of 11 x 17 printing, is that.

Sharon Phillips: So, yes this would assist the zoning department.

B. Schaschek: Okay. If it was just 8½ x 11, your standard envelopes and your labels and all of that, for the amount of printing that we do of 11 x 17, can we do that with a printing place over here in Kilmarnock where you just give them the USB drive.

F. Westbrook: I’ll give you a good example. We just had a new survey done and the plat when we sent to the town office as part of the contact list, but the plats are 11 x 17. So when they received that through an email, they need the capability and that puts down a lot more paperwork to be sent to them in that manner if they can print on the larger paper.

B. Schaschek: Is this the only ones that you looked at.

S. Phillips: This was an unsolicited proposal. This gentleman just called, the background was the amount of money that was the office supply budget line item which was roughly \$400 a month in toner cartridge. That was the main, was looking to offset toner cartridge prices and to have a more versatile printer that would be able to make the zoning department a little easier.

B. Schaschek: Now with this would you also retain the existing printer.



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S. Phillips: We would, well that's up to council. If council can decide what to do with that piece of equipment, there is nothing wrong with that piece of equipment. There's nothing wrong with it.

B. Schaschek: There's nothing wrong with it. It's just not cost effective.

S. Phillips: So the concern that council should be looking at is finding the most cost effective solution for a small town office that probably to produce this meeting which is three reams of paper, again \$400 a month in toner cartridge. With the zoning department coming online I see that particular printer just being worked harder.

F. Westbrook: So would you want to keep it as a backup or...

Sharon Phillips: Yes, I think it would be a functional piece of equipment for the office, again we have a bigger office now, there is one room in the new town office that we refer to as the printer/copier room. Everything is wireless so we would just be able to interface that way.

W. Nunnally: Sharon the \$400 a month we are spending in cartridges.

Sharon Phillips: Just on toner cartridges.

W. Nunnally: Alright, I just did a real quick 36 month lease would give us \$436 a month but how much would that cost us with cartridges in it. Do we know.

Sharon Phillips: I'm sorry what was the comparison.

W. Nunnally: The \$400 we know with owning the computer, if we rent this one it is going to cost us \$436, we have to operate it with toner.

Sharon Phillips: No they provide the toner.

W. Nunnally: They provide it.

Sharon Phillips: That's the bells and whistles. For that \$436 you get.

A. Marchetti: Service and maintenance.

W. Nunnally: Service and maintenance.

F. Westbrook: Now that's up to so many copies a month correct. It has a meter on it and it tells you how many copies, so if you go over that then there could be some.

S. Phillips: I'm not sure if you attended the meeting where the original Centric proposal, I'll give you that where it talked about how many pieces of paper, color versus black and white. We are a small office and it is certainly not, but the main point of that was for that monthly value that's what we are spending in toner cartridges anyway.

W. Nunnally: Let me ask this question, if it goes down will they provide us with a new machine right away.

S. Phillips: Oh absolutely.

W. Nunnally: So within 24 hours.

S. Phillips: They do have service yes and they have and I asked this particular vendor if they had any contracts in the Northern Neck area and they were looking to sign a contract with the Sheriff's Department in Lancaster County and they also have I believe it was a contract over in Northumberland. So they do have technicians in this area and they do have a response time.



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W. Nunnally: Just, I don't want you down, depending on somebody else when you're down if you can't get it fixed right away.

F. Westbrook: But we'll have a backup so.

B. Schaschek: With the service they are providing within 24 hours.

J. Brown: Do we still pay for the paper.

S. Phillips: Yes ma'am.

A. Marchetti: How much is the paper.

B. Schaschek: I guess it comes down to whether you want to do a 5 year where technology changes so much or do you want to come down to a 3 year.

S. Phillips: Correct. And so you asked how many reams of paper. I can tell you I probably go through a case of 10 ream case a month.

F. Westbrook: That doesn't count all the paper that we use at home.

S. Phillips: That's one of the reasons, more members of council, as you will notice your agendas are very weighty, they are very.

A. Marchetti: Kind of where I was going with the COVID funds like if there were 6 or 7 how many of them need to be services like Bonnie has and instead of me every week getting 70 pages printed out we all just scroll through on a tablet.

F. Westbrook: On a tablet.

A. Marchetti: Yeah.

W. Nunnally: COVID would pay for it either way.

A. Marchetti: COVID would pay for it and how much money would that save between printing and paper over time. I mean I guess if you want to print it, you print it at home and take the hard copy, but I much prefer to scroll through on a screen like Bonnie is doing, it is simply more efficient.

W. Nunnally: I'd rather have a piece of paper myself.

A. Marchetti: And I understand that, that's why I said.

F. Westbrook: I straddle that fence. I'm trying to make myself be more like that.

W. Nunnally: I'd throw the computer away if I had a chance.

F. Westbrook: I've considered that too at times.

A. Marchetti: You need a printer regardless, it was just the thought that...

B. Schaschek: They obviously have to print so you need to consider now if you do a 3 year it is going to be \$16,000.

W. Nunnally: Yeah \$15.....



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B. Schaschek: If you do a 39 that's \$16,500.

W. Nunnally: Bonnie, I thought you had an excellent point, the technology. It seems like it changes daily.

B. Schaschek: It does.

W. Nunnally: I think 36 months would be the most we should go out.

B. Schaschek: Yeah.

W. Nunnally: In fact, I'll move that we authorize the mayor to do the contract for the 36-month lease.

B. Schaschek: With the provision of a 24-hour replacement.

W. Nunnally: With the provision that they have 24-hour replacement if it goes down.

Mayor Bugg: Is there a second.

B. Schaschek: Second.

Mayor Bugg: Any further discussion. All in favor. Opposed. Let's keep that copy of that provision.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO AUTHORIZE MAYOR BUGG TO EXECUTE 36-MONTH LEASE ON PRINTER WITH THE PROVISION OF A 24-HOUR REPLACEMENT IS PASSED 6-0.

4. Reynolds Tennis Court Repairs Discussion - S. Phillips, Town Clerk

a. Motion to authorize Option 1 from contract dated August 19.

S. Phillips: Again thank you Jackie Brown she noticed at the last meeting the conversation was the distinction between option 1 on your tennis court and option 2 and I reached out to Ben Rennolds who created the proposal for us and option 2 does not include option 1 and I think that the motion last month read that we would go with option 2 only if it included option 1, so that is why I'm bringing this back to the table to make a clear motion if you want to go with option 1 only. Otherwise, it would be a combined cost of the \$5,675 and \$8,845. The motion, the scope of work that was done approximately 4 years ago, 3½ 4 years ago was option 1 and that generally has about a 2½ to 3-year shelf life so again when it comes to your capital budget about every 3 years under capital budget you need to put option 1 until you totally redo your court.

A. Marchetti: How many years do you get if you do option 1 and 2.

S. Phillips: I don't know the answer to that.

A. Marchetti: Does it buy you more time.

S. Phillips: No because.

A. Marchetti: I know option 2 had the warranty.



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S. Phillips: So each of those things comes with their own warranty. I don't know if I can clearly answer your question to option 2.

F. Westbrook: So option 1 they clean out the new cracks but option 2 they don't clean out the new cracks.

S. Phillips: Option 2 is on top of option 1. You have to start with option 1, that's your minimum.

A. Marchetti : Gotcha. Can't just choose option 2.

S. Phillips: Correct.

F. Westbrook: So option 2 would include option.

S. Phillips : No, no. Charges.

A. Marchetti: No, you can't.

B. Schaschek: You can't do option 2 if you don't do option 1. Switch.

A. Marchetti: So option 2 does include...

Mayor Bugg: Thank you Jackie.

A. Marchetti: Nice catch.

F. Westbrook: So it is not \$5,000 versus \$8,000, it's \$5,000 versus \$12,000.

W. Nunnally: \$13,000.

B. Schaschek: \$13,000 and change yeah.

A. Marchetti: You basically have no choice but to do option 1.

F. Westbrook: I think until we realize what the capital budget, all that kind of stuff, where all that is going.

S. Phillips: When Mr. Rennolds came over and assessed the tennis courts, your tennis courts are actually in very good condition. At some point in time if you chose to go with option 2 which is purely cosmetic, that's an option in your future. But right now, for safety reasons, option 1 is your consideration.

A. Marchetti: So option 2 could be done next year.

S. Phillips: Absolutely.

B. Schaschek: Can be done anytime, it is just a surface.

A. Marchetti: It doesn't have to be.

B. Schaschek: And if you limit pickle ball on it, that would save some of the damage.

J. Brown: Is this the only company that does this work, should we have another estimate.

S. Phillips: There are, so the concern is the safety of those courts. During COVID there was a high demand. We had weeds going up through them. The tape that they apply to mend the cracks is in the alleys. If you choose to put this back out to bid you need decide to close your courts.

J. Brown: Say that again.



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S. Phillips: If you chose to put this back out to bid you may have to revisit closing your tennis courts.

B. Schaschek: They are the ones that have been maintaining it for the past couple of years.

F. Westbrook: They have and when we have had repairs done to this several years ago we did look at different people and they were the ones we went with, plus they are in Tappahannock and this is their work.

S. Phillips: The work that is on the tennis courts, the work that is on the tennis courts right now is their work.

F. Westbrook: So I mean we chose them over one or two others the last time that it was done. That's not to say that they are probably the best price now but we did consider others the last time.

W. Nunnally: How much did we put in the projected budget, We put the \$56 in the budget.

F. Westbrook: No we put the \$88 in the budget.

B. Schaschek: It will have to be revised.

W. Nunnally: Mr. Mayor I move that we authorize option 1 for the tennis court.

D. Patteson: Second.

Mayor Bugg: Any further discussion. All those in favor. Opposed. Motion passes.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO AUTHORIZE OPTION 1 FROM CONTRACT DATED AUGUST 19 IS PASSED 6-0.

H. NEW BUSINESS

D. Patteson: Another disclosure. This is regarding transactions regarding the transient occupancy tax and the budget. I am making this disclosure on Virginia Code 2.2-3112H, that I have a personal interest in transactions which appear on the agenda under new business. Mainly the transient occupancy tax and the amended budget because I own the Hope and Glory Inn which is a remitter of the transient occupancy tax and a partner in the VTC grant. These personal interests are permitted because I am a member of a business profession, occupation or group for members which are affected by these transactions under Virginia Code 2.2-3112B1 and I'm able to participate in these transactions fairly, objectively and in the public interest. I will be able to participate in the discussion and the vote on the transient occupancy tax ordinance and the amended budget for this. The amended budget ordinance will include the line items for the grant in the context of the overall budget, therefore I am able to vote on the amended budget ordinance. And I get to stay at the table.

F. Westbrook: We are not voting on tonight.

Mayor Bugg: No, no.

D. Patteson: It's just to make everyone aware since we are discussing the budget.

F. Westbrook: Okay, I was getting ready to say.



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B. Schaschek: Do we have to do that at the second reading and then vote as well.

D. Patteson: Probably.

Mayor Bugg: Keep me busy.

F. Westbrook: You're getting older by the minute.

Mayor Bugg: Thank you Mr. Patteson. We will move onto Items 1 through 4 which are first reading. I would like to note to the council that if you have any additional changes to make those statements now so that the changes can be made on the table. We cannot make any material changes on the second reading, so I'm just letting you all know about that. I think we conquered most of this if not all in our previous meeting, but just letting you know about that, so thank you.

B. Schaschek: What do you mean?

S. Phillips: So I think Mr. Mayor the material change is the 1% rule and the changes that were identified were \$3,000 which would go down, so we are not going up in any expenses. We didn't identify anything that would increase expenses. The \$3,000 that was identified decreased your expenses and increased what you put to your capital budget and the other, that's was the \$3,000 from the tourism grant which impacted the contribution to the capital improvement budget and so I don't think we have any material changes to make.

B. Schaschek: Or any changes to the tennis courts.

B. Schaschek: Again, that's a positive that doesn't necessarily impact the 1%, so it doesn't make a material change. Mr. Mayor, may I read.

Mayor Bugg: You may read.

1. First Reading Ordinance 2020-07.uc Adopting Fee Rate Schedule

S. Phillips: Ordinance 2020-07.uc Adopting fiscal year 2021 fee rate schedule.

Ordinance 2020.07.uc is attached and incorporated within.

Mayor Bugg: Thank you.

2. First Reading Ordinance 2020-08.uc Adopting Transient Occupancy Tax Rate

S. Phillips: Ordinance 2020-08.uc. Adopting transient occupancy tax rate.

Ordinance 2020-08.uc is attached and incorporated within.

3. First Reading Ordinance 2020-09.uc Adopting Real Estate Tax Rate

S. Phillips: First Reading Ordinance 2020-09.uc Adopting Real Estate Tax Rate

S. Phillips: Ordinance 2020-09.uc is attached and incorporated within.

4. First Reading Ordinance 2020-10.uc Adopting an Amended FY20/21 Budget

S. Phillips: Ordinance 2020-10.uc Adopting an Amended FY20/21 Budget

Ordinance 2020-10.uc is attached and incorporated within.



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5. First Reading Resolution 2020-13 (Emergency) Approving The Agreement For The Use of Federal Cares Coronavirus Relief Funds.

S. Phillips: Resolution 2020-13 (Emergency) is attached and incorporated within.

Mayor Bugg: Have we gotten the second \$35,000 check?

S. Phillips: That is what this is for. This will facilitate the deposit.

N. Keane: We don't get it until....

S. Phillips: When you pass this the county will give it to us and Mr. Mayor, this isn't a second reading, it is a one reading.

Mayor Bugg: It's a one reading. Do we need to vote on this.

B. Schaschek: Can I ask.

Mayor Bugg: Certainly.

B. Schaschek: Because they already issued \$35,000 should this say \$35,000 or.

N. Keane: It's the total.

S. Phillips: The other monies will just go into the existing...

B. Schaschek: Okay.

W. Nunnally: Do we need a motion to accept it.

Mayor Bugg: Yes.

W. Nunnally: So moved.

F. Westbrook: Alright do you have to sign something for any of this and do we need to authorize that.

S. Phillips: He just signs the resolution.

F. Westbrook: He doesn't have to sign the agreement with the county.

N. Keane: It's right here.

F. Westbrook: Alright so we need to authorize, as part of the resolution.

W. Nunnally: Call the question.

F. Westbrook: Second.

Mayor Bugg: Any further discussion. All in favor. Opposed. Thank you.



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Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO APPROVE RESOLUTION 2020-13 (EMERGENCY) APPROVING THE AGREEMENT FOR THE USE OF FEDERAL CARES CORONAVIRUS RELIEF FUNDS IS APPROVED 6-0.

6. Financial Assessment - update

Mayor Bugg: The next item is Item #6 which is the financial assessment. I just wanted to update everyone on that. We circulated materials from Davenport and VML and VACO please review these documents. I have asked the budget and finance committee to make a recommendation to the council on this at our next meeting, so thank you for taking a look at all those now and then. Mr. Patteson will move this along. The next item is Dominion Energy. Item #7.

S. Phillips: Do we need a motion authorizing the budget finance committee just tasking them with the financial assessment, do we need a motion?

F. Westbrook: We don't usually get for the other.

S. Phillips: We generally task the committee.

F. Westbrook: I don't think it is necessary. It's part of our function.

7. Dominion Energy – dual utility poles

Mayor Bugg: We have it under control. Dominion Energy I believe we need to table that.

S. Phillips: The information did not come in.

8. Discussion of use of tennis courts to teach tennis - Frédéric Cabocel

Mayor Bugg: Correct. Item #8 would be discussion of use of tennis courts to teach tennis.

W. Nunnally: Is that by the Chesapeake Academy?

Mayor Bugg: This is actually Mr., Coach Cabocel, I'm not sure how to pronounce your last name.

Frederic Cabocel: Frederic Cabocel.

Mayor Bugg: Yes. Thank you for being here tonight, anything that you have to say.

Frederic Cabocel: Sure. Mr. Mayor, Councilmembers, and the Town of Irvington, thank you for the meeting and introduce myself. My name is Frederic Cabocel, my family and I have recently relocated from Arlington,



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Virginia to White Stone, Virginia. I am a PTR and USTA certified tennis coach and have coached for Arlington County and Arlington Public Schools. Feel free to take a look at my resume. I have brought some copies for you as well as the copy of my liability insurance. My goal in the community is to teach tennis and not only to local but as well as school, the tourist and throughout the Northern Neck area. I am currently seeking a partnership with the Town of Irvington for the use of your two tennis courts and I will be happy to meet anyone to discuss in more detail the potential partnership. Thank you.

Mayor Bugg: Great to meet you thank you.

A. Marchetti: A good place to be.

Frederic Cabocel: Yeah we love it.

Mayor Bugg: Welcome.

Frederic Cabocel: It's a beautiful place.

W. Nunnally: Thank you for coming.

Frederic Cabocel: I can leave that with you if you want.

Mayor Bugg: Yeah, that works.

Frederic Cabocel: Thank you.

W. Nunnally: Why don't you give it to Sharon and let her make copies.

Mayor Bugg: As we pass this around I will ask the town attorney to brief us at the next town meeting about the issues related to this request and review the agreement that we already have with Chesapeake Academy for the use of these courts, moving forward with that. Thank you again. Do we take that motion now.

N. Keane: It's up to you all, if you need a motion for me to do any work on this.

F. Westbrook: I think we need to discuss this before we move on anything.

Mayor Bugg: You said Chesapeake Academy has a contract with the town.

N. Keane: Yes there is a license agreement with between the Town and Chesapeake Academy from 3 or 4 years ago and there are some terms in there that Chesapeake Academy has to comply with. You know we would just have to make sure that if we had a contract with someone else there would be a process in place for making sure the courts are available to whomever whether its residents or Chesapeake Academy. So there are just some issues about that that we need to, we all should be aware of. I haven't looked at the agreement other than to put it in a file folder and say hey we need to look at this.

Mayor Bugg: Everyone okay with beginning to look into this. Okay, let's do that then and we can deal with it all next meeting. Take a look at everything. Thank you.

9. Discussion of use of Town Commons for performance by Lancaster Players – Jackie Allen

Mayor Bugg: Next item is item 9, Discussion of use of Town Commons for performance by the Lancaster Players, I have Jackie Allen as the representative.



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S. Phillips: Is Jackie here tonight. Julie do you have anything. She mentioned she was going to partner with the VIA on this.

J. Harris: The only thing I can say is that she came to VIA meeting after the September 3rd concert at the Commons and apparently this was the 50th year of the Lancaster Players so they have all kinds of exciting things planned which they did not get to do. She wanted to have a performance on the commons with an oral reading of several of the members and we informed her that it was a great idea but not sure that there was enough turnaround time between now and when she could do it and we just suggested that she contact council and make a presentation but Corona....

S. Phillips: I received a phone call from Jackie Allen initially and she mentioned the conversation with the VIA. She asked to be on the agenda. She sent a follow-up email last week reminding me to put it on the agenda. She would like to do a small presentation of our town on the town commons just to give people something to do during COVID. We talked about equipment. We talked about what impact it might have on the town commons. She felt confident that it would not exceed 250 according to the governor's including the Lancaster Players including the staff that they might have to have. It would not exceed 250 but without her here to present her own plan, she didn't even share a date as to, I don't know that.

W. Nunnally: I move that we table this request.

J. Harris: She shared with us was late October.

F. Westbrook: It would be helpful if she would be present. So we'll table it, is that what you're saying.

W. Nunnally: I moved to table it.

Mayor Bugg: Can I get a second.

F. Westbrook: Second.

Mayor Bugg: Any further discussion.

W. Nunnally: To table it right.

Mayor Bugg: Table it right. All in favor. All opposed. Thank you.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO TABLE THE DISCUSSION OF USE OF TOWN COMMONS FOR PERFORMANCE BY LANCASTER PLAYERS IS PASSED 6-0.



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10. Discussion of mold remediation proposal for 235 Steamboat Road - Bay Restoration

a. Motion to authorize mayor to execute contract

Mayor Bugg: Next item of discussion is mold remediation proposal for 235 Steamboat Road. That's the Bay Restoration proposal. Should be in your packet.

S. Phillips: That is the motion that is going to be not to exceed.

Mayor Bugg: Okay.

S. Phillips: So members of council, this particular is to have the carpet removed in the basement of 235 Steamboat and it will also include a proposal to remediate the mold from the surface of certain items that would fall under record retention or are related to the parade things that would have to move with the town office. There will be some things that will be thrown away, things that have no purpose or out of date but the things that do have to move with the town office this proposal which did not, they did come and do an assessment, they just did not have time to send the proposal. Mr. Mayor do you want to suggest a motion.

Mayor Bugg: Yeah the motion is not stated on there, but it would be motion to authorize mayor to execute a contract not to exceed \$2,500 that's the missing language.

W. Nunnally: So moved.

D. Patteson: Second.

Mayor Bugg: Any further discussion.

F. Westbrook: Quick question, who will make the decision on what to throw away and what to keep.

S. Phillips: Record retention.

F. Westbrook: Could there be historical stuff that...

S. Phillips: Those things are being kept. So the items that are being considered to be discarded Acts of Assembly.

B. Schaschek: Okay, which are mostly out of line these days.

A. Marchetti: Does any of this fall under COVID insurance claim.

S. Phillips: We do not qualify for the insurance claim. There was a particular storm, we didn't meet the insurance requirements.

W. Nunnally: But it does come under COVID.

S. Phillips: No sir.

W. Nunnally: It doesn't come under COVID.

S. Phillips: No this was water damage from hurricane Isaias.



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F. Westbrook: So it was \$2,000 is the, \$2,500.

S. Phillips: Insurance doesn't cover it. The deductible was very high and our initial thus far, the damage that occurred from that storm, the only invoice that has been paid out was under \$700 and that was for them to come in and get the water out of the basement and run the dehumidifier and dry out.

B. Schaschek: What happens if you add all this stuff because we also had to redirect.

S. Phillips: So the foundation work does not qualify.

W. Nunnally: What is our deductible.

S. Phillips: On that particular item it was several thousand dollars because it was, it could not be clearly attributed to the storm.

Mayor Bugg: Time to vote them. All in favor. Opposed. Motion carries. Again not to exceed \$2,500.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO AUTHORIZE THE MAYOR TO EXECUTE BAY RESTORATION CONTRACT NOT TO EXCEED \$2,500 IS PASSED 6-0.

11. Discussion of audio visual proposal from Entertainment Systems

Mayor Bugg: Item 11 discussion of audiovisual proposal entertainment systems. Discussion on whether to purchase audiovisual equipment. I open that to the council whereas discussion as previous meetings and Ms. Schaschek I know that is one of your areas of expertise as well so.

W. Nunnally: Do I need to do a disclosure since I'm a member and dues paying member of Irvington Baptist Church and on the board. I see that is mentioned in B, that you have to negotiate with the church. So I so disclose.

Mayor Bugg: Excellent. We will open the topic Madam Clerk if you want to bring everyone up to speed.

S. Phillips: In your proposal or in your meeting packet you will see a proposal on entertainment systems. I have met with them two or three times here at the church. I did ask for a bells and whistles bid. There were two primary concerns that council communicated. The first concern was the ability to hear, given the distance from the public, given the distance between yourselves, everyone is wearing a mask. It is very difficult to hear, so you will see that a large portion of this proposal has to do with speakers and microphones. The second concern that council communicated was the ability whether you use a tablet or whether you have a camera installed in here and people from at home would simply click on a link where people would be able to watch the town council meeting from home, from wherever they choose. The concern is that given the price of this proposal that equipment would not live in a town owned facility. So the town attorney is being asked to work to identify this contract would require holes to be drilled, I need a technical term, a jack, a panel, it would involve electricity, it



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would involve the church's part. So I think that a prudent thing to do at this point is for every, if council is concerned as to the dollar value of this, there are alternative ways to meet the ability to hear for probably under \$500 we can come up with a different solution but the only initial component might be to address differently something that council could consider is that this purchase does qualify with our CARES money so this could come out of the \$70,000 for the CARES money. Do you want to purchase this and hold onto it until the new town office is ready, audiovisual equipment updates very quickly. Faster than a printer. So is this something that you would want to hold, is it something that you would want to install here and work on a relationship with the church as to how to handle that or would you like for staff to bring alternative solutions to the table. I truly think that we should rely on Bonnie to identify where we might be able to streamline this proposal or just alternative solutions to those two critical needs.

W. Nunnally: We are between the devil and the deep blue sea.

B. Schaschek: Exactly.

W. Nunnally: I mean we've got this money available and we have to spend it by December and we don't know when we are going to have the new town office, if we have a new town office.

B. Schaschek: I'd like to take and look at all of the components of this and what exactly we are trying to accomplish, there are other ways of doing it. This is very high. We can also talk to the church because without the church buy in and allowing to do an installation it is a mute point.

W. Nunnally: Just to throw it out there, the church will participate. They could use it too.

B. Schaschek: That's what I shared earlier.

W. Nunnally: It may be a win-win situation.

B. Schaschek: That's what I had said earlier so that is something that we should look at. I don't think we can make any decision now based on this right now.

W. Nunnally: I think we need to table this discussion until after Bonnie reviews it.

Mayor Bugg: Thank you for your help Bonnie.

S. Phillips: Do you want to authorize the town attorney to do research or is it...

F. Westbrook: Do what research.

S. Phillips: With the church.

F. Westbrook: I think we ought to wait and see what Bonnie comes back with because it would give her recommendations on which way we might go.

S. Phillips: That puts you at November.

F. Westbrook: I understand the availability of the funds, I'm concerned with spending \$32,000...



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S. Phillips: Oh no, I just said research.

F. Westbrook: Yes.

B. Schaschek: You can spend a lot less and have the same effect and still put it in the church. There has been something similar done over at Grace and it is a shareable product.

F. Westbrook: Shareable with the community you mean.

B. Schaschek: Yeah, well not with COVID but we used to use the equipment that was installed so.

W. Nunnally: It could be a win-win situation so, for us all.

F. Westbrook: Well it is going to be November before Bonnie gets you know before we have another meeting to hear what Bonnie would suggest.

B. Schaschek: I don't think we have enough information to vote on it now anyway.

F. Westbrook: I would not vote on it tonight. Alright, so are we tabling this then to allow Bonnie time to look at it.

W. Nunnally: That's my motion.

Mayor Bugg: Alright, second.

B. Schaschek: Do we want the lawyer to at least talk to the church or do you want to take care of it.

W. Nunnally: I'll take care of that.

Mayor Bugg: Do I have a second.

A. Marchetti: You did.

Mayor Bugg: Any further discussion. Vote. All in favor. Opposed. Matter is tabled to November the AV equipment and again thank you Bonnie and Wayne.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO TABLE THE AUDIO VISUAL PROPOSAL UNTIL NOVEMBER IS PASSED 6-0.

F. Westbrook: They will have to get the town attorney involved when we get ready to do, actually deal with.

Mayor Bugg: Yeah.



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A. Marchetti: The equipment will have to have a permanent installation.

12. Motion to appropriate October general operating expenses not previously appropriated

Mayor Bugg: Item #12 motion to appropriate October general operating expenses not previously appropriated.

F. Westbrook: Actually these are September invoices that are due in October, the same thing happened last month so these are September expenses.

Mayor Bugg: Okay.

S. Phillips: I do have one update of course just an update from your meeting packets. You will see there is one for the security deposit for the town office and during the chaos if you will, of moving the town office, the zoning department purchased a desk and that, I have a receipt and a request for reimbursement there and Barbour printing, I believe that was for the map that was used for VDOT, just an invoice and they did they fuel tank at 235 Steamboat.

B. Schaschek: What is BMS direct postage.

S. Phillips: That's the one that came in. So BMS Direct, Lancaster County has submitted the tax invoices to the printer and that is the postage deposit and that has to be paid very quickly, it could not wait until November.

F. Westbrook: We do that every year don't we.

B. Schaschek: And you have Aqua Virginia here but no dollar amount.

S. Phillips: There is a pending credit. It just populates due to a credit.

F. Westbrook: Oh okay so that is zero.

F. Westbrook: There is nobody owed there.

F. Westbrook: I move that we appropriate these funds as presented.

Mayor Bugg: That would be September correct as you said.

F. Westbrook: Yeah, we don't pay in advance. These were incurred September and are coming due in October.

Mayor Bugg: Great. Is there a second.

A. Marchetti: Second.

Mayor Bugg: Any further discussion. All in favor. Opposed. Motion carries.

Vote: Bonnie Schaschek Aye



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Frances Westbrook	Aye
Anthony Marchetti	Aye
Wayne Nunnally	Aye
Jackie Brown	Aye
Dudley Patteson	Aye

THE MOTION TO APPROPRIATE THE SEPTEMBER GENERAL OPERATING EXPENSES IS PASSED 6-0.

13. Motion to reappoint C. Braly to the Planning Commission for a term expire of June 30, 2024

Mayor Bugg: The next item on the agenda Item 13 motion to reappoint Chris Braly to the planning commission for a term expiring on June 30, 2024, would someone like to make that motion.

J. Brown: How can we appoint him, we already appointed him.

A. Marchetti: He was filling in for finishing for....

Mayor Bugg: Me.

W. Nunnally: I thought that we had to do everytime they expired. We had to readvertise for the job to see if anybody else wanted to do it. That's what we have done in the past. I don't know of anytime we have just reappointed.

F. Westbrook: Advertising is something that came up when Bob was on and he was the one that first asked to start doing that. We don't have to advertise. But we have been doing that for the past 8 or 10 years maybe.

N. Keane: I was just going to mention that he has only been on for a month or month and a half because Mayor Bugg's term on the planning commission ended October 31st in, sort of in the middle of the year.

W. Nunnally: I think he is a wonderful fella but I know our tradition is that we've always when a term ended we readvertised and the fella has always reapplied and the point was that if anybody else ever wanted to do it they had an opportunity to be at least considered because it is a vacancy. It is not, it is not a continuing job. It is a vacancy.

A. Marchetti: How did we chose whether Chris or Brian was filling Tripp's role.

N. Keane: It was the first one that was voted on. Whoever was in the motion first got voted.

A. Marchetti: Circumstantial.

N. Keane: It was circumstantial.

F. Westbrook: You know, I admit, well assumptions are never a good thing, but I did think that we were appointing him for that one year one month vacancy understanding that we would appoint him for the next term.



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W. Nunnally: I don't think we can do that. I think we have to advertise for the term.

F. Westbrook: There is nothing that says we can't.

Male: Let's advertise.

N. Keane: There is no requirement.

F. Westbrook: There is no requirement and I personally think it is kind of a slap in the face to him.

W. Nunnally: We don't have to advertise it to the public.

F. Westbrook: We do not have to do that.

W. Nunnally: But we've only done it for 100 years.

F. Westbrook: No we have not, we have only done it for the past 8 to 10 years.

Mayor Bugg: Madam Clerk.

S. Phillips: You have a current member of the planning commission that was reappointed without readvertisement. Planning Commissioner Capps.

Mayor Bugg: Okay.

W. Nunnally: He reapplied.

B. Schaschek: He reapplied.

W. Nunnally: He reapplied.

J. Brown: Who are you talking about.

W. Nunnally: Capps.

A. Marchetti: Chris probably just applied.

W. Nunnally: I think we should follow the tradition. I mean when we start breaking these rules that we have forever and ever then we are on a slippery slope.

B. Schaschek, Do you want to authorize an ad to be put in the paper then. We don't have to advertise it two times, we can just advertise it, is it advertised two times or once.

W. Nunnally: If we don't have to advertise at all, we can just do it once.

F. Westbrook: Why don't we take a vote on how we'd like to handle it.



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Mayor Bugg: Let's do that.

W. Nunnally: I move that we follow the traditional appointment and assign the positions or committees and that the whatever position is vacated then it is vacated and finish anybody can then run if they want to do that or apply for that vacancy. If we start appointing then who is to say that we won't disappoint the whole commission forever. That is just not what it was meant to do. We were supposed to have new blood coming in and new ideas and I think it is a slippery slope once you stop doing things like you normally do. I don't know of any statute requirement but I know that what we have done since I have been on council and what I have been told before by council what the procedures were. I think that the general public knows what they are. Supposedly X wants to run for vacancy or would like to apply for the vacancy and you say no, we just appointed somebody and it just would not be fair. When a vacancy appears and other people didn't have the right to run, to apply for the vacancy. That's all.

J. Brown: I think consistency is important.

B. Schaschek: I absolutely agree. I agree. I think we put it in the paper, we put a deadline date, all he needs to do is resubmit the same application he had before and we vote on it next month. There is not a meeting this month anyway so.

W. Nunnally: I think I voted for him.

B. Schaschek: I voted for him as well.

W. Nunnally: It's not the man by any means. It's the protocol.

F. Westbrook: I do agree with Wayne that yeah we always need new blood to come in there and this is exactly what this really is. I don't think anybody would apply knowing that they were going to only have one month and then turn around and have to reapply for it.

W. Nunnally: It's done all the time.

F. Westbrook: And he has applied a couple of times on some things, we've, we now have the ability to get him on board and I personally think it would be a slap in the face to tell him sorry you have to reapply again. One month, I mean I can understand if it was 6 months but 1 month really.

A. Marchetti: When everybody voted last month, the month prior, were you planning on voting for just month.

W. Nunnally: Sure. It said the term expired it was expired.

A. Marchetti: How did you know Chris was the first and not Brian. Obviously neither did Chris or neither did Brian.

F. Westbrook: I think it is terribly unfair to him.

A. Marchetti: I agree with you in the setting the precedence, but I would think if there was circumstances were explained it is, we're not just voting.



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W. Nunnally: Oh...I mean it is not that we wouldn't want to do it, he is going to have the votes but if we break protocol in this thing what are we going to break next.

A. Marchetti: To be fair to Chris or to Brian or whoever name got raised first probably should have been explained to him.

F. Westbrook: I agree with that too. He should have known going into it this is what was going to happen and I can guarantee you that neither....

W. Nunnally: Monday morning quarterbacks are real good.

A. Marchetti: I don't disagree with you, I'm just saying look at it from all perspectives. I'm not saying I have the answer, I'm just saying look at it from all perspectives.

F. Westbrook: I think this is our fault. We dropped the ball on this when we didn't make this plan.

W. Nunnally: Well we don't break protocol. We don't compound the mistakes.

F. Westbrook: Well I am willing to break protocol on this.

W. Nunnally: Well I'm not.

N. Keane: This was just for everybody to remember, you all came up with a good idea since you had two good, we added to the planning commission so now it is an extra seat and he ended up getting the one month one for the existing seat and the other person got the new seat is what it was for a full term. It was an additional person, if you remember the meeting.

W. Nunnally: It was an excellent idea and I voted for him, so it's not the person, it is, we have got to maintain a standard for the public to...

A. Marchetti: Did we advertise that there were two seats available.

N. Keane: No.

A. Marchetti: I mean, again I follow the logic and I'm not disagreeing whole heartedly but kind of...

W. Nunnally: Call the question.

F. Westbrook: So what's the question.

W. Nunnally: I move that we follow protocol and that we don't appoint him that he reapply and be considered for the 4 year term, what is it 3 year or 4 year term.

Mayor Bugg: 4.

W. Nunnally: Is that we advertise to see if anybody else wants to do the job.



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Mayor Bugg: One advertisement.

B. Schaschek: One.

W. Nunnally: One.

Mayor Bugg: There is a motion made, is there a second.

B. Schaschek: I'll second it.

Mayor Bugg: Further discussion. Vote. We'll do a roll call vote.

Vote:	Bonnie Schaschek	Aye	
	Frances Westbrook		No
	Anthony Marchetti		No
	Wayne Nunnally	Aye	
	Jackie Brown	Aye	
	Dudley Patteson		No
	Mayor Bugg		No

Mayor Bugg: As mayor I will break this tie vote No. I will explain to the council that we will look into this issue and take what Mr. Nunnally said whole heartedly and very much appreciate his comments.

THE MOTION THAT WE FOLLOW THE TRADITIONAL APPOINTMENT AND ASSIGN THE POSITIONS OR COMMITTEES AND THAT THE WHATEVER POSITION IS VACATED THEN IT IS VACATED AND FINISH ANYBODY CAN THEN RUN IF THEY WANT TO DO THAT OR APPLY FOR THAT VACANCY

IS NOT PASSED 4-3.

N. Keane: You are going to have to vote to appoint. That's your next vote.

Mayor Bugg: Exactly.

F. Westbrook: So you'll have to break that too so.

W. Nunnally: I have no problem with the man.

A. Marchetti: I understand it is not personal and the logic behind your vote.

W. Nunnally: Take a lesson on history.

A. Marchetti: Evolution is inevitable.

Mayor Bugg: Next is motion to reappoint Chris Braly for a term to expire in 2024. Would someone like to make that motion.

W. Nunnally: I'll make that motion.

Mayor Bugg: Do I have a second.

F. Westbrook: Second.



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Mayor Bugg: Any further discussion. All in favor. Opposed. Thank you and again thank you for your comments all of you.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO REAPPOINT C. BRALY TO THE PLANNING COMMISSION FOR A TERM EXPIRE OF JUNE 30, 2024 IS PASSED 6-0.

F. Westbrook: That was an interesting one.

I. ANNOUNCEMENTS

1. In observance of Columbus Day the Town Office will be closed on Monday, October 12.

Mayor Bugg: Announcements. One announcement in consideration of Columbus Day the town office will be closed on Monday, October 12th. Any further announcements Madam Clerk. I turn to Vice Mayor for closed session reading.

J. CLOSED SESSION

Frances Westbrook: I Frances Westbrook move to go into closed session Pursuant to 2.2-3711A7 of the Code of Virginia for consultation with legal counsel for actual or probable litigation and pursuant to 2.2-3711A3 of the Code of Virginia for real estate matters where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town.

Mayor Bugg: Is there a motion to review closed session.

D. Patteson: Second.

Mayor Bugg: All in favor.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 6-0.

K. RETURN TO OPEN SESSION

F. Westbrook: Whereas the Town of Irvington has convene a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law; Now, there, be it resolved that the Board hereby certified that to the best of each member’s knowledge (i) only public business matters lawfully exempted from



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open session requirement by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters were identified in the motion convening the closed session were heard, discussed or considered by the Board. Departure from Purpose? Is there any member who believes that there was a departure from the motion to go into a closed session? If so, so state the departure. There are no statements.

I, Frances Westbrook, so certify.
I, Bonnie Schaschek, so certify.
I, Tripp Bugg, so certify
I, Dudley Patteson, so certify.
I, Anthony Marchetti, so certify.
I, Wayne Nunnally, so certify.
I, Jackie Brown, so certify.

W. Nunnally: Move we adjourn

S. Phillips: There are no actions to be taken. There was a consensus to hold a special called meeting next Thursday.

L. ADJOURN

W. Nunnally: Call the question.

Mayor Bugg: Vote.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Dudley Patteson	Aye

THE MOTION TO ADJOURN IS PASSED 6-0.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



**TOWN OF IRVINGTON, VIRGINIA
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TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY, OCTOBER 15, 2020; 5PM**

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: Wayne can you hear us.

W. Nunnally: Yes sir.

Mayor Bugg: Excellent. Go ahead and call this meeting to order. This is the Irvington Town Council special called meeting on Thursday, October 15, 2020 at 5:00 p.m. Again, we are at the Irvington Baptist Church. Notice is hereby given that Irvington Town Council will hold a special called meeting on Thursday, October 15, 2020 at 5:00 p.m.. I have called this meeting to order with roll call.

B. ROLL CALL – Mayor Bugg

Members of Council Present: Frances Westbrook
Anthony Marchetti
Jackie Brown
Bonnie Schaschek
Wayne Nunnally (via telephone)

Absent: Dudley Patteson

Administrative Staff Present Nancyellen Keane, Esq., Town Attorney
Lara Brown, Zoning Administrator
Sharon Phillips, Clerk, FOIA Officer

Guests: See attached sign in sheet

C. CLOSED SESSION

F. Westbrook: I, Frances Westbrook move to go into closed session pursuant to §2.2-3711A3 of the Code of Virginia for commercial issues regarding possible temporary or replacement of town office for discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town.

B. Schaschek: Second.

Mayor Bugg: All in favor. Opposed.

Vote:	Frances Westbrook	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 5-0.

D. RETURN TO OPEN SESSION

F. Westbrook: Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act;



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and whereas §2.2-3711 A(3) for real estate matters the code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law; now, there be it resolved that the Board hereby certified that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirement by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board. Is there any member who believes that there was a departure from the motion to go into a closed session? If so, so please state the departure. There is no response.

I, Frances Westbrook, so certify
I, Jackie Brown, so certify
I, Bonnie Schaschek, so certify
I, Anthony Marchetti, so certify
I, Wayne Nunnally, so certify
I, Tripp Bugg, so certify

Mayor Bugg: Excellent. We will now move to vote on the various items. The first is the motion to select Ann Meekins as the listing agent for 235 Steamboat Road and to authorize the mayor to sign the listing agreement with Ann Meekins. Would anybody like to make that motion?

B. Schaschek: So move.

J. Brown: Second.

Mayor Bugg: Any discussion? All those in favor and all those opposed? The motion passes.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye

THE MOTION TO SELECT ANN MEEKINS AS THE LISTING AGENT FOR 235 STEAMBOAT ROAD AND TO AUTHORIZE THE MAYOR TO SIGN THE LISTING AGREEMENT WITH ANN MEEKINS IS PASSED 5-0.

Mayor Bugg: Second item would be a motion for the designation of the North Commons as the location for the new town office. Obviously we are just getting this going so we are not putting any details in this motion. Would anybody like to make that motion?

F. Westbrook: I so move.

B. Schaschek: Second.

Mayor Bugg: Any discussion? All those in favor and all those opposed? The motion passes.



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Vote: Bonnie Schaschek Aye
 Frances Westbrook Aye
 Anthony Marchetti Aye
 Wayne Nunnally Opposed
 Jackie Brown Aye

THE MOTION FOR THE DESIGNATION OF THE NORTH COMMONS AS THE LOCATION FOR THE NEW TOWN OFFICE IS PASSED 4-1.

Mayor Bugg: The third item would be a motion to authorize town staff to proceed with getting proposals related to items discussed concerning a new town office such as a proposal from Chesapeake Homes or a similar contractor; a proposal for a survey; a proposal for a site plan from Bay Design or similar contractor. Can I get that motion?

W. Nunnally: We are just getting figures, is that correct?

B. Schaschek: Yes.

F. Westbrook: Move.

A. Marchetti: Second.

Mayor Bugg: Any discussion? All those in favor and all those opposed? The motion passes.

Vote: Bonnie Schaschek Aye
 Frances Westbrook Aye
 Anthony Marchetti Aye
 Wayne Nunnally Aye
 Jackie Brown Aye

THE MOTION TO AUTHORIZE TOWN STAFF TO PROCEED WITH GETTING PROPOSALS RELATED TO ITEMS DISCUSSED CONCERNING A NEW TOWN OFFICE SUCH AS A PROPOSAL FROM CHESAPEAKE HOMES OR A SIMILAR CONTRACTOR; A PROPOSAL FOR A SURVEY; A PROPOSAL FOR A SITE PLAN FROM BAY DESIGN OR SIMILAR CONTRACTOR IS PASSED 5-0.

Mayor Bugg: The last item would be a motion to authorize the town attorney to proceed with research concerning Irvington’s position in regards to land disturbance and issuing a new ordinance that would give us more of a role in that process. Is there anything else we need to say regarding this?

F. Westbrook: That is the JPA?

N. Keane: Yes. For reference, it is related to section §154.157B(2) of the Town Code.

B. Schaschek: That is the State Code?

N. Keane: No, it’s the Town Code.

Mayor Bugg: Would anyone like to make that motion?



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B. Schaschek: So moved.

J. Brown: Second.

Mayor Bugg: Any discussion? All those in favor and all those opposed. The motion passes.

Vote:	Bonnie Schaschek	Aye	
	Frances Westbrook	Aye	
	Anthony Marchetti	Aye	
	Wayne Nunnally		Opposed
	Jackie Brown	Aye	

THE MOTION TO AUTHORIZE THE TOWN ATTORNEY TO PROCEED WITH RESEARCH CONCERNING IRVINGTON’S POSITION IN REGARDS TO LAND DISTURBANCE AND ISSUING A NEW ORDINANCE THAT WOULD GIVE US MORE OF A ROLE IN THAT PROCESS IS PASSED 4-1.

E. ADJOURN

Mayor Bugg: Can I get a motion to adjourn?"

W. Nunnally: I move we adjourn.

A. Marchetti: Second:

Mayor Bugg: All those in favor and all those opposed. We are adjourned.

Vote:	Bonnie Schaschek	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye

THE MOTION TO ADJOURN IS PASSED 5-0

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



**TOWN OF IRVINGTON, VIRGINIA
IRVINGTON TOWN COMMONS
TOWN COUNCIL
TUESDAY, NOVEMBER 17, 2020 2:00 PM**

Mayor Bugg, “This is a Town Council special called meeting on Tuesday, November 17, 2020 at 2:00 p.m. in the Irvington Commons. Notice is hereby given that the Irvington Town Council will hold a special called meeting on Tuesday, November 17, 2020, 2:00 p.m. in the Irvington Town Commons. The purpose of the special called meeting is to conduct monthly business. There is a rain date scheduled for tomorrow that is not used, not being used, we do have another meeting tomorrow as everyone knows at 2:00 p.m. I am calling this meeting to order.”

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg, “I am calling this meeting to order. Roll call we can start with Mr. Nunnally.”

B. ROLL CALL –

Members of Council present: Wayne Nunnally
Dudley Patteson
Bonnie Schaschek
Frances Westbrook
Mayor Bugg
Jackie Brown (via telephone)
Anthony Marchetti (arrived 2:03 p.m.)

Staff Present Nancyellen Keane, Esq., Town Attorney
Lara Brown, Zoning Administrator
Sharon Phillips, Clerk, FOIA Officer, Treasurer

Guests Present: See attached sign in sheet

Mayor Bugg, “The next item on the agenda will be the report for the budget and the Finance Committee.”

C. BUDGET REPORT/FINANCE COMMITTEE

F. Westbrook, “Alright you should have in your packet the Cares Small Business Grant, so unless you have any specific questions, anyone? Jackie, do you have any questions.” J. Brown, “I do not.” F. Westbrook, “Okay thank you.” J. Brown, “It looks pretty much like the Kilmarnock grant.” F. Westbrook, “Good, good, good. Alright if there are no questions then, The Budget and Finance recommends that we go with this application and the dates that are included in there in order to go forth with and accept applications and pay the monies out.” Mayor Bugg, “Thank you for all your work on this, so the motion to approve materials and authorize release of Irvington Cares Small Business Grant Program, that’s the first matter in terms of motions. Does anyone have any questions or concerns about any of that?” S. Phillips, “Mr. Mayor would you please let the record show that Anthony Marchetti arrived.” Mayor Bugg, “I would like the record to show that Anthony Marchetti is also present. Thank you for all of your efforts The Budget and Finance Committee especially with the Cares Act and getting that going as well. I know the community will truly appreciate that so would anyone like to make that motion.” F. Westbrook, “So moved.” Mayor Bugg, “Can I get a second.” B. Schaschek, “Second.” Mayor Bugg, “Any discussion. All in favor and all those opposed.” N. Keane, “Can we get a roll call because Jackie is on the phone.”



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Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown (via phone)	Aye

MAYOR BUGG, “MOTION TO APPROVE MATERIALS AND AUTHORIZE RELEASE OF IRVINGTON CARES SMALL BUSINESS GRANT PROGRAM IS PASSED 6-0.

D. OLD BUSINESS

1. Second Reading Ordinance 2020-07.uc Adopting Fee Rate Schedule

S. Phillips, “Second Reading Ordinance 2020-07.uc Adopting 2020-21 Fee Rate Schedule; Amending Town Code and Establishing Certain New Fees. Whereas, the Irvington Town Council previously adopted ordinances authorizing the levy of certain fees, namely an administrative fee on May 13, 2019, and three zoning-related fees, (sign, subdivision and zoning permit fees) on April 10, 2003, as more particularly described on the attached Fee Rate Schedule.” Mayor Bugg, “Can I get a motion?” W. Nunnally, “So move.” F. Westbrook, “Second.” Mayor Bugg, “Any other discussion? All those in favor and all those opposed?”

Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown (via phone)	Aye

MAYOR BUGG, “MOTION TO APPROVE ORDINANCE 2020-07.UC IS PASSED 6-0.

2. Second Reading Ordinance 2020-08.uc Adopting Transient Occupancy Tax Rate

S. Phillips, “Ordinance 2020-08.uc Adopting Transient Occupancy Tax Rate. I only need to read the title.” Mayor Bugg, “Can I get a motion and a second?” W. Nunnally, “So move.” D. Patteson, “Second.” Mayor Bugg, “Is there any discussion? B. Schaschek, “Is this something that we really want to do? I agree that we need to up it because we have been undercharging. Most towns are doing anywhere between 6% and 8% we are just upping it to 4% but with the second outbreak of COVID and the potential shut downs again is this something that we want to do to our businesses?” F. Westbrook, “I think since it is just a pass through we are not adding anything onerous on any specific business.” S. Phillips, “You would have to amend the budget.” F. Westbrook, “And that is another thing, we would have to amend the budget because this has already had its first reading.” D. Patteson, “As far as the Hope & Glory and the Tides are concerned we are in agreement on 4%. We would probably have heartburn if it were more and we will probably have a significant health event coming. Should we need to address it later we can.” F. Westbrook, “We will be doing the new budget here really really soon.” Mayor Bugg, “Any further discussion? With that can I get a vote? All those in favor and all those opposed?”

Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown (via phone)	Aye



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MAYOR BUGG, “MOTION TO APPROVE ORDINANCE 2020-08.UC IS PASSED 6-0.

3. Second Reading Ordinance 2020-09.uc Adopting Real Estate Tax Rate

S. Phillips, “Ordinance 2020-09.uc Adopting Real Estate Tax Rate.” Mayor Bugg, “Can I get a motion to adopt this?” B. Schaschek, “So move.” D. Patteson, “Second.” Mayor Bugg, “Any discussion? All those in favor and those opposed.”

Roll Call Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Anthony Marchetti	Aye	
	Dudley Patteson	Aye	
	Wayne Nunnally		No
	Jackie Brown (via phone)	Aye	

MAYOR BUGG, “MOTION TO APPROVE ORDINANCE 2020-09.UC IS PASSED 5-1.

4. Second Reading Ordinance 2020-10.uc Adopting an Amended FY20/21 Budget

S. Phillips, “Ordinance 2020-10.uc Adopting an Amended FY20/21 Budget.” Mayor Bugg, “Can I get a motion?” F. Westbrook, “So move.” A. Marchetti, “Second.” Mayor Bugg, “Discussion? Roll call vote.” F. Westbrook, “Westbrook yes.” B. Schaschek, “Schaschek no. First I want to thank the finance team but I also want to explain why I am not agreeing.” Mayor Bugg, “Is that a tie break?” F. Westbrook, “There are 3 yes and 3 no.” Mayor Bugg, “Mayor Bugg yes.” B. Schaschek, “Can the mayor vote on the budget?” N. Keane, “Yes. He can break the tie on the budget but he can’t break a tie on a tax.” Mayor Bugg, “Motion passes.” B. Schaschek, “We are going to court with this.” S. Phillips, “I’m sorry?” B. Schaschek, “I’m talking to myself.”

Roll Call Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek		No
	Anthony Marchetti	Aye	
	Dudley Patteson	Aye	
	Wayne Nunnally		No
	Jackie Brown (via phone)		No
	Mayor Bugg	Aye	

MAYOR BUGG, “MOTION TO APPROVE ORDINANCE 2020-10.UC IS PASSED 4-3.

E. NEW BUSINESS

1. Motion to adopt CUP schedule – L. Brown, Zoning Administrator

Mayor Bugg, “We have the Cup Schedule.” S. Phillips, “Alright members of Council I am going to pass out the, unless, it’s for your convenience I’m passing out the proposed CUP schedule.” Mayor Bugg, “Sharon I hate to cut you off, but before we get ahead, so we are all on the record, I just want to find out why you voted against the budget.” Mayor Bugg, “I’m just inquiring while we’re still kind of close to the budget why those members voted no to adopt that. I’m just curious.” B. Schaschek, “There’s a couple of reasons, number one is, I have a problem with the wealth management piece of it right now.” Male, “Can’t hear you.” B. Schaschek, “I’m sorry, I have a problem with the wealth management piece of it right now. We never had the chance to discuss it in full, we don’t know what it is that are going. There were several different proposals. We never determined which way we wanted to go. I think it is imperative that you know the Town does an audit of its own books and makes a decision on which way it should go. Which projects it wants before it starts bringing in somebody to arbitrarily decide what we should and shouldn’t be doing and where the funds are coming from and reading some of that stuff they wanted to float bonds. We are not in



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a position to float any bonds. That was the number one problem I had. The second problem I have is with the VCT Tourist Grant. I'm not going to go into the history of it, but the whole thing changed from when the initial application was put in. Now all of a sudden instead of the town being on the hook for \$10,000 it is now on the hook for \$25,000. We have never, we have asked at the last three meetings for an explanation on what it is that these people are going to be doing and how it's going to be done and how is it going to benefit the Town. To date we have gotten no information. Now we've spent money, but I would rather cut the losses now than to continue going forward, because we still don't know what they are giving us, and I see that there is an appropriation for Flackshack again and this is now going to be the fourth time we request information. I just think it is unconscionable that this is going forward, and we have no answers." Mayor Bugg, "And much of that would have been addressed last Thursday, they were going to be present with a fairly, really extensive PowerPoints but obviously that's going to have to wait so." B. Schaschek, "And one last issue I have with it is on the CARES Fund, had we gone ahead and done this budget and had all the special meetings we would not have been putting the CARES funds in the budget. Those CARES funds are not really operating costs of the Town. That is to cover any expenses that we had as a result of COVID-19. Not to aid in the budgeting and I don't think it should be used, I think we are moving too fast on using it for things like the new town hall and stuff like that without further investigating it, so. I have a problem with the COVID funds being there." Mayor Bugg, "That's why I asked, yes." F. Westbrook, "If I might, just a couple of statements, in regard to the Wealth Management Funds, or whatever you care to call it, just because it's in the budget does not mean that it, that we will spend it. It's there if we decide to go ahead with it, we have not had a vote, we have not had a discussion, but should we decide to go ahead, if it is not in the budget then we have no means of funding that project. So yes, we still will have that discussion. The other part, what was your last." F. Westbrook, "I had the VCT Grant." F. Westbrook, "Okay, I have no comment, I guess it was just the first thing. We will be discussing the, not the VTC Grant but the second thing that you spoke of." B. Schaschek, "Isn't that the VCT Grant." F. Westbrook, "We talked about three different things." N. Keane, "First was Wealth Management, I think second was VCT and third was Cares Fund." F. Westbrook, "CARES fund, thank you, thank you, and yes, we will be, well the packet you got with the application form pretty much tells us all that we need to know and doesn't need to come back to the Town Council for individual votes on the applicants because of the way the application is set up." B. Schaschek, "Which one are you talking about now?" F. Westbrook, "I'm talking about the CARES fund stuff. B. Schaschek, "I'm talking about the Virginia Tourists." F. Westbrook, "But you also mentioned the CARES fund." B. Schaschek, "I'm talking the COVID-19 the \$70,000 that is sitting in the budget." F. Westbrook, "Yes, that's the CARES Fund, the COVID CARES Act money and when it comes to, other than the funds that we have allocated to the application for resident businesses the rest will be decided upon on, on vote. We have not had the opportunity to vote or discuss that either, that would have been on our agenda last Thursday, so we will be talking and voting on that Thursday, so we will be talking and voting on that." Mayor Bugg, "Anything else to add." W. Nunnally, "I agree with everything everybody said but in addition I, the main thing is the real estate taxes are too high and it should not be that much." Mayor Bugg, "Thank you Mr. Nunnally." W. Nunnally, "Your welcome." Mayor Bugg, "Your words caused a commotion." W. Nunnally, "Not unusual." Mayor Bugg, "Anyone else. Alright Sharon I want to take this back to where we were which was new business. L. Brown, "Do you all have the proposed Cup Schedule in your packet." S. Phillips, "What's the question." L. Brown, "I was just asking if they all had." S. Phillips, "They do, they do." L. Brown, "On your proposed CUP Schedule there are three applications in the pipeline right now. Have you had a chance to look at the schedule? The first is CUP 7-Alga, Replace and Extend Existing Pier. The second CUP is CUP 8-Smith, build new pool at residence outside the RPA, the third is CUP9- Webb, build new pool at residence inside the RPA Redevelopment, no further encroachment and no increase in impervious cover. Propose that the schedule is adopted today ending on January 14th. No additional meetings are on this proposed schedule. Mayor Bugg, "Thank you. Is there a motion to adopt this schedule? Would anyone like to make that motion?" A. Marchetti, "So moved." Mayor Bugg, "Could I get a second?" B. Schaschek, "Second." Mayor Bugg, Roll call vote."



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Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown (via phone)	Aye

MAYOR BUGG, “MOTION TO APPROVE CUP SCHEDULE (7, 8, 9) IS PASSED 6-0.

2. Motion to appropriate FY20/21 general operating funds – F. Westbrook

Mayor Bugg, “Item #2 under new business is Motion to Appropriate 2020/2021 General Operating Funds.” S. Phillips, “For the budget that was just passed.” Mayor Bugg, “For the budget that was just passed.” F. Westbrook, “Okay that was going to be my question because we did pass the amended budget, so now we are going back to the regular allocation of funds.” S. Phillips, “General operating.” F. Westbrook, “General operating only is what we are looking at.” S. Phillips, “No community support and tourism and no capital.” F. Westbrook, “As we typically would be doing.” S. Phillips, “On an annual basis. F. Westbrook, “Okay. I make the motion that we appropriate the general operating funds through the end of this fiscal year, June 2021.” Mayor Bugg, “Thank you, can I get a second.” A. Marchetti, “Second.” Mayor Bugg, “Any discussion.” B. Schaschek, “What general operating funds in addition to what we already appropriated, authorize without appropriation are you adding?” F. Westbrook, “Whatever is on the amended budget for general operating. Just like we normally would do. We ceased doing that because we readopted the previous year’s budget and this was how we were trying to keep a little bit of spending control because we didn’t know what the COVID was going to bring for us and we said we would continue doing that until we did an amended budget.” B. Schaschek, “But we already approved a lot of the buckets that, that’s what I’m asking.” S. Phillips, “There’s very little, just a clean motion for the new operating.” B. Schaschek, I’m going to say no until I find out what it is.” B. Schaschek, “No.” F. Westbrook, “We are not voting yet, we are waiting for a second.” A. Marchetti, “Second, Anthony seconded it.” Mayor Bugg, “Can I get a vote, a roll call vote. “

Roll Call Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek		No
	Anthony Marchetti	Aye	
	Dudley Patteson	Aye	
	Wayne Nunnally		No
	Jackie Brown (via phone)		No

Mayor Bugg, “Can I break this tie? Mayor Bugg yes.”

**THE MOTION TO APPROPRIATE 2020/2021 GENERAL OPERATING FUNDS IS DEFEATED.
3-3.**

Mayor Bugg, “The next item on the agenda would be a motion to appropriate funds, actually, excuse me, I got ahead of myself.” W. Nunnally, , “If this is the appropriation of funds, as I read our charter.” N. Keane, “Oh wait a minute this is appropriation, okay, yeah, you can’t do that. That’s true.” Mayor Bugg, “Okay. “F. Westbrook, “Do you retract.” Mayor Bugg, “I will retract my vote. We have a tie.” N. Keane, “Okay so the motion doesn’t pass.” Mayor Bugg, “Okay, so the motion does not pass.”



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THE MOTION TO APPROPRIATE 2020/2021 GENERAL OPERATING FUNDS DOES NOT PASS. 3-3.

B. Schaschek, “But that’s not to say that at the next meeting we will review what has already been authorized and in addition that can’t be voted in.” Mayor Bugg, “Does this lock up payroll, doesn’t pay our bills.” N. Keane, “Well there’s another motion here to do what you’ve been doing for the last however many months. You’re just appropriating...” B. Schaschek, “Month by month.” N. Keane, “October, the October one is next. Two down. That’s just the way you’ve been doing it before.” Mayor Bugg, “Oh, okay.” N. Keane, “So I think you can continue doing that.”

3. Motion to appropriate prepayment (December 2020 – June 2021) of Rent – F. Westbrook

Mayor Bugg, “Okay. Next item would be motion to appropriate prepayment of December 2020 through June 2021 of rent, Fran, that one is yours.” F. Westbrook, “This is prepayment of the rest of the fiscal year’s rent payments that is coming out of the COVID funds, is that correct. So, I make that motion.” B. Schaschek, “Okay, I will second.” Mayor Bugg, “Any discussion.” B. Schaschek, “Yes.” Mayor Bugg, “Yes.” B. Schaschek, “Sorry, you have this going out to June 21, have we been guaranteed that we can use those funds?” N. Keane, “No and I can explain this in its, and I don’t remember which one it was. It is not a foregone conclusion that the audit that is done on the County will allow us to prepay out the rent. Rent is a qualified expense under COVID Cares, and prepayment is usually okay for an item or to buy something or whatever, so the question it is not 100% clear with accountants or the lawyers involved in interpreting this. We did make some provisions when you all were working on your budget that if you had to bring that, if you had to make a book entry to pay it back in a way, it would be like \$8 or \$9,000 or something like that.” S. Phillips, “Line item.” N. Keane, “It’s a line item that’s in the budget in case. Yeah.” Mayor Bugg, “Any further discussion. Roll call vote.”

Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown (via phone)	Aye

THE MOTION TO APPROPRIATE PRE PAYMENT DECEMBER 2020 THROUGH JUNE 2021 OF RENT IS PASSED. 6-0.

4. Motion to appropriate funds from community support and tourism to purchase Christmas Lanterns - F. Westbrook

Mayor Bugg, “The next item would be the motion to appropriate funds for community support and tourism to purchase Christmas lanterns. Again, Mrs. Westbrook, I will turn that one over to you.” F. Westbrook, “We are going to have to start spreading this around. So, this is a motion to buy Christmas lanterns. We are going to buy how many again.” S. Phillips, “10 lanterns.” J. Brown, “Are you going to skip motion #4.” F. Westbrook, “This is motion #4.” J. Brown, “He said Christmas lanterns are #5.” F. Westbrook, “You are on a different agenda Jackie.” J. Brown, “Okay, alright”. F. Westbrook, “Okay so this is Christmas lanterns and we are going to purchase 10 of them, so that is the motion.” W. Nunnally, “How much are they going to cost?” F. Westbrook, “They are \$500 a piece, there’s \$5,000 in the budget.” F. Westbrook, “They are identical to the ones we already have, that’s the good part.” W. Nunnally, “Can this come out of COVID?” Mayor Bugg, “Can I get a second.” W. Nunnally, “Second.” Mayor Bugg, “Any further discussion?” B. Schaschek, “Yes, is this strictly only for the lanterns?” Mayor Bugg, “My understanding



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yes.” B. Schaschek, “Okay so it’s not for all the items that are on this AP list right here.” F. Westbrook, “What else is on there that might be? This is just for the lanterns. B. Schaschek, “Well, the lanterns are also on this, isn’t that Mosca Design, so that is part of the whole list that we just got.” F. Westbrook, “Okay strike that off the list.” B. Schaschek, “This is a new list that we got today. Do you mind if I just ask Sharon something?” F. Westbrook, “No go ahead.” B. Schaschek, “On this list. This total does not add up.” W. Nunnally, “We are transparent here. “ B. Schaschek, “Huh?” W. Nunnally, “Speak up, we are transparent here.” B. Schaschek, “I said the math doesn’t add up.” F. Westbrook, “Well we’ll get to that in a few minutes.” B. Schaschek,” Okay so it is not for the AP Aging Summary, all we are doing right now is authorizing the \$5,000 which is in the Capital current budget for the lanterns.” F. Westbrook, “That’s my understanding, yes correct.” B. Schaschek, “I’m good thanks.” Mayor Bugg, “Any further discussion. If not, we’ll do a roll call vote.”

Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye “With the stipulation that it is specifically for the lanterns.”
	Jackie Brown (via phone)	Aye

Mayor Bugg, “Motion passes. Thank you.”

THE MOTION TO APPROPRIATE FUNDS FOR COMMUNITY SUPPORT AND TOURISM TO PURCHASE CHRISTMAS LANTERNS IS PASSED. 6-0.

5. Motion to appropriate October general operating expenses not previously appropriated - F. Westbrook

Mayor Bugg, “The next item is the motion to appropriate October general operating expenses not previously appropriated.” F. Westbrook, “Per Bonnie’s notations the list that we’ll be addressing are those items that were removed from the list such as Mosca, everything else has been appropriated. Mosca should be deleted from the list and everything else is appropriated.” Mayor Bugg, “Thank you, would someone like to make that motion?” F. Westbrook, “So moved.” Mayor Bugg, “Can I get a second.” S. Phillips, “Thought we had a second” D. Patteson, “Second.” Mayor Bugg, “Any further discussion?” B. Schaschek, “Yes, sorry.” Mayor Bugg, “That’s why we’re here. “ B. Schaschek, “You have Flackshack for \$5,556. We just last month allocated \$3,000 an appropriation for \$3,000 for them, and again I know you said you thought they were going to come in this month and talk to us about it. I can’t agree to spending any more money with them until we find out what it is that they are doing for the Town.” S. Phillips, “The terms of the contract is the invoice due payable prior to the month the work is done, so one month is already behind whereas the other invoice would be for the month of December. I’m just trying to meet the terms of their contract.” F. Westbrook, “So, if its payable the month before the work has been done, is that what you’re saying.” S. Phillips, “The terms of the contract are that the invoice is due a month, so December work they needed to.” N. Keane, “The contract, didn’t the Council authorized they mayor to sign the contract last month? Did you sign the contract?” Mayor Bugg, “Yeah, that was back.” N. Keane, “Didn’t we sign the contract?” Mayor Bugg, “Yeah, yeah.” N. Keane, “So we have a contract with them.” S. Phillips, “We are just meeting the terms of the contract.” J. Brown, “I can’t hear.” S. Phillips, “We are just meeting the terms of the contract.” F. Westbrook, “Okay you know I’m inclined to agree with Bonnie in that we anticipated they were going to come to us and answer some questions. I think what we’re saying is that the contract stipulates payment in



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advance of work. The next round of work is to be done in December, if that work is not done until January, we wouldn't owe it until a little bit later, so I would be inclined to agree with Bonnie and let's have them come in and at least talk to us as they were scheduled. We can get them rescheduled I think that would be a good idea." S. Phillips, "But the terms of their contract are, we are going to break the terms of the contract." F. Westbrook, "It says prior to the work being done is what I understand the lawyer, or legal saying." N. Keane, "I don't remember, I just want to make sure everybody realized this is a binding contact we've already signed." F. Westbrook, "Well then we are going to meet again tomorrow, can we find out about that and postpone this vote." S. Phillips, "No, because it's a public hearing." F. Westbrook, "Pardon." N. Keane, "It's not on the agenda." S. Phillips, "Tomorrow is just a public hearing, no action taken." F. Westbrook, "I still think that we need to hear from them. There are some questions out there and I understand about the contract but at this point we are not very clear on exactly when the payments are scheduled. To me, if it's not payable until before the work, if it's payable before the work is done, if the work hasn't been done yet then it is not payable. So, if the work is put off until January we still would be within the terms of the contract. That's all I'm saying." W. Nunnally, "Are we going to delete that and vote on the rest." S. Phillips, "Why wouldn't you at least give them one month." F. Westbrook, "We haven't had them come and give us their presentation." F. Westbrook, "We already gave them \$3,000. I think we gave them that first day, the first amount". S. Phillips, "Which was already behind." N. Keane, "I don't know what the schedule is." S. Phillips, "That's bad business." N. Keane, "I don't know what the schedule is." S. Phillips, "It's the grant." N. Keane, "Did you pay them according to the schedule and the contract." Male, [inaudible, wind]. Mayor Bugg, "Adhere to the contract, do they intend to return in December." S. Phillips, "Yes, the only reason, they didn't fail the terms of their end of the contract, we canceled the meeting. So, because we're going to cancel the meeting, we're going to delay their payment by over 30 days, during COVID-19." B. Schaschek, "It doesn't sound like they did any work, paying them in advance of the work. They haven't done the work yet." S. Phillips, "They've been working since like." W. Nunnally, "We gave them \$3 grand." Mayor Bugg, "Yeah, they've been working on it." F. Westbrook, "Alright we've paid them \$3 grand and they did \$3 grand worth of work, now we're going to pay them \$6, so they can do \$6 grand worth of work." S. Phillips, "So the invoices that were submitted were for the month of November and we're currently on the 18th of November so that invoice is technically 18 days behind." F. Westbrook, "So, but they are not doing the work before they are prepaid are they?" B. Schaschek, "We didn't even approve that until last month so, that was for the \$3,000, so how are we 2 months behind in an invoice." S. Phillips, "Because the terms of the contract are that the invoices are due payable 30 days, so the December invoice is due December 1." F. Westbrook, "And how much is the invoice." S. Phillips, "\$2,700 and." F. Westbrook, "So that's part of that \$3,000 correct." S. Phillips, "Which was the first one which was for what September, but we didn't cut the check until the end of September." B. Schaschek, "We didn't appropriate it until October." S. Phillips, "Right." F. Westbrook, "So this would have been". S. Phillips, "So we've been remiss in the terms of the contract consistently." W. Nunnally, "We only authorized \$3,000." S. Phillips, "To come out of contingency." Mayor Bugg, "Yeah." F. Westbrook, "The first one you're right, came out of that contingency. That was the \$3,000." S. Phillips, "And you just passed your budget." F. Westbrook, "Right." S. Phillips, "And this would." D. Patteson, "Pay it deliverable of a presentation." S. Phillips, "Because that won't be until December and then there is 60 days into their work." W. Nunnally, "We need the lawyers." F. Westbrook, "We are not even sure right now, I would just say..." S. Phillips, "All of you, it's the grant." B. Schaschek, "At the last meeting we authorized..." D. Patteson, "\$3,000..." S. Phillips, "Out of contingency. That \$3,000 came out of contingency and this has a line item in this amended budget." B. Schaschek, "That's not the point. That's not the point at all. In that contingency account it doesn't really exist." N. Keane, "They just want to know when it is due." Mayor Bugg, "Yeah." S. Phillips, "It's due, so the work for November, the invoice for November was due November 1st, it is now November the 17th." B. Schaschek, "So what was the \$3,000 that we authorized in



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October.” S. Phillips, “The work for the previous month.” N. Keane, “September.” Mayor Bugg, “If we would have had the presentation, we would have seen all that work where we haven’t been able to see that yet because of what happened.” S. Phillips, “Through no fault of the vendors. Through no fault of the vendors they, I have their PowerPoint presentation that they were ready to share with Town Council. We had the office, the church set up for that which is another item on your item list. I just.” B. Schaschek, “\$500.” S. Phillips, “I just think that this contractor has met the terms of the agreement and we as a jurisdiction we’ve not met our terms.” W. Nunnally, “May I ask a question Mr. Mayor.” B. Schaschek, “I would like you to send me a copy of that.” S. Phillips, “The grant, it’s the grant.” F. Westbrook, “No the contract, the grant is not the contract.” S. Phillips, “Are you speaking of something else.” B. Schaschek, “Flackshack.” Mayor Bugg, “Flackshack.” S. Phillips, “Okay.” F. Westbrook, “I mean that’s what all this is about right, Flackshack.” W. Nunnally, “Right.” Mayor Bugg, “Right.” W. Nunnally, “And it’s about \$5,500. We just defeated a motion to appropriate the budget, expenses so if this was in that then that was defeated. It didn’t get appropriated.” S. Phillips, “Agreed.” W. Nunnally, “So.” F. Westbrook, “But it is on this list and so, I think that the suggestion might be to reduce the two invoices down to the November invoice. Otherwise, you are looking at December before this vendor would have the opportunity.” F. Westbrook, “It would be pushed back a month all the way down the line, so November would now be December, December would then be January and right on down the line.” S. Phillips, “What if the vendor drops us, what if we are not meeting their terms.” N. Keane, “I mean, I just, I’m wondering if you can just appropriate whatever the contract, whatever the schedule is in the contract, that’s what we have to adhere to, we just don’t have a contract in our hands right here. That’s the problem.” F. Westbrook, “Why are we paying for work before it has even been done. That’s highly unusual.” S. Phillips, “That’s the contract. So, we have Atlantic Broadband. You pay for services a month ahead of time.” F. Westbrook, “Well that’s a subscription.” S. Phillips, “I think that our trash service is done the same way.” F. Westbrook, “Well that may be but this is work we’ve contracted for to do something specific and typically you know you are paying as you go along, once work, a certain phase of work has been done then they bill you for that, then go onto the next phase, that’s the way you build a house, that’s the way you do a number of things. So, I don’t understand why it’s such a big deal if they haven’t done the work yet if it is just postponed until we get a chance to hear from them and we know exactly what they’ve already done that we paid for.” S. Phillips, “Actually what I hear is that it’s going to subjective, that you’re not going to release that payment unless you approve the work they do.” W. Nunnally, “I’m not going to continue to sit out here in the cold and argue this point, the \$5,500 should not be here because it hasn’t been appropriated and it should come out of there as well as the \$5,000. That’s \$10,500 out of the \$14 that we have, so we are down to about \$4,000 is what I move to approve. I agree with you Fran, I’m glad I can do that. I move that we delete the Flackshack \$5,556 appropriation and the Mosca Design \$5,000 appropriation from the list and approve the rest of the items.” Mayor Bugg, “Is there a second.” F. Westbrook, “Second.” Mayor Bugg, “Any further discussion.” F. Westbrook, “I would like to add that if we can find a place to meet inside that maybe they can come and do their presentation and not wait until the December meeting and.” Mayor Bugg, “I agree with that. I totally, that seems to be the rub, no one has seen any of this yet.” F. Westbrook, “That’s exactly right.” Mayor Bugg, “No one has seen the presentation because it got canceled last Thursday of no fault of the vendor.” F. Westbrook, “Or ours.” Mayor Bugg, “Or ours. I think if we can find a way to try and make that work, I’m all-in favor of that. Any further discussion.” D. Patteson, “Can we make that part of the motion.” Mayor Bugg, “Yeah if you’d like to add that to it.” D. Patteson, “I’d like to add that statement as part of the motion that we call a special meeting for learning or viewing the Flackshack presentation for the Town.” F. Westbrook, “Sooner rather than later.” F. Westbrook, “Sooner rather than later.” W. Nunnally, “I accept the amendment.” Mayor Bugg, “Excellent. Can I get a roll call vote?”



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Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown (via phone)	Aye

Mayor Bugg, "Motion passes. Thank you."

Mayor Bugg, "The amended motion passed." J. Brown, "The library meeting room." F. Westbrook, "That's possible." Mayor Bugg, "Certainly possible. We'll explore that." J. Brown, "Thank you." Mayor Bugg, "Thank you."

THE MOTION TO APPROPRIATE OCTOBER GENERAL OPERATING EXPENSES NOT PREVIOUSLY APPROPRIATED IS PASSED WITH THE AMENDMENT THAT A SPECIAL MEETING IS CALLED FOR A PRESENTATION FROM FLACK SHACK. 6-0.

F. ANNOUNCEMENTS

Mayor Bugg, "The next item will be announcements. In observance of the Thanksgiving holiday the Town office will be closed November 26th and 27th. Lighting of the Christmas trees has been moved to Saturday, November 28, 2020, Sharon do you have any further details about that." B. Schaschek, "Is that this Saturday?" S. Phillips, "Paul Elbourn called this morning and he'd like to light the tree this weekend. He says it would be a missed opportunity." B. Schaschek, "With weather." S. Phillips, "With weather." F. Westbrook, "It was supposed to be gorgeous next week." S. Phillips, "You make the decision, this weekend or next." Mayor Bugg, "28th yeah that's next." B. Schaschek, "How many trees are we lighting, just..." F. Westbrook, "They are talking about decorating. You are talking about this weekend the 21st is that what you're saying." Mayor Bugg, "I prefer to have it next weekend." F. Westbrook, "Oh, I thought you were saying this weekend. She is saying that." B. Schaschek, "Alright can I make a suggestion, because of the weather he wants to put it up now so he can get the lights up, and the lights on the tree. We don't need to plug it in officially until the following weekend. Is that okay." Mayor Bugg, "That's great. Alright then we'll keep it on the 28th as planned." F. Westbrook, "No that's not what she's saying." B. Schaschek, "We need to have him do the work this weekend." Mayor Bugg, "The work this weekend and then the plug when we deem appropriate. Likely the following Saturday. Santa is coming to town that's Friday, December 11th, that begins at 7:00 p.m. Sharon if you could share a few details about that." S. Phillips, "Members of Council in your packet that was distributed for last Thursday one of the attachments was a presentation from Kilmarnock the Town of Kilmarnock. Ashley their Community Support and Tourism Director had a brilliant and wonderful idea to have an event called Santa is Coming to Towns and they will have Santa drive through Kilmarnock, Irvington and the Town of White Stone. Santa will be escorted by a parade of first responders. They will simply leave Kilmarnock, come down Route 200, at a very slow roll, they will come through the business district on Route 200, turn left, and go into Whitestone and then they will head back to Kilmarnock. They will slow down in each respective town to allow the children to see Santa. Nothing will be thrown from the vehicles." F. Westbrook, "No candy. S. Phillips, "I think the concern is no one wants to create an opportunity where children can cluster, as well as given the time you would absolutely, I think the..." B. Schaschek, "It's pitch black at 7:00 p.m." S. Phillips, "The concern was the safety of children and all of those emergency vehicles." B. Schaschek, "They are just going to come down 200 they are not going to come down." S. Phillips, "Straight down 200." F. Westbrook, "It ought to be pretty." B. Schaschek, "That's when?"



**TOWN OF IRVINGTON, VIRGINIA
IRVINGTON TOWN COMMONS
TOWN COUNCIL
TUESDAY, NOVEMBER 17, 2020 2:00 PM**

Mayor Bugg, “The 11th of December. That’s a Friday, 7:00 p.m. Thank you, it looks like we moving to close session. Fran if you could take care of the reading.”

G. CLOSED SESSION

F. Westbrook, Let me get my hands on it. I, Frances Westbrook move to go into closed session pursuant to Section 2.2-3711A3 of the Code of Virginia for Real Estate matters where discussion and an open meeting would adversely affect the bargaining position or negotiating strategy of the Town and pursuant to Section 2.2-3711A8 of the Code of Virginia for consultation with legal counsel employed or retained by the Council regarding specific legal matters requiring their provisions of legal advice by such counsel involving real estate.” Mayor Bugg, “Now a motion. Can I get a motion to move into closed session?” B. Schaschek, “So moved.” W. Nunnally, “Second.” Mayor Bugg, “All in favor.” “I”. Mayor Bugg, “Motion passes.”

Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown (via phone)	Aye

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 6-0.

H. RETURN TO OPEN SESSION

F. Westbrook, “Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom Information Act and whereas Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia Law. Now there be it resolved that the Board hereby certifies to the best of each members knowledge, that one only public business matters lawfully exempted from open session requirement by Virginia law were discussed in closed session to which this certification resolution applies and two, only such public business matters were identified in the motion convening the closed session were heard, discussed or considered by the Board. Is there any member who believes that there was a departure from the motion to go into a closed session? If so, state the departure. There being no statements we take a vote.”

I, Frances Westbrook, so certify.
I, Bonnie Schaschek, so certify.
I, Anthony Marchetti, so certify.
I, Dudley Patteson, so certify.
I, Tripp Bugg, so certify.
I, Jackie Brown, so certify.

Note Wayne Nunnally left the closed session.

Mayor Bugg, “Out of closed session.” S. Phillips, “Thank you, Jackie, sorry.” Mayor Bugg, “That will leave us with the motion to adjourn.” B. Schaschek, “So moved.” Mayor Bugg, “Second.” A. Marchetti, “Second.” Mayor Bugg, “All in favor.” Mayor Bugg, “Thank you everyone.”

Roll Call Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye



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Anthony Marchetti	Aye	
Dudley Patteson	Aye	
Wayne Nunnally		Mr. Nunnally left the closed session
Jackie Brown (via phone)	Aye	

THE MOTION TO ADJOURN IS PASSED 5-0.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



**TOWN OF IRVINGTON, VIRGINIA
TOWN COMMONS
SPECIAL CALLED MEETING OF THE TOWN COUNCIL
AND PUBLIC HEARING
WEDNESDAY, NOVEMBER 18, 2020 at 2PM**

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: Notice is hereby given that the Irvington Town Council will hold a special called meeting and public hearing on Wednesday, November 18, 2020; 2pm at the Irvington Town Commons. The purpose of the special called meeting and public hearing is to allow the public to comment on the sale of 235 Steamboat Road, Irvington, VA 22480 and for Council to potentially take action on such sale. The first item, I believe you all have seen the agenda, is there any comment about the agenda.

Sharon Phillips: Do you want to do a roll vote.

F. Westbrook: Mr. Mayor, I'd like to make a motion to amend the agenda in such to reflect Flack Shack. Alright amend the agenda to include the discussion of Flack Shack and the payment of two invoices.

Mayor Bugg: Okay.

F. Westbrook: And we can do that after the public hearing, I think that would be fine. If that suits you.

Mayor Bugg: That does suit me.

N. Keane: Need to roll call.

B. ROLL CALL – Mayor Bugg

Mayor Bugg: Before we address that motion for amendment to the agenda, let's do a roll call. We will do that by name. How about we start.

Bonnie Schaschek present
Frances Westbrook present
Anthony Marchetti present
Wayne Nunnally present
Jackie Brown (via telephone)
Dudley Patteson (via telephone)
Mayor Bugg present.

Mayor Bugg: We'd like to make a unanimous decision to amend the agenda at this time or.

F. Westbrook: You can do it now or you can do it later. You have to do it.

Mayor Bugg: Yeah, Fran thank you for presenting that motion. Would anyone like to make that motion to amend the agenda to include discussion about Flack Shack and payment of their invoices.

F. Westbrook: I will make the motion mayor.

Mayor Bugg: Okay, could I get a second.

A. Marchetti: Second.

Mayor Bugg: Any further discussion.



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W. Nunnally: I'm opposed to it just for the fact that I'm not prepared for it. I'm prepared to do what the agenda said. So, I object to the motion.

Mayor Bugg: Moving on.

N. Keane: The motion did not pass.

Mayor Bugg: **THE MOTION DID NOT PASS.** This will now take us to the public hearing aspect of this meeting and the sale of 235 Steamboat Road. Would anyone like to comment from the public.

C. PUBLIC HEARING

- Sale of 235 Steamboat Road

Mayor Bugg: Yes. Please state your name and your address.

George Kuper: George Kuper, Haydon Hall, I'd like to comment on this particular agenda item which is larger than just the sale of the town hall because it speaks to the purpose of the town and the town's government. First off, my appreciation to the council and staff, there is a lot of work going on. This is the most labor-intensive government for a small community that I've ever heard of and we should really be asking ourselves what do the citizens of Irvington want from their government a little bit more often. I have three points to make about the town hall. It is a charming town hall. Visitors to Irvington that came to see us were amused and commented on our Steamboat Town Hall, the reflection of the laid-back community we have come to love. As a town less than 500 residents, does not need a building for town offices. Maybe it could benefit from a community center, but I haven't heard that being discussed. I'm concerned that rushing to spend free dollars is never a good idea. What does the planning commission think for instance? What do the citizens think. I'm concerned that this sale is being rushed into in the pursuit of free money which I think is never a good idea so I really submit that council would be benefit from asking more broadly, what the community thinks of this whole agenda. I would add to it two other points that the closed meetings associated with this agenda are totally inappropriate. As I read our ordinances meetings are open to the public except "when the public welfare requires executive meetings". I'm unaware that this agenda requires executive meeting agenda. My third point is I would like to see an agenda item raised by council having to do with the quantity of rain the community has received over the last few months and the resulting odors in town from our current sewer systems and instead of hiring a town hall or selling our old town hall and building a new one, let's think about how we spend money dealing with what is going to be a future event given climate change. Thank you.

Mayor Bugg: Thank you. Would anyone else like to comment from the public. Yes, yes sir.

Tom Chapman: Tom Chapman, 62 Old Cove Road. I agree with a number of things George said, but more importantly is the question is what are the alternatives to a new town hall, selling the old one. There hasn't been any discussion on that that I've heard. I don't know whether you have done it in the numerous closed sessions you've had, but I'd say if we are going to get a new town hall, there ought to be some discussion as to what the alternatives are and get public input on that and I don't see that you've done that. Thank you.

Mayor Bugg: Anyone else from the public. If no one else is here to speak from the public we will move to the next item. Before doing that, would anyone else from council like to mention anything related to this. Alright well then we will move into new business. Let me take off my mask, so everyone can hear me.



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D. NEW BUSINESS

- **Action to be determined regarding sale of 235 Steamboat Road**

Mayor Bugg: I have a series of motions to present, I will go ahead and read them out one-by-one and if someone could actually make the motion in favor of it, I would appreciate that. The first motion would be a motion to accept the real estate contract presented by Ann Meekins for the sale of 235 Steamboat Road for \$100,000 with a few word changes to the addendum. Such changes to be agreed to by the mayor. Would someone like to make that motion.

F. Westbrook: So moved.

Mayor Bugg: Is there a second.

A. Marchetti: Second.

Mayor Bugg: Discussion. If no discussion, we will move to a vote. All those in favor.

Sharon Phillips: Roll call.

Mayor Bugg: Oh, roll call. Roll call vote.

B. Schaschek: What are we voting on.

J. Brown: Sharon what was the motion.

S. Phillips: Let me, Mr. Mayor Bugg, would you read the motion.

Mayor Bugg: Motion to accept the real estate contract presented by Ann Meekins for the sale of 235 Steamboat Road for \$100,000 with a couple of word changes to the addendum, such changes should be agreed on by the mayor.

J. Brown: And who made the motion.

S. Phillips: Fran.

Mayor Bugg: Fran made the motion.

J. Brown: Do we know what the changes are.

N. Keane: Those are the two changes that I mentioned to you yesterday. They were word changes that needed to be added to make it more clear.

J. Brown: Okay.

N. Keane: About the things on the addendum.

Mayor Bugg: I believe that goes in line with what Mr. Nunnally mentioned as well.



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Bonnie Schaschek yes.
Frances Westbrook yes.
Anthony Marchetti yes.

W. Nunnally: I will say this that I am torn between a yes and a no. I realize that the building is in need of much repair. That we have had the mold problem, that we've had no handicap access that really cannot be done. The bathroom is inadequate for even us who have no disabilities although some may disagree with that. Me having a disability. But I think the opportunity to reap such a windfall of money for the building is an opportunity that we have to have. So my vote is yes.

S. Phillips: Jackie would you like to vote.

J. Brown: Well, what was Wayne's vote, he said yes.

S. Phillips: Wayne said yes, Bonnie said yes. Fran said yes.

J. Brown: I sort of agree with Mr. Kuper in terms of that the town really needs to have a lot more time to do this but, in view of the contract and in view of the amount of money that's involved I think we should go ahead and do it.

N. Keane: So your vote is?

S. Phillips: So your vote is.

J. Brown: Yes.

S. Phillips: Okay, Dudley.

D. Patteson: Yes.

Mayor Bugg: The motion passes.

THE MOTION TO ACCEPT THE REAL ESTATE CONTRACT PRESENTED BY ANN MEEKINS FOR THE SALE OF 235 STEAMBOAT ROAD FOR \$100,000 WITH A FEW WORD CHANGES TO THE ADDENDUM. SUCH CHANGES TO BE AGREED TO BY THE MAYOR IS PASSED 6-0

The next motion will be to authorize the mayor to execute that contract. Would someone like to make that motion.

F. Westbrook: So moved.

A. Marchetti: So moved.

F. Westbrook: You can have it.

B. Schaschek: I'll second.

Mayor Bugg: Roll call, oh any discussion. Roll call vote.



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Bonnie Schaschek yes.
Frances Westbrook yes.
Anthony Marchetti yes.
Wayne Nunnally yes.
Jackie Brown (via telephone) This is for the mayor to execute the contract, did I hear that right.
Jackie Brown: Okay, Yes.
Dudley Patteson (via telephone) yes.

Mayor Bugg: Thank you, the motion passes.

THE MOTION WILL BE TO AUTHORIZE THE MAYOR TO EXECUTE THAT CONTRACT IS PASSED 6-0.

The next motion will be motion to authorize the mayor and the town attorney to prepare the necessary documents for closing including modifying or terminating any existing contract for 235 Steamboat Road. Would someone like to make that motion.

B. Schaschek: So moved.

Mayor Bugg: Is there a second.

F. Westbrook: Second.

Mayor Bugg: Any discussion.

B. Schaschek: What kind of contracts do we have on that building.

F. Westbrook: Garbage, stuff.

S. Phillips: Yes, so what has been canceled already is waste service, is Atlantic Broadband. What remains and would just be switched into the purchaser's name are the utilities, Dominion Energy, Aqua, we do need to cancel Terminix. We need to modify the lawncare contract and we need to cancel the cleaning services.

B. Schaschek: What about the planters.

S. Phillips: That's a very fair question, I'm sorry that the VIA has not shared with you. I reached out to Julie as president of the VIA and asked about those because they belong to the VIA. The VIA has communicated through Julie that the VIA gave those planters to the town, therefore they should go with the town, so when we have the final movers come along they will move the boxes, but it has been suggested that we should wait for the ferns to die because that is going to triple the weight.

F. Westbrook: Are you sure they're going to die.

Bonnie Schaschek: Only because you want them to, they won't.

Sharon Phillips: So I'm going to let the movers move them unless the VIA, I keep asking the VIA to move them, they are the VIAs stuff.



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B. Schaschek: I put them there and I'm not moving them so, you can have the movers move them.

S. Phillips: So, we will cancel Terminix, the cleaners, modify the lawncare contract to no longer include that property. Fortunately, we are in the off season now anyway but those are the types of things when you sell a property that you would end. Quarles.

F. Westbrook: Okay.

B. Schaschek: So if you get someone in between rains, if you have a week where it hasn't rained and nobody has watered them, they will not be that heavy.

S. Phillips: To Mr. Kuper's point.

F. Westbrook: Have we paid Quarles, is it a full tank over there.

S. Phillips: They just topped it off. I just have a bill for \$137.00 now. So we'll turn the heat back to the 50s to keep the things from freezing or whatever degree you guys want. So we will have to continue to pay that because I can't turn the heat off right.

Mayor Bugg: Roll call vote.

Bonnie Schaschek yes.

Frances Westbrook yes.

Anthony Marchetti yes.

Wayne Nunnally Yes.

Jackie Brown here via telephone – I didn't hear what we were voting on. Changing, terminating the contracts is that what we are voting on.

S. Phillips: The motion is to authorize the mayor and the town attorney to prepare the necessary documents for closing including modifying or terminating any existing contracts and that's where the conversation about Terminix and the utilities.

Jackie Brown: Okay, okay, I'm fine with that.

Dudley Patteson present via telephone yes.

Sharon Phillips: Jackie would you say yes.

Jackie Phillips: I did yes.

Sharon Phillips: Thank you.

Mayor Bugg: The motion passes.

THE MOTION TO AUTHORIZE THE MAYOR AND THE TOWN ATTORNEY TO PREPARE THE NECESSARY DOCUMENTS FOR CLOSING INCLUDING MODIFYING OR TERMINATING ANY EXISTING CONTRACT FOR 235 STEAMBOAT ROAD IS PASSED 6-0.

Mayor Bugg: The next item will be to authorize the treasurer to deposit proceeds of sale into our account. We have left this blank.



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S. Phillips: Waiting for a recommendation from the budget and finance committee as to where you would like the proceeds to go. Do you want them to go into a CD, do you want them to drop into the money market.

F. Westbrook: Anthony what do you think. The proceeds should we drop that into maybe a 30 or 60 day CD of some sort. They're not getting that much right now or just put it in our checking for a 7 month....

A. Marchetti: Can there be discussion about it.

F. Westbrook: That's what we are doing now.

A. Marchetti: The decision has to be made right now.

S. Phillips: No, you can tell me to drop it in a general operating and into the money market and then you can move it later.

F. Westbrook: Okay, let's do that and then you and I can get together.

A. Marchetti: I mean we should do something with it, but I don't know that I can give you the answer right now.

F. Westbrook: Let's table that if we may and then we will get together before the December meeting.

A. Marchetti: Sure.

F. Westbrook: Can we do that. Alright.

Mayor Bugg: Alright the motion to authorize the treasurer to deposit the proceeds into a certain account has been tabled.

S. Phillips: So, Jackie just to keep you up to date, the portion of that motion was to allow the proceeds to be put into a specific account. They tabled that portion of the motion.

F. Westbrook: There is nothing else in that motion.

S. Phillips: So that motion entirely is tabled.

J. Brown: Okay, thank you.

Mayor Bugg: The next motion is motion to authorize the mayor to engage and vendor to perform final cleanup of 235 Steamboat Road for an amount not to exceed \$2,000. Would someone like to make that motion.

F. Westbrook: What are they going to do for \$2,000.

S. Phillips: Make a motion and second it and we'll discuss it.

F. Westbrook: Oh I'm sorry.

S. Phillips: I need a motion.



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F. Westbrook: I'll move.

S. Phillips: A second for discussion.

B. Schaschek: Okay.

S. Phillips: So I have a second. Motion was Westbrook, second was Schaschek, discussion is we have been working with Bay Restoration to do the mold mediation downstairs. This conversation is specific to cleaning up downstairs.

B. Schaschek: Okay.

S. Phillips: And Bay Restoration is 2 to 3 months out so I'm going to have to go with a different vendor but we have to get the property cleaned out.

J. Brown: Okay.

B. Schaschek: And what are you cleaning out down there.

J. Brown: Not to exceed \$2,000 is that correct.

S. Phillips: Yes ma'am. What we are cleaning out down there is what goes to trash and what has to be wiped down.

J. Brown: Okay.

B. Schaschek: All the books and all that kind of stuff.

S. Phillips: The parade stuff.

B. Schaschek: All that has to be wiped down because of where it was stored.

S. Phillips: Yes. So I'm assuming it is not going to exceed \$2,000. We didn't pay, I think we paid \$700 for them to move upstairs.

B. Schaschek: Right.

S. Phillips: So I'm assuming we're going to have to add a little bit more for the mold but I'm thinking it is not going to exceed \$2,000.

B. Schaschek: Okay so this is for the remediation of the mold as well as cleaning.

S. Phillips: And the final broom sweep, yes.

B. Schaschek: Okay.

W. Nunnally: Mr. Mayor.



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Mayor Bugg: I was promised by the town clerk that this meeting was only going to be 5 minutes.

Bonnie Schaschek yes.
Frances Westbrook yes
Anthony Marchetti yes.
Wayne Nunnally yes.
Jackie Brown here via telephone yes.
Dudley Patteson present via telephone Yes.

Mayor Bugg: Excellent. Motion passes.

THE MOTION IS MOTION TO AUTHORIZE THE MAYOR TO ENGAGE AND VENDOR TO PERFORM FINAL CLEANUP OF 235 STEAMBOAT ROAD FOR AN AMOUNT NOT TO EXCEED \$2,000 IS PASSED 6-0.

Mayor Bugg: The next motion will be motion to authorize the town attorney to draft a new ordinance to add a use to the B2 zoning district. Would someone like to make that motion.

A. Marchetti: So moved.

Mayor Bugg: Is there a second.

F. Westbrook: Let one of them make a motion or second.

S. Phillips: They can't hear.

Mayor Bugg: Dudley did. We have a second is there any discussion. With that we will move to roll call vote.

B. Schaschek: We are just drafting this and then we are going to get a chance to talk about it.

N. Keane: It will be presented in December at the December meeting.

B. Schaschek: Alright.

N. Keane: It's basically to add the uses to the B2 district.

B. Schaschek: And this is going to go to the planning commission as well.

N. Keane: Oh sure.

Bonnie Schaschek yes.
Frances Westbrook yes
Anthony Marchetti yes.
Wayne Nunnally yes.
Jackie Brown here via telephone yes.
Dudley Patteson present via telephone yes.



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Mayor Bugg: Excellent. Motion passes.

THE MOTION TO AUTHORIZE THE TOWN ATTORNEY TO DRAFT A NEW ORDINANCE TO ADD A USE TO THE B2 ZONING DISTRICT IS PASSED 6-0.

Mayor Bugg: The next motion is to adopt a rezoning schedule for 235 Steamboat Road. Would someone like to make that motion.

N. Keane: Sharon you have the schedule for the handout.

B. Schaschek: Did they change from yesterday.

S. Phillips: No, they are the same do you need them.

Mayor Bugg: Would someone like to make that motion.

B. Schaschek: So moved.

Mayor Bugg: Is there a second.

F. Westbrook: Second.

Mayor Bugg: Any further discussion. Roll call vote.

Bonnie Schaschek yes.
Frances Westbrook yes
Anthony Marchetti yes.
Wayne Nunnally yes.
Jackie Brown here via telephone yes.
Dudley Patteson present via telephone Yes.

Mayor Bugg: Excellent.

THE MOTION IS TO ADOPT A REZONING SCHEDULE FOR 235 STEAMBOAT ROAD IS PASSED 6-0.

J. Brown: I'd like to make a motion for us to buy some microphones for the town meetings.

Mayor Bugg: I think all would agree.

J. Brown: This is ridiculous.

Mayor Bugg: This is the last item, the CUP schedule.

S. Phillips: Okay.

Mayor Bugg: The last motion will be to adopt the CUP schedule for 235 Steamboat Road. Would someone like to make that motion.



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B. Schaschek: So moved.

Mayor Bugg: Second.

A. Marchetti: Second.

Mayor Bugg: Any discussion. Roll call vote.

Bonnie Schaschek yes.
Frances Westbrook yes
Anthony Marchetti yes.
Wayne Nunnally yes.
Jackie Brown here via telephone yes.
Dudley Patteson present via telephone Yes.

Mayor Bugg: Motion passes.

**THE MOTION WILL BE TO ADOPT THE CUP SCHEDULE FOR 235 STEAMBOAT ROAD IS PASSED
6-0.**

Mayor Bugg: That concludes all the motions.

E. ADJOURN

W. Nunnally: May I move we adjourn.

Mayor Bugg: Thank you Mr. Nunnally. This will conclude town council winter games.

F. Westbrook: Jackie was serious.

Mayor Bugg: What did she say.

S. Phillips: Jackie the microphones will be discussed at another time. They can't discuss them today.

J. Brown: I was just kidding but not really. We really need one for each councilman and one for the public.

Mayor Bugg: We are adjourned.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



**TOWN OF IRVINGTON, VIRGINIA
CONNEMARA
TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY, DECEMBER 10, 2020**

AGENDA

A. CALL TO ORDER – Mayor Tripp Bugg

Mayor Bugg, “I would like to go ahead and call this meeting to order. This is the Irvington Town Council special called meeting held at Connemara Corporation, Thursday, December 10, 2020. Notice is hereby given that the Irvington Town Council will hold a special called meeting held immediately following the Planning Commission special called meeting. The purpose of the special called meeting is to conduct monthly business. I’ve called this meeting to order and we will start with roll call.

B. ROLL CALL – Mayor Bugg

Members of Council Present: Frances Westbrook
Dudley Patteson
Jackie Brown (left meeting at 7:40 p.m.)
Wayne Nunnally
Bonnie Schaschek
Anthony Marchetti

Administrative Staff Present: Nancyellen Keane, Esq., Town Attorney
Lara Brown, Zoning Administrator
Sharon Phillips, Town Clerk, FOIA Officer, Treasurer

Guests: See attached sign in sheet

C. APPROVAL OF MINUTES

Mayor Bugg, “Thank you council and thank you to the public for joining us this evening. We will start with a number of minutes, it looks like two of these are present in your packet.” W. Nunnally, “May I ask a question? Did we approve the agenda?” F. Westbrook, “I was going to ask the same thing. That is left off again.” Mayor Bugg, “Because this is a special called meeting there is no need to approve the agenda, we are in a different place on a different date.” F. Westbrook, “No I don’t think so and I beg to differ because we could amend this, depending on vote count, if we had a unanimous vote, this could be amended. So to me, the approved agenda should still be on there” Mayor Bugg, “For today’s purposes it is not on there because it still is a special called meeting given the circumstances of COVID-19 and the need to change locations and dates and a meeting was canceled.” F. Westbrook, “I’d like to go on the record as objecting to that please.” N. Keane, “Do you want to change the agenda?” F. Westbrook, “No but if I did I couldn’t even do it because there is no place to do it.” N. Keane, “If you were to propose to change the agenda you would just need a unanimous vote after you make a proposal.” F. Westbrook, “So it should still be on there so we know that that is always an option. So I will respectfully ask that in the future we always include approving the agenda on the agenda.” Mayor Bugg, “Certainly noted for the record. Thank you, Mrs. Westbrook.” W. Nunnally, “The reason I pointed it out is because under announcements, it says we are going to meet at Connemara on December the 15th, and I wanted the guests to know that the Irvington Baptist



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Church has spent over \$3,000 on cleaning it, and it would be available tonight if we had wanted to meet there. So I don't see the point at being at Connemara for \$300 bucks when we could be at the church for nothing. And it was locked into that December 15th meeting, so if we could change it back to Irvington Baptist Church and not Connemara." Mayor Bugg, "Thank you Mr. Nunnally for bringing us up to speed on that, and let's certainly follow up with that tomorrow or early next week. So thank you, it's good to hear. Back to the minutes, we will start with the August 13, 2020 meeting minutes, they should be part of your packet. Has everyone had a chance to review those minutes? Is there a motion to approve those minutes?" D. Patteson, "So move." Mayor Bugg, "Second?" A. Marchetti, "Second." Mayor Bugg, "Any discussion? A vote? All in favor and those oppose?"

Vote: Frances Westbrook Aye
Dudley Patteson Aye
Jackie Brown Aye
Wayne Nunnally Aye
Bonnie Schaschek Aye
Anthony Marchetti Aye

**THE MOTION TO APPROVE THE AUGUST 13, 2020 MEETING MINUTES IS
APPROVED 6-0**

Mayor Bugg, "The minutes are approved. Looks like September 10, 2020 are tabled. That brings me to the next set of minutes and the only remaining set of minutes that are attached in this packet. The September 10, 2020 regular monthly meeting minutes. Has everyone had a chance to review those?" F. Westbrook, "I do have a question please sir." Mayor Bugg, "Certainly." F. Westbrook, "Who tabled the minutes?" S. Phillips, "I did." F. Westbrook, "Isn't that the function of the council?" S. Phillips, "They're not prepared." F. Westbrook, "Well then they shouldn't even be on the list if that's the case, but the council tables anything that's on the agenda." Mayor Bugg, "I think the purpose given the volume that the staff is dealing with, which is extraordinary right now, Madame Clerk has not yet gotten to those minutes. I want the council to be aware that those minutes are in process, you will be receiving those and that's why they're noted. That is the purpose of it." F. Westbrook, "So why don't we vote to table those? That would be the proper procedure." Mayor Bugg, "That's fine with me." W. Nunnally, "Move that we table those minutes." Mayor Bugg, "Can I get a second?" A. Marchetti, "Second." Mayor Bugg, "Any discussion? All in favor? Oppose? The minutes are tabled."

Vote: Frances Westbrook Aye
Dudley Patteson Aye
Jackie Brown Aye
Wayne Nunnally Aye
Bonnie Schaschek Aye
Anthony Marchetti Aye

THE MOTION TO TABLE MINUTES MENTIONED ABOVE IS PASSED 6-0.

Mayor Bugg, "Brining me back to that set of minutes that are present in your packet tonight from September 10, 2020, regular monthly meeting minutes. Has everyone had a chance to review those? Is there a motion to approve?" A. Marchetti, "So moved." Mayor Bugg, "Second?" D.



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Patteson, “Second.” Mayor Bugg, “Discussion? All in favor? Oppose? Those minutes are approved.”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTION TO APPROVE THE SEPTEMBER 10, 2020 MINUTES IS PASSED 6-0.

Mayor Bugg, “Is it permissible to approve the minutes in a block or do I have to go through each one?” W. Nunnally, “My motion included them all.” Mayor Bugg, “That’s your motion? To table those all?” W. Nunnally, “Yes, sir.” Mayor Bugg, “Is there a second?” B. Schaschek, “Second.” Mayor Bugg, “All in favor? Oppose? The minutes are tabled.”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

MOTION TO APPROVE MINUTES MENTIONED ABOVE WAS PASSED 6-0

Mayor Bugg, “The last item which is also tabled, the November 2020 Treasurer’s Report. Sharon is working on that as well. Is there a motion to table that as well?” F. Westbrook, “So moved.” Mayor Bugg, “Second?” A. Marchetti, “Second.” Mayor Bugg, “All in favor and opposed?” W. Nunnally, “Let’s do a little discussion, I would say this Mr. Mayor, it is sort of frustrating to come to a December meeting and not have at least the October minutes. I just wanted to express my frustration.” Mayor Bugg, “Noted. Thank you, Mr. Nunnally. Back to the vote, all in favor of tabling the Treasurer’s Report? And those opposed? The Treasurer’s report is tabled.”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

MOTION TO TABLE THE NOVEMBER 2020 TREASURER’S REPORT IS PASSED 6-0

C. PUBLIC COMMENT

Mayor Bugg, “Thank you for joining us tonight, Public, for public comment. We will have a brief public comment period tonight. As many of you already have, please sign in with your name and address. Please do not discuss topics covered in tonight’s joint public hearing. Also, if your comments pertain to street signs, traffic, or the North Commons, please hold those for a future meeting. Would anyone from the public like to speak? Yes, sir.” K. Schaschek, “My name



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is Klaus Schaschek, 394 King Carter Drive. Mr. Mayor, I would like to read off this here. Mr. Mayor, my capacity as treasurer of Golden Eagle, LLC, I would like to thank the town for the \$2,000 contribution for the rather successful Irvington Mayor's Golf Tournament, honoring former Mayor Rannie Ransone. Thank you very much." Mayor Bugg, "Thank you, I'm glad to hear about the success of that event, and I'm sorry I couldn't make it that day, but it sounds like it was a wonderful event." K. Schaschek, "Next year." Mayor Bugg, "Exactly." K. Schaschek, "Now, as a resident of the Town of Irvington, I would like to express my deep concern about the handling of the town's finances, and it's incorrect reporting, as well as the handling of contracts. Please let me present some of the facts. We have misappropriated funds for the trolley, the one time bonus for the lawyer, and payments to Lillian Merrill. All of these were never appropriated by the council. Also, the town's balance sheet is a total mess since August. The treasurer mixed equity and retained earnings, liabilities where not recorded properly, resulting in a large net income, which should of in actually a loss of over \$11,000. Furthermore, normal operating funds were comingled with COVID funds, which is against any accounting practice. The COVID bank account was never reduced by the actual COVID expenses. So, that means it came out of a regular, operating account that's comingling. Now to the FlackShack contract. The Mayor signed a contract for this service to the company for \$25,000 on October 5th. The council did approve this on the September 10 meeting after Mr. Patteson's recusal by 3-1-1 vote, and only from appropriation of \$3,000. According to our charter, you need 2/3 of the elected council, which means 4 votes. The mayor could not be the 4th one since it was not a tie. This contract should have never been signed, and these funds should not have been appropriated. I believe that this might become a case for the court. The lawyer's contention expressed in the September council meeting, that the application for \$25,000 grant as a contract is absolutely absurd. She should know that any one contract must be executed by the Mayor or Vice-Mayor, and not the Clerk. She should have objected at the time, since she knew about it, or should have known it since she has spent so much time at the town office. Also, her suggestion to use the contingency fund for this project shows that she does not understand budgeting and the reason for the funds. Since the \$80,000 is only a marker to show the minimum cash balance to operate the town in an emergency like a total income loss from the Tides Inn. You might say, 'Klaus, why did you wait until now?' Well, 4 or 5 months ago, some people from the public basically told me to 'Shut up and let the staff do their job' since they were quote 'performing it so ably'. Here are the results. No oversight, and the lawyer did not do her job when it came to the activities which should become now very expensive for the town. Based on all this evidence so far, and the possibility that the town has to obtain money in the future for large projects, I call for a financial audit so we can ensure that our finances are properly managed and reported, and you can show a clear picture to the lender, and have public support and confidence in the current financial report. Also, I will ask the council to curtail the lawyers involvement in town's affairs give her only very specific tasks. This should reduce her time at the office. Thank you." Mayor Bugg, "Thank you, Mr. Schaschek. Mr. Schaschek?" K. Schauschek, "Yes?" Mayor Bugg, "Can I have that for reference, we can discuss it tomorrow if you'd like." K. Schaschek, "I can give you a copy." Mayor Bugg, "Yes, I would like a copy of that." S. Phillips, "Mr. Mayor?" Mayor Bugg, "Yes?" S. Phillips, "I would just like to add just a brief change or correction to Mr. Schaschek's comment. It was not a contribution to the Golden Eagle. It was actually a contract for services."



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Mayor Bugg, “Thank you.” K. Schaschek, “Thank you.” W. Nunnally, “I would like a copy of it too.” K. Schaschek, “I can forward it to the whole town council.” Mayor Bugg, “Thank you. Yes, Adrienne?” A. Bugg, “Hi.” A. Marchetti, “Let’s try to do something happy, Adrienne, shall we?” A. Bugg, “So, I’m Adrienne Bugg. I am a resident of Irvington, and I also just want to say thank you to the town council, the mayor, and the staff, for everything that you do that’s in the best interest of the town. We really all appreciate that. I’m here tonight to introduce the IVBA, which is the Irvington, Virginia Business Association. A group of obviously I’m involved because I’m up here talking about it, Gabe is walking around giving information about it that is here as well. Ann Meekins is a part of it, there’s some other people that are a part who couldn’t be here tonight. We decided it would be a really great thing to have an association to support the businesses in town. You’ll see the information on the back here, but this is a few highlights. We started in May. We’re a very dynamic and passionate group of people, and we’re very invested in the town. We’re excited to support and promote the businesses here, and really support the culture of Irvington, and to give the small businesses more of a voice for the direction of growth and the protection of the charming and natural history that we all love here in Irvington. It’s funny saying ‘here in Irvington’ when we’re in White Stone, but you know, you get it. So far, we have 22 members, and we’re growing. 8 of those sit on the Board of Directors, I am the Vice-Chair, Sam Van Saun.” G. Del Rio, “Is quarantining, otherwise she’d be here.” A. Bugg, “Exactly. So that’s one reason that Gabe and I are here tonight representing. Ann as well.” G. Del Rio, “Ann’s Secretary, I’m Treasurer.” A. Bugg, “Yep. So we are growing, and obviously we invite any of you that have businesses in the town that want to be a part of it to join. We have a website going already, that’s a little clip of it here on the back, it’s visitirvingtonva.com. It lists the members, there are links to the Town of Irvington website, there are links to the River Realm website, with a new Irvington-focused page coming soon. We also applied for a grant, this is a doosie, you ready? Virginia Tourism Corporation Recovery Marketing Leverage Grant for Tourism Marketing, but we got it. We got it, so what we’re going to do with that is we are going to focus that money on digital advertising, and leveraging the River Realm’s existing high-ranking website to promote the Town of Irvington. So, we are very excited about that, and also, the council, our bylaws allow for a liaison to participate in our board, and I would really love to have one of you come and do that. So, if you’re interested please appoint someone so we can keep a line of communication open. We are definitely interested in collaborating to further efforts in the best interest of the town. So, anything to add?” G. Del Rio, “If anyone has any questions, we’ll be happy to answer them.” A. Bugg, “Yeah absolutely. So, thank you very much.” Mayor Bugg, “Thank you. Exciting stuff. Would anyone else from the public like to speak?” G. Del Rio, “There was a question about memberships joining for a business it’s \$100, to be a founding member it’s \$500, for non-profits or individuals it is \$50, and all those things are on the website just go to visitirvingtonva.com, go to the about, and you can do it all there.” Mayor Bugg, “Thank you. Anyone else from the public like to speak?” W. Nunnally, “Mr. Mayor, I think I’d might like to be on that board, when you consider who you might want to send to them.” Mayor Bugg, “Alrighty, good to know. Thank you. If there’s no one else from the public that would like to speak that’ll move us on to the next item.”



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D. REPORT FROM THE ZONING ADMINISTRATOR – *L. Brown*

Mayor Bugg, “Alright the Report from the Zoning Administrator – Mrs. Brown.” L. Brown, “Thank you. I only have one thing to add to my report since I gave this to all of you on Tuesday. This morning I attended my first Wetlands Board hearing at the Courthouse. It was in regard to the Tides Inn project, and I’m not going to go into detail about that since they have a presentation. It was a very informative, educational experience for me to see the hearing process, I will find more out about what happens between the dual jurisdictions with the Wetlands Board and the Town of Irvington. So, thank you.” Mayor Bugg, “Thank you.”

E. REPORT FROM THE TOWN ATTORNEY – *N. Keane*

N. Keane, “No, I don’t think I have anything.”

F. REPORT FROM THE MAYOR – *Mayor Bugg*

Mayor Bugg, “The first item I have to speak about is research on appointments and reappointments. Several months ago, there was a discussion at the table about whether the town must always place an add to fill an appointment. It was stated that the town always did this. As we discussed at that meeting, there’s no legal requirement to advertise for an appointment positions. I have since reviewed the minutes for the last several years. In several cases, a planning commission member whose term ended was reappointed without advertisements. An example of such reappointment without advertisement, would be Mike Mattheisen, Lee Hood Caps, and Chris Braley. I just wanted to clarify for the record that our past practice on advertising appointments has been mixed. With that in mind, we do have a vacancy on the BZA. Robert Fleet’s term ended a couple months ago. We don’t appoint it to the BZA, we concur with the court on appointment. May I suggest that we recommend that the Circuit Court reappoint Robert Fleet to another term? Council?” W. Nunnally, “I so move.” F. Westbrook, “Do we know that he – does he want to do it?” Mayor Bugg, “Yes Sharon.” S. Phillips, “Mr. Mayor, I spoke with Mr. Fleet this afternoon, and yes, I suggested that the council members would make a decision this evening as to whether he would be interested in fulfilling a new term, and he was interested.” B. Schaschek, “How long is the term?” S. Phillips, “Four years.” Mayor Bugg, “Excellent is there a second?” B. Schaschek, “Second.” Mayor Bugg, “Discussion? All in favor and oppose? Great, Robert Fleet will be reappointed to the BZA and I will take that off my notes.”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTION TO RECOMMEND THE CIRCUIT CORT TO REAPPOINT ROBERT FLEET TO ANOTHER TERM WAS PASSED 6-0



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Mayor Bugg, “The next item I have to discuss is a council directive to require clarifying ordinance regarding cups for docks. At the April meeting, council directed the town attorney to draft an ordinance that would clarify existing, somewhat conflicting language in the town code when a CUP is required for a dock. The council’s direction at that time was to ensure that a CUP is required for all docks built in the town. I have asked the Town Attorney to go ahead and draft the ordinance which was requested by council last April, and I intend to place the topics on the January or February agenda. Separately, I have received questions about the reason for the number of meetings for CUPS. We are using regularly scheduled meetings as much as possible to process CUP’s. Most CUP supplied for in Irvington are for pools and docks. All schedules adopted by council for hearing CUP contains sites to the legal requirements. Requirements in the state statutes, and/or the town code include advertising, hearings, and meetings, with specific timing required as an overlay. Failure to follow the legal procedures renders the action taken invalid. As a protection for the town, and the applicants, we must adhere to what the law requires so that the CUP will be valid. The real issue is whether council wants to continue to require CUP’s for all docks built in the town. Council apparently did, as recently as able. If council were to eliminate the requirement of a CUP for docks inside the navigation line that would likely reduce the number of CUP’s processed by the town. It is worth a public discussion so the council members can go on the record with their definitive positions on this matter. The next item I have to mention is the budget process. We just completed our budget process. I have received some comments about the process, and I have my own additional thoughts. We invested a lot of time in Committee Meetings, at least eight of them over several months, totaling at least 20 hours. The meetings were poorly attended by council and the public. Other than Fran and Anthony, who held the meetings, I think one council member came to one meeting. At the end of this several months’ process, at the second reading, we had three council members vote against the budget. Since then, I am now hearing complaints about the budget. I was never informed by any council member of concerns or complaints about the budget, taxes, or fees. I would like to find out why these concerns are not being communicated in real time to me, or to all members of the Budget and Finance Committee. I broke the tie in favor of passing the budget. I should never have to break a tie on a budget because that means we have not done the work necessary as a body to resolve concerns and solve problems ahead of a vote. We were elected, in part, to be problem solvers. This recent experience does not instill confidence in the town. The new budget process will begin in a few months. I am not in favor of handling this process the way it has been handled, and I will be looking to members to provide feedback about how this can be improved. Specifically, what it will take for members to participate well ahead of readings contemplated for passage. Thank you, council I will be reaching out to all of you. Next item I have is appropriating payment to contractors. Also at the last meeting, a debate was undertaken about appropriations, specifically to contractors of the town. Motions seeking certain appropriations for payment were defeated. My observation is that some council members may be using appropriations or defeating appropriations to include paying vendors that have a valid contract with the town. This is not an appropriate purpose. It is misuse of the appropriation vehicle. Appropriations are required as a safeguard for expenditures to make sure they are budgeted, to make sure the amount is correct, and there is no mistake about the amount or timing of those payments. Appropriating should not be used as a sword for the purpose of defeating a vendor, or



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changing the outcome of a budget. Remember that all of our actions are on the record, and building a record, and the liability of the town is potentially increasing when these actions are taken. We do not want these actions to harm the reputation of the town. Lastly, the North Commons, I promised residents that we would try to hold a public hearing specifically about the development of the North Commons. I would like to do this next week on December the 15th. This is stated later in the agenda. Those are all the comments I have in terms of my Mayor's Report."

G. OLD BUSINESS

1. Motion to appropriate FY20/21 general operating funds – F. Westbrook

Mayor Bugg, "The first item would be the motion to appropriate general operating expenses for fiscal year of 2021. To facilitate the smooth operation of the town, I recommend the council adopt this motion. These are all budgeted expenses. With that, I will turn it over to Mrs. Westbrook for that motion." F. Westbrook, "Thank you, I didn't realize you've got me down for a few motions on here which I wasn't aware I was doing so I'm at a little bit of a disadvantage here. However, at the last town council meetings, because of some questions about the financials, you asked that I meet with Bonnie, which I recently have done. I understand her concerns and concur with the majority of it. And because the majority of those concerns do deal with our general operating funds, at this time I'm not going to recommend that we do an appropriation for all general operating funds. I'd like to see us consider appropriating all payments, whether it's general operating, or even the category on a monthly basis. I do agree that we need to get a little tighter control on some of these things, and I think it'll serve us best to appropriate on a monthly basis." S. Phillips, "Mr. Mayor, in a recent meeting with Mrs. Schaschek, as Treasurer we had a meeting, and she and I reviewed those concerns regarding general operating, and they were clarified. There had been a question asked about the difference between the two budgets, and they were discussed. Are there further questions regarding those? I'm prepared to address them, if it will help council come to an appropriation. B. Schaschek, "Are you asking me?" S. Phillips, "If any member of council has questions." B. Schaschek, "At last meeting there was a motion to appropriate those remaining general operating funds that hadn't already been appropriated. And I had requested a list of what hadn't we already appropriated, so I was looking for a list of items." S. Phillips, "Again, so I think that the main difference is in the general operating that has been validly, through a contract, handled would be under operating expenses, would be the Centrix contract for the new printer. That is under just office expenses, but as far as under operating expenses, there was an increase of \$522. I suspect that was a simple round-up to get to a whole number, so there's no specific vendor involved. Under professional services, no contract has been offered or authorized, but the line item last year was \$15,000, and it is currently \$25,000. That is for wealth management, but again there is no contract for that. So, the appropriation wouldn't occur for that until you address it as a contract, and there's none on the table and none to be considered. Under insurance, that was an increase of \$384. Again, I suspect that the council rounded to a whole number, so it was simply a whole number. Under public safety, there was an increase of \$500, I don't believe that there's a vendor involved. Under office expenses, again those increases are related to the Centrix new contract, which has been authorized. Under municipal expenses, there is actually a reduction of \$2,600. Under town council there was a



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reduction of \$1,000. In utilities there was an increase of \$1,400, so I suspect that the vendor associated there would either be Dominion Energy.” F. Westbrook, “I think the items you are reading are things that are on the budget, as opposed to what I was talking about, as general errors that need to be addressed, and rather than spend all this time tonight doing that kind of stuff,” S. Phillips, “I don’t have a list of appropriations, so I’m not sure how we’ll pay bills between now and the next year.” F. Westbrook, “I would suggest that we table this idea of appropriated general funds until next January, or to the next meeting in January.” S. Phillips, “So no bills will be paid?” F. Westbrook, “And we’ll have time to get with you and go down the list.” S. Phillips, “But again, I think that the question that was asked was what was the difference, and I think I addressed that difference.” Mayor Bugg, “I have a specific list if you’d like to hear it.” W. Nunnally, “I’m totally confused, and I’ll just have to say that, but I am concerned. I happen to know that Mr. Schaschek is a brilliant financier, and I happen to know that Bonnie Schaschek has a career in finance, and has done and organized huge businesses. If they’re having questions about our finances, we’ve got to put a spotlight on this stuff. It’s that simple.” F. Westbrook, “My thought is that perhaps since we will meet on the 15th that we convene about 30 minutes earlier so that we can get a little bit of time and zero in on this, and present it back to you at that time. And we’re only looking at 5 days.” W. Nunnally, “And I thought the printer was done with COVID money. Where did that budget go?” S. Phillips, “No, the printer was not done with COVID money, the printer was done through general operating.” F. Westbrook, “So I’d like to move that we table this until the discussion on December the 15th, and that we meet 30 minutes earlier than when we were going to meet, so we can have that discussion.” W. Nunnally, “I second that.” Mayor Bugg, “Any further discussion?” A. Marchetti, “Yes. Where was this discussion three months ago at all of the meetings? I don’t take personal offence to anyone that opposes a line item under the budget, or every line item under the budget. Why are they waiting until now to engage in this conversation?” F. Westbrook, “Well you all asked me to meet with Bonnie at the last meeting. So now I’ve just recently done that.” B. Schaschek, “In August I objected to approving the finances because they were incorrect. They were tabled. Tripp asked me to meet with Fran, and did Fran agree with me? And she did because I had spoken to her. Tripp asked me to meet with Fran. I did, I met with Fran on multiple occasions, discussing these items. So, it is not just coming up now.” S. Phillips, “Was the Budget and Finance Committee aware of this meeting?” W. Nunnally, “Well Fran is the Budget Committee.” S. Phillips, “Is there anyone else here from the Budget and Finance Committee?” A. Marchetti, “I was unaware of any meetings or any talks or any oppositions to any of the line items.” F. Westbrook, “The request of the meeting came from the mayor that I meet with Bonnie, and that’s what we did.” S. Phillips, “Alright so the concern is, that you had multiple meetings regarding those concerns. And again, we want to instill confidence as we shared the other day. Bonnie, you’re 90 days frustrated, and that’s reasonable, but unfortunately the meetings and the conversations that you had did not go anywhere. Anthony is on the Budget and Finance Committee, and the information was not shared. The treasurer is not aware of these concerns.” W. Nunnally, “Well maybe Anthony should be included in this next meeting.” F. Westbrook, “Well that meeting that the mayor asked for, it was not a Budget and Finance meeting, it was just for me to get together with Bonnie, and any two council members can certainly get together.” S. Phillips, “The treasurer has not been made aware of any of Mrs. Schaschek’s concerns.” F. Westbrook, “Okay, so a motion



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is on the floor, please.” Mayor Bugg, “Any further discussion? Vote? All in favor and all opposed?”

Vote:	Frances Westbrook	Aye	
	Dudley Patteson	Aye	
	Jackie Brown	Aye	
	Wayne Nunnally	Aye	
	Bonnie Schaschek	Aye	
	Anthony Marchetti		Nay

**THE MOTION TO TABLE THE GENERAL OPERATING EXPENSES
APPROPRIATION FOR THE FISCAL YEAR OF 2021 WAS PASSED 5-1**

2. Motion to appropriate \$8,334.00 to Flack Shack from CST – F. Westbrook

Motion to appropriate \$8,334.00 to Flack Shack from CST – F. Westbrook Mayor Bugg, “Next item on the agenda is a motion to appropriate an \$8,334 to Flackshack. This is representing three months of payments. I’ve asked the vendor to submit a report of work performed, which it did. You received the report in you packet. I also circulated the report to our partners for feedback on the report. Their responses were very positive. Based on my review of the report, and the positive comments from our partners, I recommend that this appropriation be approved by council. Is there a motion to approve this appropriation?” A. Marchetti, “So moved.” D. Patteson, “Second.” Mayor Bugg, “Discussion?” F. Westbrook, “Yes Mr. Mayor, it looks like I’m on a roll tonight. I feel we do have to pay this because it is a contract, however, I would like to go on the record one more time about how this whole thing has occurred and how it has been handled has not been... We’ve put a lot of stomach with this and there’s still a sour taste in some of our mouths, but given that we signed a contract, I’m in favor of paying it.” Mayor Bugg, “Thank you.” W. Nunnally, “Let me comment on this, I read these minutes, and I started my comments off last time by saying I was confused of what we’re doing. And then in that meeting, the September meeting, there was a \$3,000 motion, and I thought that’s what we were going to spend, and that the mayor was going to design the stuff that needed to be designed. And I don’t think we’ve got a contract, and I would like to humbly submit that we review that and see if we’ve got a contract.” A. Marchetti, “It should probably be in your packet.” F. Westbrook, “I did read the contract and it stipulates we pay them monthly, equal amounts.” W. Nunnally, “Yeah but I’m not sure we’ve got a contract.” F. Westbrook, “Yeah we do, the mayor signed it. We authorized him to sign it. And in addition to that, the unfortunate aspect of this is that by not paying it and paying it in a timely manner, it’s just not us, it’s the other partners in this, which means the Steamboat Era Museum now looks bad, the Tides Inn, and whoever the other partners are, The Hope and Glory. This whole thing has had a series of problems, and I don’t want to see us add to that by withholding payment on a contract that we authorized the mayor to sign on our behalf.” Mayor Bugg “Wayne, I’d be happy to get together with you, and get you up to speed on this as well, I think that would be useful.” W. Nunnally, “I think it would be.” Mayor Bugg, “Alright the motion is on the floor, all those in favor of this appropriation to Flackshack and those opposed?”



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Vote:	Frances Westbrook	Aye	
	Dudley Patteson	Aye	
	Jackie Brown	Aye	
	Wayne Nunnally		Nay
	Bonnie Schaschek		Abstain
	Anthony Marchetti	Aye	

THE MOTION TO APPROPRIATE AN \$8,334 PAYMENT TO FLACKSHAK WAS PASSED 4-1-1

3. Discussion of audio visual proposal from Entertainment Systems

Mayor Bugg, “Next item on the agenda is the discussion of the use of tennis courts to teach tennis. That item is being tabled to a later date. Next, that brings me to Item 4 which is the discussion of audio visual proposal for entertainment systems. We began this discussion, and I think we are going to move forward with this discussion whether to purchase all of the additional equipment and any potential motion we may want to entertain. Bonnie, anything you would like to say in regards to what you reviewed?” B. Schaschek, “I did take a look at the estimate and I did go out to the website and look at all of the pieces. This is a very expensive proposition at \$31,300. The sound system is we’ve got to do a major installation, and it’s about \$10,000 just for that. The good points on it would be that every member and mayor and council person would have their own mic, so we wouldn’t be screaming across the floor and everyone could theoretically hear. However, there’s an awful lot of cons to it. There was nothing in the estimates for the ongoing support and maintenance required. The setup of the racks and speakers before each meeting would need to be done by somebody. I don’t think it’s something that the existing staff is going to be able to do. It’s very technically complex, and you’re going to need somebody to do that. I don’t think you could use the COVID funds for ongoing maintenance of it. I did draw out a couple of these things, just flowing through it, if anyone was interested in taking a look at it. I guess I’m curious on what you ultimately wanted to get out of this. There is a whole visual part of it, but then again, now you need to go to live streaming. We don’t have the infrastructure in order to do live streaming, you need regular internet, and I’m not sure what they have at the church. So I’m not sure what it is that you are going to get for \$31,000. And then you’d be better off investing in a few microphones around the room than spending on something that you have to do major installation, major setup and takedown, and then continuously pay maintenance on it. That’s just my opinion.” Mayor Bugg, “I share your opinion. I think it’s too expensive. I think we should explore alternatives and move on from this item, so we might lean on you in getting some more info on microphones and things that will be more cost effective. That would move me to the next item, which is New Business.”



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H. NEW BUSINESS

1. Tides Inn Presentation on Shoreline Development

Mayor Bugg, “The Tides Inn asked for time on our agenda to discuss its shoreline development project. This project involves several applications before several government agencies, including Irvington. Due to the length of our agenda, we have designated about 15 minutes of tonight’s agenda for the Tides Inn to give a high-level summary presentation of this project. Please join me in welcoming the Tides Inn.” B. Musinski, “Good evening, thanks everyone for welcoming us, my name is Brian Musinski, I represent the Tang family, and lead all the real-estate for the Enchantment Group. I’ve been with the company for about two years, and that really has represented a major investment in the Tides Inn, and really our first major investment since 2002. We have our design team, who’s going to be walking us through the visual presentation. Waterstreet Studios is a Charlottesville based landscape architecture firm, we have Bay Design, who’s based in Urbanna, and we also have Brian Hoffman from Friends of the Rappahannock. This July, the Tides will turn 74 years old, and in addition to our continued investment in the property, we also look at infrastructure, and we’re looking at the shoreline. And as we started looking at the future of the Tides Inn, and the future hospitality, we’ve seen in our other properties, which are sort of high-end experiential resorts that customers are looking for more than just coming to a place, sitting on a beach, and having a drink. While certainly that’s something that’s important to them, we see the future guests and the current guests wanting to have experiential events and activities with their friends and their family. And the shoreline started as an idea to restore an area of the property that was eroding, and turned into what we see as the future of the Tides Inn, and coincidentally this coincided with something that Lara mentioned at the Wetlands Board hearing is that there’s been some changes in regulation that have been encouraging natural shorelines. And what we see in this project is both a tourism draw to the Tides Inn, another one besides just gathering with friends and family, but also an ecological and educational opportunity, which the team’s going to talk about here today, and then of course if there are any questions we’d be happy to answer those. Thanks for everyone’s time, I am going to introduce Wayne Savage with Bay Design.” W. Savage, “Hey everyone, I’m sure you remember me from the other night. I’m Wayne Savage with Bay Design Group. I’ve been a civil engineer on this project. This is quite the project here, as I’m sure you guys are now seeing. Also you guys have packets here as well that our landscape architects have provided to you guys to get you a good overview of what it looks like and what we’re proposing. I just wanted to give you guys an update on where all the permits stand. We’ve gone through a JPA process, we’ve been working with VMRC, the Corps of Engineers, local Wetlands Board, along with several other agencies for this project. So everyone’s all in on this and trying to get this thing to a point where we can get it permitted. At the local Wetlands Board hearing this morning, they did vote to unanimously approve this project. Based on my conversation this afternoon with the Army Corps of Engineers, there’s no objection from them and we should be receiving a permit next week. As far as we know, there has been no further objection or comment from



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VMRC, and we're expecting a favorable action from them within 10 days from today, that's their general timeline for issuing a permit from then. And the only thing that follows from there is we need this town council, obviously, to give us approval of the project. I think from that, I kind of gave us an update on where our permits for that, I'll turn it over to Waterstreet, and I'll be here to sort of help them along and introduce the project." E. Young, "I'm Eugene Young, we're from Waterstreet Studio, we're landscape architects and environmental planners in Charlottesville and Richmond, Virginia. Thank you all for letting us present to you tonight. I've never presented with a mask on and a coat on so this is a little interesting, and you can't see my expressions, so you won't be able to see our enthusiasm for this project, but we have books that we passed out to you if you want to follow along. We'll give you a quick description of what our design implementation is for the Tides Inn, along the shoreline as Brian and Wayne just described. This is the existing site conditions as we know it, this the Inn here, this is the arrival court as you come in for those of you unfamiliar with the Tides Inn. This is the base map that we are going to use to describe all the respective. And please, if you have any questions while I'm doing this just go ahead and ask them. This is the plan, this is our proposed plan, this rendering here. And what you'll notice is this rendered edge, this colorful edge here, it looks really thin, but there's a lot happening here. One is that we plan to renovate the store and protect this eroding slope, in these areas in particular, like here in the winter house, and here by the bluff. Another thing we want to do is renovate and restore this insufficient marsh land that has occurred right here, and what we call the cove. So it's these three areas that are of particular importance, and we plan to do this by implementing the living shoreline, but with that shoreline, we're also proposing a boardwalk on that edge, and what's most beautiful to us is that this is an example of what we call infrastructure and design. So it's not just design for design-sake, it's where you use infrastructure as the basis for design. So form follows function, but it follows it thoughtfully and beautifully, and makes a statement. So by that I mean, when we take this boardwalk, we're actually using it in these two particular areas, where we are going to attach a sill to the boardwalk discreetly, so you don't even see it. And that's what's going to hold the living shoreline in place in these two particular areas. Here, we have the opportunity to do a stone sill, and that's where we'll put the oyster spat on top because we're trying to restore the cove area, which is a bit of a marshland already. One thing to note, if you see in your books there's a dashed line area and that dashed line indicates the approximate shoreline in 1937. That's on the survey page as we know it now. So the actual shoreline, originally, was out here. But now, it's eroding away here. I'll go into these three particular areas, the Winter House section, this Cove section, and the bluff. This is very important, these section drawings here. The before and after pictures are great, they're beautiful and they really tell the picture, but these technical joints here, are very important, because what you notice here is an existing condition of this slope. It's almost 1.5:1, that's like this. And you notice that these buildings are sitting on that slope like this, so they are very close to that slope edge, and we're proposing here, by putting this sill attached to the boardwalk, is going to hold back this living shoreline and allow us to grade the slope into a 2:1 slope, which is in the plan. That's by code you can plan a 2:1 slope without a problem. So you can see the big change between that eroding shoreline and that proposed slope. And here's a before and after. Here's the Winter House, and you can see how close it is to that slope and how we're losing ground here, and here's the proposal for the boardwalk in place, and



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the living shoreline, and the destroyed slope edge.” W. Savage, “To add to Eugene’s thing real quick, and I’m not meaning to interrupt, but on those slopes, and specifically where the buildings are at, we have actually had a geotechnical firm and geotechnical professionals come in and conduct borings in those locations, we’ve actually installed some helical piles on those two buildings specifically because of their location to the slope, and with those helical piles, along with the regrading of the slope, we’re creating a stable slope. We’ve gone through a slope stability analysis, and currently, the existing slope is not stable, it’s a danger, and it possibly could let the buildings fall in, so in that particular area, we’re actually saving buildings, and creating a positive slope.” F. Westbrook, “I have a quick question if I may.” W. Savage, “Sure.” F. Westbrook, “Would the living shoreline and the sill and the thing that you are proposing to prepare, by any chance are you working with VIMS on that?” W. Savage, “Yes, VIMS is actually a part of this project. They have actually reviewed, commented, provided us their professional opinion based on their science, and we’ve actually responded to those and implemented what we could to the project and we have heard no further objections. So, they’ve had a site visit with them actually on site as well.” W. Savage, “Along with SEAS as well, SEAS is another nonprofit organization, Mike Vanlandingham, some of you may or may not know him, he is a professional who has worked with living shorelines as long as it’s been around, and he also provided his comments as well, which we did address, so we’ve got multiple different agencies that we’ve been working this angle to make sure that everything is right where it needs to be.” F. Westbrook, “Thank you.” W. Savage, “Yes ma’am.” E. Young, “Here, this is the Cove area that we have been talking about. Here’s what we called, this very little section, it is a very little diminished and impaired marsh area, and so in this, you can see from the section, there’s a lot of invasive species here. We propose that we remove those invasive species, and if here, we put a rock sill with oyster spat, so we’re creating an oyster habitat on top of that rock sill to establish a sill that will create this new extended marsh land here, as you can see in the perspective. And lastly, we have... this is really, this is the bluff. It’s occurring in different places along the tidal creeks, and it’s extreme erosional processes. And so a lot of it is not only eroding away but the trees and stuff fall. So what’s really beautiful about this particular bluff at the Tides Inn, is really interesting, there’s a grove of Chestnut Oaks, which is what you’d typically find in the Piedmont, you don’t typically find it in the Coastal Plain out here. So this is like, it’s a climatic species of tree, very special, but they’re starting to fall into the water. So, here the proposal is to actually put a sill right up on the edge so we get that 2:1 slope here, but what we’re proposing, and thankfully the Tides are actually going to go along with it, it actually putting the living shoreline on the outside of that sill, rather than on the inside which likely on the Winter House, and the Cove. So that’s pretty unique, here’s an after picture.” W. Savage, “The purpose of extending all that out is, like Eugene had mentioned those Chestnut Oaks, we’re trying to preserve as much of the upland vegetation as we can, within reason. There’s certainly going to be some trees removed, and some bank stabilization done, some trees are falling in the water that we have to remove, but ideally, we’re trying to save the majority of that Chestnut Oak, and we’re trying to create a natural environment, especially at the Cove to almost create a nature trail and something that people can enjoy, a different experience there. And we’re planting wetland species, living shoreline species, upland species, such as new trees.” E. Young, “There’s 10,000 plus proposed shoreline plans, and there’s 18,000 square feet of proposed living



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shoreline, where now there's none. So, I think for us, what's most exciting is that obviously, environmentally, we know the benefits of this, but we are thinking about it from a cultural perspective as well, because there's an opportunity here as Brian had alluded to, that this is not a private endeavor. We understand that most of the properties in the estuaries and creeks, out into the river, and even the Bay, 85% are privately owned land. So the opportunity for the public to actually come here, and public outreach. And we were just listening to the Irvington Business Association got that tourism grant, so all of a sudden people are allowed to come here, and the public outreach for schools, clubs, classes, they can come and explore and understand what is happening to this shore, especially in estuaries. It's a very critical, in our universe, landscape pathology that we're losing, it's like an endangered species. And it's very important for us, and hopefully for you, to restore this important environment." B. Muskinski, "We really see this as the future of hospitality, and as Eugene mentioned, that combination of infrastructure and design. And I forgot to mention Jason Trollop, who many of you guys have met, our new managing director at the Tides. Let us mention that education for us is big. We want to have programming, we want to teach people about oysters, we want to teach people about how to grow oysters, how oysters help clean the water. We know that the Rappahannock is an area where you can't come and get oysters because of some of the environmental concerns, and so we're excited to do that. I wanted to introduce Brian Hoffman, from the Friends of the Rappahannock to talk a little bit about natural shorelines." B. Hoffman, "Thank you for having me tonight, Brian Hoffman, Deputy Director with Friends of the Rappahannock. We're a nonprofit organization that works to protect and restore the Rappahannock River from the Blue Ridge Mountains down to the Chesapeake Bay, and in interest of respecting your time I'll be brief. We've invested over \$100,000 in Carter's Creek and this area over the last several years in an effort to clean the creek, increase the water quality and beautify it, to help better grow oysters, to help keep the water clear for Rockfish, Crabs, and other juvenile fish species that we all love. Living shorelines, since 2015, Delegate Hodges pushed through some legislation to make it the preferred alternative for shoreline stabilization throughout the Commonwealth. In 2019, we worked with the Northern Neck and Middle Peninsula planning districts, as well as many other partners across the state, to develop a Watershed Implementation Plan for the entire Chesapeake Bay portion of Virginia. This outlines all of the different types of projects that we have to go through to install by 2025, to meet our water quality goals which are mandated by the federal government and EPA. In the Rappahannock River Basin alone, over 150,000 linear feet of shoreline has to be stabilized using living shorelines. 150 acres of oyster reef has to be restored, and 4.8 million trees need to be planted, among about 80 other practices and projects that have to happen. This project is one of those that will help meet those goals. Here in the Northern Neck and Lancaster County, we installed and monitor many living shorelines throughout the lower Rappahannock River. We partnered with Northern Neck Planning Commission to run a cautionary program for living shorelines, and we continue to write grants to help bring money locally here to put in the hands of contractors like Bay Design and some other people who actually install the projects. We bring students out to these projects beforehand and show them the problem. They actually get their hands in the mud, helping us install the projects, and then they're out there taking water samples and other things. Most recently we've done some work with Chesapeake Academy, building an plant garden on their property. We're real excited about these types of projects. We have a clean



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Carter's Creek initiative where we're going to be offering free trees to anyone who lives in this area, because we value the creek so much. We're doing disaster relief with other landowners in Lancaster County who suffered due to the hurricane and tornado, so we're really excited for this opportunity to be involved in the education and the installation of the project. I can answer any questions now or in the future if anybody has them. Thank you for your time." W. Savage, "Thank you Brian. So, we're asking for your guys help. You helped us last year with the conditional use permit for the floating dock in front of Fishhawk, so we could welcome guests and essentially run a restaurant without a parking lot. We appreciated your guys help last year, and as you know, we're staying open this year for much longer than we have in the past, we're staying open through the end of January, and we have a pretty short window to execute this project. So, we appreciate your help and can answer any questions that you guys have. And I'll just add, Lara has a copy of these in full size, I'm sure you guys won't receive them in full size, so I'm willing to leave these with you, maybe if you want to share them as a council, be able to look at it and then pass them along day by day. I'll leave them up here so if you guys want them, you're more than welcome to have them. Other than that I think we'll take questions if you have any." Mayor Bugg, "Any questions council?" W. Nunnally, "Good luck." Mayor Bugg, "Well thank you. Wonderful presentation, this has been very exciting. Thank you."

Mayor Bugg, "For the record it is 7:40 p.m. Jackie Brown has left the building. I just wanted that to be on the record and now we will proceed with the remaining items."

2. 1st Reading Resolution 2020-14 TC; CUP Application CUP-2020.CUP7_Alga

Mayor Bugg, "Starting with the next item under New Business, we have some first readings, first reading of Resolution 2020-14-TC-CUP Application. CUP 2020, CUP 7_Alga" S. Phillips, "Resolution 202014TC Conditional Use Permit Application – is attached and incorporated within."

**3. 1st Reading Resolution 2020-15 TC; CUP Application CUP-2020.CUP8_Smith -
tabled**

Mayor Bugg, "Next item is a 'Smith' first reading, I believe that has been tabled."

4. 1st Reading Resolution 2020-16 TC; CUP Application CUP-2020.CUP9_Webb

Mayor Bugg, "Item 4 is the reading of Resolution 202016TC. That would be Webb." S. Phillips, "Resolution 2020_16TC Conditional Use Permit Application, build pool inside RPA, R1, Tax Map# 34-21-D. is attached and incorporated within."

**5. 1st Reading Resolution 2020-17 TC Rezoning Application 2020.RZ1_Town of
Irvington**

Mayor Bugg, "Thank you Sharon, the next item will be Item #5, that will be the Town of Irvington." B. Schaschek, "Lara, do you have any extra copies of the DCR and the Land Usage that they handed out on Tuesday?" L. Brown, "Not with me, but I'm happy to email them to anyone who would need them." S. Phillips, "Resolution 202017TC Rezoning Application, rezone parcel from R1 to B1 or B2, Tax Map 33-37-8. Is attached and incorporated within."

6. 1st Reading Ordinance 2020-011_Repeal, Re-enact Town Code §154.106

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Mayor Bugg, “The next item will be item #6, first reading of Ordinance 2020-011_Repeal, Re-enact Town Code §154.106.” B. Schaschek, “Are we going to talk about any of these.” Mayor Bugg, “These will be talked about at the January meeting.” B. Schaschek, “I was just wondering because the last item says rezone from R1 to B1 or B2, when do we discuss whether it is going to be a B1 or B2 because this is very confusing.” Mayor Bugg, “Every one is having it’s first reading.” B.Schaschek, “We’re having a first reading of something that hasn’t even been passed on to the Town Council yet.” S. Phillips, “Ordinance 2020-11: Repeal/Reenact Town Code §154.106, Use regulations in B2 zoning. Whereas the Town Council proposes to repeal and reenact Town Code §154.106 regarding B2 Zoning District regulations. And whereas, this ordinance, 2020-11, will create a new sub-section in K. in Town Code §154.106, allowing Pilates, yoga, music, or art studio in the B2 Zoning District. Whereas a notice of public hearing on this ordinance 2020-11 was advertised on November 25, 2020 and December 3, 2020, pursuant to Virginia Code Annotated Section 15.2-2506. And whereas, a public hearing on Ordinance 2020-11, was held on December 10, 2020, and the public also had the opportunity to speak about the ordinance at its meetings held December 10, 2020 and January 14, 2021. Whereas this ordinance, 2020-11, was read twice before approval at the December 10, 2020 and January 14, 2021 Council meetings. Be it enacted and ordained by the Town of Irvington, Virginia as follows: Council hereby repeals Town Code §154.106: Use regulation. 2. Council hereby reenacts Town Code §154.106: Use regulation as follows §154.106: Use regulation. In limited district B2, structures to be erected not to exceed 1,500 square feet of floor area, first and second floor total, can be used for one or more of the following uses with the Conditional Use Permit: a. Town Office and other similar public uses, b. Bed and Breakfast Establishments, c. Office Buildings, d. Professional Offices, e. Antique Shops and Galleries, f. Catering, g. Bakeries, h. Florist Shops, i. Barber Shops and Beauty Shops, j. Hobby and Craft Shops, k. Pilates, Yoga, Music, and Art Studios. 3. This ordinance is effective upon passage.” N. Keane, “You probably want to get Sharon to read the beginning of the other alternate, just so it’s clear that we have it.” F. Westbrook, “It has just occurred to me, like Bonnie’s point a moment ago if we have questions or concerns or issues with any of these that were just read, wouldn’t we rather have that happen now as opposed to waiting till January to find out that you may have a bugaboo or something.” Mayor Bugg, “Sure, yeah.” B. Schaschek, “So let me ask you this. Is the Planning Commission going to meet and discuss these? Or are they just going to meet and just approve it and pass it on?” W. Nunnally, “I told you they were going to discuss it, I asked about that.” B. Schaschek, “Oh you did?” T. Chapman, “We proposed to discuss that at our next meeting.” F. Westbrook, “When is your next meeting?” L. Brown, “January 12th.” B. Schaschek, “Can public come and speak on it as well?” T. Chapman, “Yeah, I don’t see why we can’t add that on the agenda.” L. Brown, “They’ll have a discussion before they vote on it.” T. Chapman, “I’ll make a note that we’re going to have public comment on there.” B. Schaschek, “And that’ll be at 6:30? Usual time?” L. Brown, “Yes, 6:30 on the 12th, not sure where we’ll be.” W. Nunnally, “We’ll be in the safest place around right now, with \$3,300 worth of COVID cleaning.” T. Chapman, “I’ll make sure that there’s a public discussion on there.” B. Schaschek, “I don’t want it to go to the Planning Commission and come back to the Town Council, thinking that we’re going to have a second reading when there’s still some issues to talk about.” L. Brown, “So Planning Commission will have a discussion, and they’ll have a vote, and then they



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have to make the recommendation to the Town Council. And then you'll either accept the recommendation or add conditions."

S. Phillips, "Proposed Ordinance 2020-11, Repeal, Reenact Town Code Section 154086: Use regulations in B1 Zoning District. Whereas the Irvington Town Council proposes to repeal and reenact Town Code Section 154086, regarding B1 zoning district use regulations. And whereas, this Ordinance 2020-11 will create a new subsection B21 in Town Code Section 154086, allowing Pilates, Yoga, Music or Art Studio in the B1 Zoning District. Whereas, a notice of public hearing of this Ordinance 2020-11 was advertised on November 25, 2020 and December 3, 2020 pursuant to Virginia Code Annotated Section 15.2-2506. Whereas, a public hearing on Ordinance 2020-11 was held on December 10, 2020, and the public also had opportunity to speak on the Ordinance at meetings on December 10, 2020 and January 14, 2021. Whereas, this Ordinance 2020-11 was read twice before approval, at the December 10, 2020 and January 14, 2021 Council meetings. Be it enacted and ordained by the Town of Irvington, Virginia as follows: Town Council hereby repeals Town Code 154086: use regulations. Council hereby reenacts Town Code Section 154086: use regulations as follows: 154086: Use Regulations I am not going to read A through..." F. Westbrook, "I think you've read it. We get the idea." S. Phillips, "But I am going to note that item 21 is added: Pilates, Yoga, Music, and Art Studios."

7. 1st Reading Resolution 2020-18 TC; CUP Application 2020-CUP10_Town of Irvington

Mayor Bugg, "Alright, to the last item, 2020-18." S. Phillips, "Resolution 202018TC: Conditional Use Permit Application: Pilates Studio in B1 or B2, R1, Tax Map# 33-37-8. **Resolution 2020-18 TC is attached and incorporated within.**

8. Motion to approve CUP Schedule – L. Brown

Mayor Bugg, "Excellent, I think those are all of the first readings. Well done. The next item on the agenda is Motion to Approve the CUP schedule. I think this should be placed at the end of the agenda, after Close Session. Anyone have any problem with saving this stuff until the end?" F. Westbrook, "It's basically just adding the one extra, compared to the previous CUP schedule." Mayor Bugg, "Okay yeah we're going to move that to the end."

9. Motion to approve Sign Permit 2020-21_Town of Irvington – L. Brown

Mayor Bugg, "The next item is a motion to approve a sign a sign permit for 2020-2021." W. Nunnally, "So moved." F. Westbrook, "Don't you want to know what it's going to cost?" Mayor Bugg, "Is this for the Town Office?" L. Brown, "It is recommended that the Town Office needs a sign at our temporary location for visitors and residents to be able to find the office. So it's to have Mitchell Signs create something that we can put in the front yard. The proposal is no larger than eight square feet, complying with our sign requirements." W. Nunnally, "How much was it? The cost?" S. Phillips, "So if you flip in your packet, there is an image, and Bill Mitchell generously... this is the image, and you'll notice there is a piece of paper laid on top of this, it says Village. In the bottom left, you will see an illustration of the brick pillar that is at the end of the driveway. The illustration on the left is a one-sided sign that would have low visibility. The cost there is \$250. The image to the right is a two-sided sign that would be on a post, which



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would grant visibility on Route 200 in both directions, and the cost there is \$500. Excuse me, \$550.” F. Westbrook, “I move to go with the one that is \$550.” B. Schaschek, “I would go with the \$550, but what is this big blank space? Is that where he was zeroing something out?” S. Phillips, “His original illustration said ‘Village of Irvington’ and it should not reference ‘Village of Irvington’ because it is actually your local government.” B. Schaschek, “Okay so this will just get moved up a little bit?” S. Phillips, “Yes, I suspect that he will respace it appropriately.” W. Nunnally, “I second the motion.” Mayor Bugg, “Any further discussion? All in favor and oppose?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION TO APPROVE SIGN PERMIT 2020-21_TOWN OF IRVINGTON; PICK THE \$550, DOUBLE-SIDED SIGN WAS PASSED 5-0

9. Announcement of Irvington Small Business Grant Winners – Mayor Bugg

Mayor Bugg, “Next item on the agenda is the announcement of Irvington’s Small Business Grant Winners. The grant winners are: Lee Taylor of SewLoveLee, Bryan Byrd of Dredge, Michael Knappick, of The Office Bistro, Objects Art and More, Fore and Aft, Sweet Tea Boutique. Staff, and the Council as well, thank you for all your efforts in making this happen. This is a most unique scenario, and I know it took a lot of effort, but we got it done, so thank you to you all.

10. Motion to release CRF funds to Lancaster EDA for Irvington Small Business Grant Winners – Mayor Bugg

Next item on the agenda is the motion to release CRF funds to Lancaster EDA for Small Business Grant Winners. That goes hand in hand with the other grant. Would someone like to make that motion?” D. Patteson, “So moved.” W. Nunnally, “Second.” Mayor Bugg, “Any discussion? All in favor and oppose?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION TO RELEASE CRF FUNDS TO LANCASTER EDA FOR SMALL BUSINESS GRANT WINNERS WAS PASSED 5-0

12. Discuss purchase of tablets and related infrastructure costs using CRF; possible motion to appropriate; F. Westbrook



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Mayor Bugg, “Fran I’m going to turn this one over to you. Item 12, Discuss purchasing tablets and related infrastructure costs using CRF.” F. Westbrook, “Yes sir, I requested that it be on the agenda. The intent was to discuss type and cost of tablets for each town council member, and in researching and looking at that, I’ve come to the conclusion that I need advice from someone like our IT person that we’ve been using. There’s just too many variables to tackle unassisted, but I did want to go into more detail as to why I wanted to get the tablets for us. For our meeting packets, that’s the main reason. You all may have noticed that if you printed out your own packet, there’s over 100 pages in this meeting packet. Most of us use our personal ink, personal paper. This would have been more if we had printed out all the other minutes that were available. I used a fifth of a ream of paper just getting stuff, and then when I got here, here it is all over again, and it just seems crazy. I think that I’d like to see us start getting all of this information earlier. To receive this, just several days earlier with all this reading, all these documents, they supplement this stuff. I’d like to see us start getting this stuff the Friday, at the very latest, the Friday prior to our upcoming Thursday council meeting. We’re all volunteers, it takes up a lot of our time I mean we signed on for it, but some of the town council, I think four of them are working full time, so if we have this on a Friday, we have the weekend to look at it. This would have us better prepared, I think, for our meetings. And it would be able for us to generate any questions and get answers before the meeting happens. So, having said all of that, I would like to make a motion that we start receiving our packets, in its entirety, at the latest on the Fridays prior to our Town Council meetings. And if we’re going to continue doing paper copies, then I’d like for those to be printed by the town, at the town’s expense, as opposed to ours personally, and have that available at the same time frame, and we can go by the Town Office and pick them up ourselves so that they don’t have to be delivered individually, to us necessarily.” W. Nunnally, “Second.” B. Schaschek, “I’ll second.” A. Marchetti, “Second.” Mayor Bugg, “Okay any further discussion? All in favor and opposed?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION FOR COUNCIL MEMBERS TO RECEIVE THEIR MEETING PACKETS, IN THEIR ENTIRETY, ON THE FRIDAY PRIOR TO A REGULAR COUNCIL MEETING AND WE CAN GO BY THE TOWN OFFICE AND PICK THEM UP OURSELVES TO THAT THEY DON’T HAVE TO BE DELIVERED INDIVIDUALLY TO US IS PASSED 5-0

Mayor Bugg, “Just a dovetail on what you said earlier about the tablets, that could be a COVID expenditure. We have a meeting next week and research is just coming in on this, I actually just got an email from the IT guy, so that may be a perfect time to start exploring that concern.” S. Phillips, “Just a clarification with the motion that was just passed. Today is Thursday and we potentially will have a meeting next week. Unfortunately, I will not have that information by



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tomorrow.” Mayor Bugg, “Okay.” S. Phillips, “Or are we just talking our regular council meetings?” S. Phillips, “Nothing is regular right now.” W. Nunnally, “Tripp, when is the COVID guy coming? I thought we were going to have somebody knowledgeable to come and tell us how we can spend the money? To really tell us what we can do. ” Mayor Bugg, “It’s the IT guy.” F. Westbrook, “We have a nice long report that lists everything that we can spend it on, but that’s from several months ago.” Mayor Bugg, “We’ll do all we can to get it updated before and have that in-hand” N. Keane, “We can spend the money on the tablets and for the service if there is some service associated for a certain amount of time. All of these are COVID related if that is what you are asking.” W. Nunnally, “Yes. I just don’t want to have to give any of it back.” B. Schaschek, “Time is running out on all of this .” N. Keane, “They extended the deadline for final return of monies as long as you spend the money by December 31, they’re extending the return of unused money until January 22nd.” W. Nunnally, “We can spend through January 22nd?” N. Keane, “No, we can only spend through December 31st as far as I’m aware.” W. Nunnally, “Okay thank you.” Mayor Bugg, “Thank you, and thank you Mrs. Westbrook.”

13. Motion to appropriate annual donation to Steamboat Era Museum; \$2,500

Mayor Bugg, “The next item, Item #13 is the motion to appropriate annual donation to Steamboat Era Museum. That amount is \$2,500.” W. Nunnally, “So moved.” Mayor Bugg, “Is there a second?” D. Patteson, “Second.” Mayor Bugg, “Any discussion? All in favor and opposed?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION TO APPROPRIATE ANNUAL DONATION TO STEAMBOAT ERA MUSEUM; \$2,500 WAS PASSED 5-0

14. Motion to appropriate \$1,193.45 - Sept-Dec CY2020 and Jan-June CY2021 real estate taxes (4203 Irvington Road) using CRF

Mayor Bugg, “The next item on the agenda is the motion to appropriate \$1,193. 45 September-December CY2020 and January-June CY2021 for state taxes 4203 Irvington Road, using CRF Funds.” W. Nunnally, “We can do that?” F. Westbrook, “I have a question on clarification on this. Real estate taxes are for a calendar year, not a fiscal year. So, I think my guess is we’re paying the calendar year 2020. We’re not paying anything in advance on real estate taxes for 2021, because they won’t be due until December the following year, and we have no idea what they will be.” S. Phillips, “I worked with that vendor, and they have prorated, that is the number from the vendor.” F. Westbrook, “So we’re paying ahead of time for the COVID aspect of it?” S. Phillips, “Yes, with the COVID money you can prepay your real estate taxes.” F. Westbrook, “Excellent. Good. Thank you ma’am.” S. Phillips, “And so your operating budget will need to



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include the remainder of that, which will come out of general operating.” F. Westbrook, “Okay. But this is coming out of COVID?” Mayor Bugg, “Yes.” S. Phillips, “But June through December next year will not.” N. Keane, “This dovetails with the lease we signed with them, so they require us to pay their real estate taxes, under the lease.” F. Westbrook, “Yeah I’ve got that but then why, if the second half does not come out of COVID then why are we paying it ahead of time?” S. Phillips, “Because you’re spending your CARES money now.” N. Keane, “We have to spend whatever we’re going to spend by December 30th. So if you want to only pay for calendar year 2020, you would want to pay it by December 30, and if you wanted to prepay taxes through June 30, just like we’re prepaying the lease, you would have to pay that by December 30.” F. Westbrook, “And we can use COVID for prepaid taxes?” N. Keane, “Yes, because it’s required under the lease, so it’s considered a lease obligation. We wouldn’t pay taxes normally. It’s just a requirement under our lease.” Mayor Bugg, “Alright is there a motion to appropriate that amount?” B. Schaschek, “Can I ask a question. So, did we prepay the rent for January through June as well?” S. Phillips, “Yes.” N. Keane, “I believe you all appropriated that at the last meeting.” B. Schaschek, “And that is coming out of COVID funds and it’s been verified that we can do that?” N. Keane, “Let me make sure everybody remembers, we had this conversation maybe a couple of months ago, I inquired about prepaying those for the rent. The basic advice that I’ve gotten through reading the materials and talking to my sources, is that it’s probably okay, but the only place that we find that it wouldn’t be okay is that if Lancaster County gets audited. With this COVID, they’re going to audit the counties at the end again, and if that gets kicked back to us and they say it doesn’t qualify, you all made arrangements to cover that in the regular budget. Remember Fran you put the funds in our budget in 2 places in case we had to pay from our bucket back.” B. Schaschek, “That was for the rent.” S. Phillips, “Correct.” N. Keane, “And that rent figure included that, because that was all prorated in the contract for leasing the office.” S. Phillips, “No the taxes were not included in the rent.” N. Keane, “It’s in the lease but not a firm number.” F. Westbrook, “We added into it into the rent, in the budget to make sure we had enough if it’s not going to work out, paying it ahead of time.” W. Nunnally, “That word ‘probable’ lawyer, always makes my ears tingle.” N. Keane, “I made it clear before and I want to make sure you all know that it is possible that we might get a ring-a-ding-ding from Lancaster County telling us that we didn’t get away with this but I talked to the County Attorney about it. I talked to the County Attorney, I talked to the accountants, I talked to all my sources, and I think it’s probably okay.” A. Marchetti, “All you can do is try and if you don’t prepay it.” W. Nunnally, “I say give it a shot but don’t be surprised.” F. Westbrook, “You get an automatic no if you don’t at least try.” Mayor Bugg, “All you can do is try. Would someone like to make that motion?” F. Westbrook, “I thought someone did.” Mayor Bugg, “Oh yeah. Did we have a second?” W. Nunnally, “Second.” Mayor Bugg, “Any further discussion? All in favor and those opposed?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent



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**MOTION TO APPROPRIATE \$1,193.45 - SEPT-DEC CY2020 AND JAN-JUNE CY2021
REAL ESTATE TAXES (4203 IRVINGTON ROAD) USING CRF IS PASSED 5-0**

15. Motion to appropriate \$300 for use of building to Connemara using CRF

Mayor Bugg, "Item 15, motion to appropriate \$300 for use of this building using CRF. Would anyone like to make that motion?" D. Patteson, "So moved." Mayor Bugg, "Is there a second?" A. Marchetti, "Second." Mayor Bugg, "Any further discussion? All in favor and opposed?"

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

**MOTION TO APPROPRIATE \$300 FOR USE OF BUILDING TO CONNEMARA
USING CRF IS PASSED 5-0**

16. Motion to appropriate \$158.83 to Rappahannock Rentals using CRF

Mayor Bugg, "16: The motion to appropriate \$158.83 to Rappahannock Rentals, for these tables and chairs. Would someone like to make that motion?" W. Nunnally, "So moved." Mayor Bugg, "Second?" B. Schaschek, "Second." Mayor Bugg, "All in favor and those opposed?"

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

**MOTION TO APPROPRIATE \$158.83 TO RAPPAHANNOCK RENTALS USING CRF
WAS PASSED 5-0**

F. Westbrook, "I just have a comment to make on Items 4,5,6, and 7. I wasn't aware that I was going to speak on any of those, and I wasn't consulted on them so I would just like to ask in the future before anyone puts my name on any of this kind of stuff, I would like to make a motion or whatever, that you contact me first. And also, as part of that, when they mayor and I first spoke about the position of Vice-Mayor, I had a stipulation just to be included on all these staff meetings. To date, that really hasn't happened, I've inserted myself twice on meetings. Other than that, I have not been a part of it. If I had been, I would have been involved in working on this agenda, and I wouldn't be in this position. I will add that the mayor is elected at large, but you guys elected me as vice-mayor, and for that fact, I feel like I represent you all, but I can't represent you all without staff meetings. So, I once again am making a motion that I be included on all meetings with staff, legal and/or the mayor for whatever reason the staff meetings come up." W. Nunnally, "Second." S. Phillips, "Wait a minute, did you say legal? Can you state your



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motion again?" F. Westbrook, "I move that I be included in all meetings with staff, legal and/or mayor, for whatever reason." N. Keane, "That would be every day." F. Westbrook, "Well then I can have the option, but I'm talking about staff meetings." Mayor Bugg, "You want to be included in every staff meeting then, is that what you're asking?" F. Westbrook, "Yep." Mayor Bugg, "Okay, I've discussed that with you today, and I'll put you on notice for when we're having actual full staff meetings. I have no problem with it. Any discussion?" W. Nunnally, "I mean anybody can attend a staff meeting." Mayor Bugg, "It should all be out there." F. Westbrook, "Well we don't know when they are." S. Phillips, "No if you have more than two people it becomes a meeting. You have to be very careful." W. Nunnally, "You mean to tell me that I can't come to a meeting of the staff?" S. Phillips, "If Fran is there, no." F. Westbrook, "Two of us can be there." N. Keane, "It's more than two." Mayor Bugg, "We'll adjust it, we'll have it adjusted so don't cause a public meeting." F. Westbrook, "So two of us could be present?" Mayor Bugg, "No, I mean I have no issue with your request, as I expressed today, present during this staff agenda meeting. I think that's what you're alluding to." N. Keane, "We can rotate, and I think Wayne has attended them before, Fran's attended them before." F. Westbrook, "I've only been to two certainly. Anyway, I have the motion on the floor and a second." Mayor Bugg, "Any further discussion?" A. Marchetti, "Is it open to all Council members? The first two that say they would like to attend? If Wayne want's to attend. If Bonnie wants to attend." Mayor Bugg, "That's fair, certainly. I welcome the input." B. Schaschek, "Well personally, Fran represents us, so I don't see why I need to be there and Fran there. If there's something that we need to know, it should be communicated." Mayor Bugg, "And plus it's also what we can accomplish, we have to be aware of the numbers so that we don't have a meeting." A. Marchetti, "Bonnie I understand why you are frustrated." W. Nunnally, "While we are having this lengthy discussion, transparency is needed in everything that we do, and some of the things I hate getting is when I call to ask a question and I'm told I can't have that knowledge. Or I get a contract that says 'we can't tell you who the buyer or seller is'. Well we know who the seller is, and we all know who the buyer is. Secrecy from the staff sometimes bothers me. And as a public representative, I think I'm entitled to the full complete knowledge of what's going on if I asked the question. So, that's my two cents." Mayor Bugg, "Anyone else?" A. Marchetti, "I'll never argue against transparency." S. Phillips, "But I do think it is relevant to know that there are situations where there is confidentiality, such HR and other certain situations, some things can not be revealed." W. Nunnally, "Madam Treasurer, if you know it then the Councilmen should know it." S. Phillips, "You do know it. Is there an example?" W. Nunnally, "So there is no confidentiality that you have that I don't have." S. Phillips, "So what is your example?" W. Nunnally, "I'm not going to argue with you, okay?" S. Phillips, "Okay." W. Nunnally, "But you know exactly what I'm talking about." S. Phillips, "Actually I asked." W. Nunnally, "You know when I asked you who was it? You said 'I'm not going to tell you.'" S. Phillips, "That was HR. That was an HR situation." W. Nunnally, "Yes, well if you knew it then I should have known it." S. Phillips, "That's an HR situation." F. Westbrook, "I think this is a decision for Town Council and no one else. We're the ones that have the control, and we make all the decisions. A motion is on the floor and seconded." A. Eubank, "Could I request that someone clarify that motion one more time." F. Westbrook, "Would you like me to read it to you again?" A. Eubank, "Yes please, if you don't mind." F. Westbrook, "I moved that Vice-Mayor be included in all staff



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meetings, whether it's just one or two or three of the staff from here on out, whatever the meetings are for." N. Keane, " "Wouldn't that be every day?" Mayor Bugg "Let's clarify so you mean the agenda discussions?" F. Westbrook, "No, I mean other meetings too. I think it's important. I agree with what Wayne just said I think transparency there's an awful lot that's decided there and we just get informed. And there are a number of times when decisions are made and we are not informed, and things just change and start happening differently. And we're the governing body, we make those decisions, not staff. We have to make the decisions." A. Marchetti, "They have to do a job. You have to trust them to do their job." F. Westbrook, "But we have to make the decisions Anthony, we can't pass that buck to them. We're the ones that were elected. So I think it's time we started acting like that. And I would like to get these meetings just as the motion said, as vice-mayor. And in addition to me being there, if I am ever going to act in the absence of the mayor, it would be really nice to be totally on board and be aware of what's going on." S. Phillips, "I think there needs to be clarifications about..." F. Westbrook, "Sharon listen this is not about you, it's about..." S. Phillips, "No, but your motion... You said this was for every meeting whether it be one staff member, two staff members or three staff members." F. Westbrook, "Yes." S. Phillips, "How are we supposed to manage that? I think you need to change your expectations. The office is open from 9 to 1." F. Westbrook, "When you all have staff meetings, the motion is that I would be there, or that I have the opportunity to be there." S. Phillips, "So does that mean if the Zoning Administrator, and the Clerk sit down, to go over... Give me an example." F. Westbrook, "I'm not talking about zoning, that's what we have Lara for, and then she informs the Town Council." A. Marchetti, "She is staff." B. Schaschek, "I think she's talking about meetings that they mayor is attending." A. Marchetti, "And that's fine, so specify because to Sharon's point there is the point that staff is always meeting all day every day from 9 to 1. So I think what she's trying to achieve is clarification and specification on what meetings that means, otherwise, it's an open invitation for Fran to be there 9-1, 5 days a week." S. Phillips, "Also, I don't want to disrespect your motion. I'm trying to respect your motion." W. Nunnally, "I think that if the mayor is meeting with someone, in any capacity, that you be informed when that happens, and you can be there." F. Westbrook, "That would work." W. Nunnally, "You want me to try and make that motion?" F. Westbrook, "If you'd like, I'll withdraw mine." W. Nunnally, "Mr. Mayor, I move that whenever you meet with a staff person or a legal representative, that you inform the vice-mayor, and give her the opportunity to attend, if she so desires." S. Phillips, "And is the Mayor the one who is going to extend that invitation? We are a small staff, and multiple times a day we will pick up the phone and make a phone call. Is that a meeting?" W. Nunnally, "If it results in a decision, then she should know about it." S. Phillips, "So, before the mayor and staff discuss anything, the mayor needs to call the vice-mayor to let her know that that phone call is going to occur?" W. Nunnally, "Yes. I think that's reasonable." S. Phillips, "On part-time staff?" Mayor Bugg, "That's very cumbersome." D. Pateson, "I think that is too much on staff." F. Westbrook, "I think so too. I mean calling on the phone, if there's something I need to know then you'll let me know. When it's meetings, sit down meetings, then..." S. Phillips, "How about if we discuss potentially again, managing expectations, because again, we pick up the phone multiple times a day. We often will sit and make a phone call. How about if you offered that relationship between the mayor and the vice-mayor? Then that communication is between the two of you. Otherwise,



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you're setting staff up for failure. Because we're going to be non-compliant." F. Westbrook, "That's fine." Mayor Bugg, "Yeah." F. Westbrook, "As long as its going to happen I don't care who does it, I'd just like to see it done. And you all can figure out how." S. Phillips, "Well, if I might make a suggestion, you might have the mayor and vice-mayor do that." F. Westbrook, "I want to be involved when these meetings are happening between the mayor and staff. And that usually happens, for instance, when you all get together and talk about the upcoming meeting, planning all of that, and making the agenda. That's the example." A. Marchetti, "If Sharon picks up the phone and calls Tripp to ask him a question, is that a meeting?" F. Westbrook, "I don't see that that's a meeting. That's a phone call." Mayor Bugg, "The biggest one is the agenda meeting." A. Marchetti, "This sounds more like a mayor and vice mayor meeting." F. Westbrook, "That's the main one but I don't necessarily want to relegate it to just that because there are times when I hear of other meetings that I'd like to be a part of as vice mayor. And I won't know until those things happen. A simple email when anybody else is noticed, can we meet on this day to discuss this and I can say yea or nay." D. Patteson, "Is your role being there because you are an officer or part of council? And therefore you want to be involved because we are Council members. I heard Bonnie say something that you represent us, but I don't necessarily think that you represent each of us individually, I think that we represent ourselves. And so, my point is, at some point it's just going to get, as it is tonight, a little too confusing as to how this runs out. It would be simpler to just say, you know if there's an agenda to be discussed, by the mayor and staff, you have the right to be invited and to attend. And just leave it at that. Otherwise, I think these two ladies are going to be too overwhelmed with trying to please everybody, and..." F. Westbrook "Let's start with this." A. Marchetti, "I think you don't specify a meeting. Well, to me that was a meeting, but then someone else says 'Oh that wasn't a meeting to me'." F. Westbrook, "That's fine." A. Marchetti, "There's just too much gray area." F. Westbrook, "So let's start with that and see how it goes, and the mayor and I will stay in closer contact." A. Marchetti, "That's a great idea." Mayor Bugg, "Great. We will modify the minutes." F. Westbrook, "So the motion now is that the vice-mayor still be included in staff meetings for purpose of upcoming regular monthly meetings and the agenda." Mayor Bugg, "Second?" B. Schaschek, "Second." Mayor Bugg, "Any further discussion? All in favor and all opposed?"

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION FOR THE VICE-MAYOR BE INCLUDED IN STAFF MEETINGS FOR THE PURPOSE OF UPCOMING REGULAR MONTHLY MEETINGS AND THE AGENDA WAS PASSED 5-0

17. Discuss American Legal Publishing; possible motion to appropriate

Mayor Bugg, "Next item was discussion of American Legal Publishing proposal using COVID funds of approximately \$1,000 to replace a current version of our code and charter online. I asked for this proposal. We have been looking for ways to limit in-person meetings and



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discussions in the office during COVID. We want to post forms on our website, and offer a current and searchable version of our charter and code to make our administrative work easier and avoid some face to face time. This is our current vendor for our code books, the online version would be the same format and numbering, which is what we want. I request that you agree that we spend these COVID funds to purchase this service.” B. Schaschek, “I have something to say about this. This really annoys the hell out of me, because for a year and a half, we were pushing to get this done, and we were using MuniCode. We looked at American Legal, we looked at MuniCode. We went through, we had several seminars, not only the lawyer, but the clerk also said ‘no, we’re not publishing, we’re not going to do this’. We had multiple webinars, which part of the Council attended. I think the lawyer also attended one of them. MuniCode and there’s over 135 municipalities, towns, and counties using MuniCode. American Legal, there’s 6 in the State of Virginia. So, I’m kind of curious as to how this came back around after all the work that had been done, and all the pricing that had been gotten, and now all of a sudden we’re coming back to American Legal.” F. Westbrook, “Do we know what the Town of Kilmarnock uses?” N. Keane, “Kilmarnock has MuniCode but it’s the basic version.” W. Nunnally, “Because of the outlier, I so move that we table this.” Mayor Bugg, “We can discuss this on the 15th since it mentions COVID funds.” B. Schaschek, “And if you go through all the minutes from the last year or so, you’re going to see all of the information that was there.” Mayor Bugg, “Let’s table it to the 15th?” L. Brown, “Okay if you’re going to table it, I think we need to think about... The way I understand it is that if we use something other than American Legal, who, this is the company that did our book. All of our numbers will change, so that will also have to be changed, all of our town documents.” B. Schaschek, “I don’t think so.” Mayor Bugg, “Do you want to table this till next week?” W. Nunnally, “That’s part of the research for the next meeting. That was my motion. Because we don’t have enough information to hack it out.” Mayor Bugg, “Any further comments? Second?” D. Patteson, “Second.” Mayor Bugg, “Any further discussion? All those in favor of tabling this until December 15th? And those opposed?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION TO TABLE THIS ISSUE UNTIL DECEMBER 15 WAS PASSED 5-0

J. ANNOUNCEMENTS

Mayor Bugg, “Next we have the announcements. In observance of the Christmas and New Years holidays, the Town Office will close on December 23rd, and reopen on January 2, 2021. As we already know, the Town Council special called meeting and public hearing to discuss the development of the North Commons, and other related COVID expenditures on December 15, 2020 at 6:30.” N. Keane, “The thing you should probably highlight is the location. The Governor put out a notice today that they are going to reduce places and limit groups to 10 people and I’m not sure we can use this place, I will have to double check, so we might need to find a place where we can have a group of more than 10 people.” W. Nunnally, “The church is available. It is



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the safest place in town. I can't believe it we paid \$3,000 to have it cleaned." Mayor Bugg, "Last announcement, Dominion Energy will be in town February 1, 2021 to trim Crepe Myrtles." B. Schaschek, "I have already trimmed the ones on my property. Do not have them stop at my property. I will call the police." S. Phillips, "Wait, please, Mr. Mayor, I cannot prevent them from coming on property. They are a contractor on their own easement and she does not want them on her property or she will call the law. It is their easement." Mayor Bugg, "They are coming to town and they are a private contractor so we have some time." S. Phillips, "I had a conversation with Anita Powell and the purpose of Dominion Energy trimming the crepe myrtles is to keep the lights on. They trim on a two year cycle and they will trim them so that they will not need to be trimmed for another two years." F. Westbrook, "That is not right. When they came and talked to town council they told us a five year cycle and they were going to get in touch with us before they came here to do it again. It has not been five years since they trimmed them last." S. Phillips, "They will be here February 1 and they have the right to trim the trees." F. Westbrook, "We have time to deal with it." Mayor Bugg, "The purpose of this announcement is to let you know when they will be here." Last item for announcement, the December financials will be distributed for the December 15th meeting.

I. CLOSED SESSION

F. Westbrook, "I Frances Westbrook move to go into closed session pursuant to §2.2-3711A7 of the Code of Virginia for consultation with legal counsel for actual or probable litigation and Pursuant to §2.2-3711A3 of the Code of Virginia for real estate matters where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town and pursuant to §2.2-3711A8 of the Code of Virginia for consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice of such counsel." W. Nunnally, "Second." Mayor Bugg, "We have a motion and a second. All those in favor and all those opposed."

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 5-0

J. RETURN TO OPEN SESSION

F. Westbrook, "Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom Information Act and whereas Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia Law. Now there be it resolved that the Board hereby certifies to the best of each members



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knowledge, that one only public business matters lawfully exempted from open session requirement by Virginia law were discussed in closed session to which this certification resolution applies and two, only such public business matters were identified in the motion convening the closed session were heard, discussed or considered by the Board. Is there any member who believes that there was a departure from the motion to go into a closed session? If so, state the departure. There being no statements we take a vote.”

- I, Frances Westbrook, so certify.
- I, Bonnie Schaschek, so certify.
- I, Anthony Marchetti, so certify.
- I, Dudley Patteson, so certify.
- I, Wayne Nunnally, so certify.
- I, Tripp Bugg, so certify.

Mayor Bugg, “We are back in open session and the first motion would be a motion to authorize the mayor to initial changes to the contract addendum reducing the sales price to \$90,000 cash. Would someone like to make that motion?” F. Westbrook, “So move.” B. Schaschek, “Second.” Mayor Bugg, “Any further discussion? All those in favor.”

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Absent

MOTION TO AUTHORIZE AND INITIAL CHANGES TO THE CONTRACT

ADDENDUM REDUCING THE SALES PRICE TO \$90,000 CASH IS PASSED 5-0

Mayor Bugg, “Motion to authorize the proceeds to be deposited in a separate earmarked account labeled, “For Use of New Town Office” at a bank of council’s choosing.” S. Phillips, “I would like a recommendation from the budget and finance committee, would you prefer for the money to be in an account at Chesapeake Bank or VCB?” F. Westbrook, “Let’s keep it a Chesapeake because that is the bank that pays us funds. I say deposit it there. Do you want a whole separate account? Is that what you are saying?” S. Phillips, “The treasurer would recommend that the monies be deposited into a standalone account and not merged into an existing account. I suspect you want this in a CD?” F. Westbrook, “What do you think Anthony?” A. Marchetti, “That makes sense.” B. Schaschek, “You don’t want to take a CD for a couple of years right now.” F. Westbrook, “Nothing is getting.” S. Phillips, “Do you want a six month CD at Chesapeake Bank?” B. Schaschek, “It is either six or seven months.” Mayor Bugg, “Would someone like to make that motion?” W. Nunnally, “So move.” Mayor Bugg, “Motion passes.”



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	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Absent

THE MOTION TO AUTHORIZE THE PROCEEDS OF THE SALE OF 235 STEAMBOAT ROAD TO BE DEPOSITED IN A SEPARATE EARMARKED ACCOUNT LABELED “FOR USE OF NEW TOWN OFFICE” INTO A SIX OR SEVEN MONTH CD AT CHESAPEAKE BANK IS PASSED 5-0.

Mayor Bugg, “Next is the first reading of Resolution 2021-01 TC Authorizing Execution of Deed and Closing Documents.” S. Phillips, “Resolution 2021-01 TC Authorizing Execution of Deed and Closing Documents to effect transfer of 235 Steamboat Road; Tax Map 33 378 a whereas the Irvington Town Council entered into a contract for the sale of 235 Steamboat Road; Tax Map 33 378; to 235 Steamboat LLC and whereas the council authorized the preparation of documents required for closing of the transaction which is to take place on or before January 29, 2021 whereas as of January 14, 2021 all condition have been met now therefore be it resolved that the Irvington Town council authorizes the mayor to execute the deed and closing documents to effect the transfer.

Mayor Bugg, “Next if the motion to adopt a schedule for New Tides LLC, for exemption and CUP.” L. Brown, “There is a reason for the CUP schedule for the Tides Inn. One thing they forgot or they didn’t address in their project. The time line for planting the living shore line is critical that they do it at the exact right time and the Tides Inn is asking town council to try to start this CUP process as soon as possible and to end it as soon as possible. They would like to start this construction in January so they can get done the shore line part so they can start their plantings in the March/April timeframe. Because of that you are going to see this extra date in here on the proposed CUP schedule of January 7, it is just one extra meeting.” F. Westbrook, “We are moving it up by a week.” L. Brown, “The joint public hearing would be on January 7 and immediately following would be the planning commission first reading and immediately following would be the town council first reading; January 12 is the planning commission regular meeting and your second would be on January 14.” N. Keane, “You are going to send them materials to read over the holiday.” L. Brown, “There is a lot of information on this project and I am going to try to have as much of the staff report and it is all in this binder and you are all able to look at it but I will try to condense it because it is complicated. We have to do a multi-step process to approve the different components for what they are proposing. We need a CUP for the wrap around board walk or wrap around pier and that one CUP will have 18 different units on it. That one CUP will encompass 1, 305 linear feet of wrap around dock. It will have several viewing platforms and finger piers and two upland connector trails that will require an exemption through our planning commission. Just like what happened the other night with educating everyone with how someone can build a pool inside the RPA that scenario is permitted by right redevelopment project. These connector trails that are within the RPA that will be



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connecting to this wrap around boardwalk is considered an exempted activated not an exception not to be confused with an exception that made the news last summer through a board of supervisors thing this is an exemption. It is considered a passive recreation trail to connect from the upland to the water dependent use this wrap around walk it is also being proposed to meet the ADA requirements for their guests to access the water features and this project down below. I have consulted with our compliance office at DEQ and she confirms this is an exempted activity and that is why we have the schedule for the exemption activity for those two passive recreation trails. It is a big project and we are trying to wrap it into one schedule.” N. Keane, “Explain to them that the exemption is not something that they hear it goes to the planning commission.” L. Brown, “When the planning commission hears the exemption for the passive recreation trails they hear that it does not get recommended to the town council. It is just formality. It is how it is in our code.” F. Westbrook, “This sounds like a lot.” L. Brown, “The schedule that starts. I want to run the CUP that was tabled for Mr. Smith, I would like to add that to this schedule. We may as well add them together.” W. Nunnally, “Can I just make a motion to approve the existing schedules.” Mayor Bugg, “Yes.” W. Nunnally, “Mr. Mayor I move we accept these two schedule.” Mayor Bugg, “We have a second. All those in favor.” N. Keane, “For purposes of identification, these are the schedules that end on January 14, 2021.” Mayor Bugg, “Anthony needs to read his recusal. Mayor Bugg, “So noted.” N. Keane, “Did Wayne leave or is he just in the men’s room? We will need to get his vote when he returns because we don’t have enough votes.” L. Brown, “We have to set a location for these meetings because they have to be noticed by Monday.” B. Schaschek, “I think you have to wait for Wayne because only three of us can vote for the Tides.” N. Keane, “Correct. There were not enough votes until Wayne comes back.” L. Brown, “We just have to make sure that on January 7 we can have the joint public hearing at the church because I have put the ad in the Rappahannock Record by Monday.”

Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Anthony Marchetti		Abstain
	Dudley Patteson	Aye	
	Wayne Nunnally	Aye	
	Jackie Brown		Absent

THE MOTION TO ADOPT A SCHEDULE FOR NEW TIDES LLC, FOR EXEMPTION AND CUP IS PASSED 4-1.

Mayor Bugg, “I need a motion to adopt the CUP schedule for Smith.” W. Nunnally, “So move.” D. Patteson, “Second.” Mayor Bugg, “All those in favor.”

Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Anthony Marchetti	Aye	
	Dudley Patteson	Aye	
	Wayne Nunnally	Aye	
	Jackie Brown		Absent



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THE MOTION TO ADOPT THE CUP SCHEDULE FOR SMITH IS PASSED 5-0

Mayor Bugg, "Motion to adjourn." W. Nunnally, "It is my great pleasure Mr. Mayor to make the motion to adjourn."

Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Anthony Marchetti	Aye	
	Dudley Patteson	Aye	
	Wayne Nunnally	Aye	
	Jackie Brown		Absent

THE MOTION TO ADJOURN IS PASSED 5-0

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



**TOWN OF IRVINGTON, VIRGINIA
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THURSDAY, DECEMBER 17, 2020 6:30PM
IRVINGTON BAPTIST CHURCH**

NOTICE: Notice is hereby given that the Irvington Town Council will hold a special called meeting on Thursday, December 17, 2020 6:30 PM; Irvington Baptist Church.

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: First and foremost, I would like to wish the public, counsel and staff a very Merry Christmas and a Happy New Year. I'd like to thank staff for all their outstanding work. I'd like to thank the counsel for all their outstanding work. This has been the most unique year, none of us could have predicted this, but we are doing the work of the town and I truly appreciate all of your efforts. With that said, notice is hereby given that the Irvington Town Council will hold a special called meeting on Thursday, December 17, 2020 6:30 PM; Irvington Baptist Church.

B. ROLL CALL – Mayor Bugg

Members of Council present:

Dudley Patteson here.
Wayne Nunnally here.
Bonnie Schaschek here.
Jackie Brown here.
Frances Westbrook here.

Staff Present:

Nancyellen Keane, Esq., Town Attorney
Lara Brown, Zoning Administrator
Sharon Phillips, Town Clerk, FOIA Officer, Treasurer

Guests:

See attached sign in sheet

C. PUBLIC COMMENT

Mayor Bugg: I see we have a number of speakers here tonight, we do have some time for you to speak tonight, if you can limit those comments to a couple minutes and not repeat statements that may have already been stated by other members of the public. With that could I get a show of hands who would like to speak. Yes. I'll start with Madam Clerk did you have something.

S. Phillips: From Julie Harris Planning Commission Chair, Since the town is currently receiving several incoming grants and CARES monies perhaps this would be an appropriate time to have an independent audit of accounts. Thank you, Julie Harris, Planning Commission Chair. From the Tides Inn, Good evening Irvington Town Council and Mayor. Based on the statements made during the December 10th meeting we are asking the Town of Irvington to have an independent investigation of the town's finances. An independent audit will help either prove these allegations to be true or false, but we feel it is the only fair way to move forward. Thank you for your time and continued dedication to the well-being of the Town, Susan Williamson, Director of Rooms.

Mayor Bugg: Thank you Madam Clerk, now public, yes Cay.



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C. Bradley: Cay Bradley, President of the Steamboat Era Museum. I would just like to thank Town Council for the action you took last week, and to offer or to appropriate \$2,500 to the museum as a donation as a part of our annual appeal. As you all know we were unable to open because of COVID and the restrictions that were put on us and so, we really greatly appreciate that donation from the town to support the museum in this weird year. So, thank you.

Mayor Bugg; Thank you, thank you and when you speak, just please state your name and address, who wants to speak next? Yes Ann.

A. Meekins: Ann Meekins, 69 Chennis Lane. I want to thank each and every one of you for all of the work and the contributions that you do for the Town of Irvington. After the last town council meeting when there were some discussions about the financial state, I would like to recommend on by myself and on behalf of the IVBA that we pursue an independent audit. It was disconcerting and so, would just strongly like to recommend that we proceed in that direction.

Mayor Bugg; Thank you, anyone else who would like to speak from the public during the public comments sessions? Yes sir. Mr. Kuper.

G. Kuper: George Kuper. Mayor, Council, I'm confused as to the agenda, I thought this was an information session due to the development and plans for North Commons.

Mayor Bugg: We do not typically engage the public during this section. That is next. Anyone else from the public?

D. PUBLIC HEARING

1. Development of the North Commons

Mayor Bugg: With that we will now move to Item D which is the public hearing, Development of North Commons. I promise to hold a meeting to allow the public to comment on development of the North Commons. At a prior meeting council voted to proceed with the North Commons as a site for the new office. Staff has looked at various expenses that could be incurred in preparation for this development using COVID CARES funds. That is the purpose of this meeting. The zoning administrator will report on this later in the agenda. How many speakers do we have? Two. Okay. Not a high number but please just limit your comments to this topic, that would be appreciated, so who would like to start? You just spoke we'll give it to you.

G. Kuper: To the point of order, I don't know what I'm gonna ask until I hear the plans. George Kuper, Haydon Hall.

Mayor Bugg, Thank you.

W. Nunnally: I think we'd all like to hear the plans.



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C. Braly: Chris Braly, 298 Chesapeake Drive. First I'd like to say that I am in favor and agreement with the Town pursuing options to get a new town hall. The existing town hall is not adequate in my opinion for what the town needs, so I applaud the town for moving in that direction. Specifically, regarding the development of North Commons as a bordering adjacent property owner I have a vested interest in the development of the North Commons, and I am in, I have no objections whatsoever of the town developing that area for an office. It makes sense location wise being in the center of town next to the commons, so from the location standpoint it makes perfect sense. What I am concerned about is what happens to event parking of the town develops that lot for the town hall. It is currently used for Farmers Market parking, the 4th of July concert parking, the 4th of July parade parking, etc., and if the town develops that lot and puts a building on it, I just want to make sure that no one forgets about event parking. One day we will have events again and if that lot is taken up with a septic drain field and a building and some parking for those who need to go to the town hall, I'm afraid that event parking will be sacrificed and they'll end up parking on Chesapeake Drive which is difficult to navigate when there is no one on the side of the street but, so as the planning goes on, please think of event parking while you are considering options and making your decisions.

Mayor Bugg: Thank you. Yes, Ms. Bradley.

C. Bradley: Mary Cay Bradley, President of Steamboat Era Museum, again, I am speaking on behalf of the museum. We had a board meeting last night and I was able to raise this with the board very quickly because of course as Mr. Kuper said we don't really know ya'll are planning, but I just want to let you know that the Steamboat Era Museum Board of Directors is in full support of the town developing the North Commons in whatever way is necessary to keep the needs of the town. We are not as direct a neighbor as Mr. Braly, but we are still in the same vicinity, so we just want you all to know that we do support the town making sure that we have the facilities that we need to do the business of the town. Thank you.

Mayor Bugg: Anyone else from the public? Yes Mr. Schaschek

K. Schaschek: Basically I am favor to have come in the town office at the North Commons, however before any decisions are made, we need formal information to be presented to the public, the people showing up today should not be the arbiter since the attendance is largely amplified COVID. I suggest you prepare a presentation of all different options with some basic plans, cost benefits, financing, and impact our local taxes, etc. This presentation should be announced well beyond the current ways of communication and help to the end of the pandemic and its regulations. After all what's incorporated in the plans have a copy to find out everything. Thank you.

Mayor Bugg: Thank you. Anyone else from the public? In taking a look at the agenda, I think it would make sense to consider a motion to move my Mayor report to after the report of the zoning administration since your topics pertain to this, so if you are okay with that, I'd like to have someone make that motion.

D. Patteson: So moved.



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F. Westbrook: Second.

Mayor Bugg: Any discussion. All in favor, all opposed.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

THE MOTION TO MOVE MY MAYOR REPORT TO AFTER THE REPORT OF THE ZONING ADMINISTRATION IS PASSED 5-0

Mayor Bugg: Excellent, I will move this to after Mrs. Brown’s zoning report. Thank you.

E. REPORT FROM THE ZONING ADMINISTRATOR – L. Brown

L. Brown: Just a reminder On October 15, 2020, a motion was passed designating town staff to research some figures relating to the development of North Commons, the future town office building. I just want to give a brief overview of the former town office, where we are currently, and where we may go in the future. Just a little background information, the former town office which is now under contract was 520 square feet. It was not ADA Compliant; the septic had a limited rating. The possibility of adding on was considered and determined not viable. It does not meet the social distancing guidelines currently for COVID and a motion was passed on 10/15 to list the town office for sale. Presently the town office is located at 4203 Irvington Road, we moved in October 1st, 2020. The Town entered a 2-year rental agreement with an option to renew for 1 year. Our 2-year rental period expires October 2022, if we opt for a third year that will expire October 2023. Our monthly rent is \$1,500 with annual increases. The current space meets the needs of the zoning and land use department and the town clerk and treasurer. The current space is suitable to receive residents. The current space is suitable for our committee meetings and staff meetings as needed. However, the space is not suitable for meetings like this. What is the future of our town hall or office building/community hall, whatever we decide to call it. We have 23 to 25 months to decide on the next steps. The North Commons was purchased on October 28th, 2009. The North Commons is comprised of two parcels totaling 3.2 acres. Our current comprehensive plan mentions discussions of a better situation for a town hall, but no definite plans were mentioned or are they in place. A new town hall has been in the last two budgets. A motion was passed on October 15th, designating North Commons as the location for our new town office. The following figures are estimates from various vendors and their necessary scopes of work in order to get to the process of putting in a new town hall on those parcels. Surveying and engineering services at approximately \$31,000. A master site plan of approximately \$12,500. Septic installation \$25,000 to \$32,000. And then we looked at two options for the actual building: a factory-built building or a stick-built building. Same square footage on both, roughly 2,700 square feet, that would comprise office space as well as a space similar to this room to have our town meetings. So roughly 2,700 square feet of factory-built office would run approximately \$435,000 and a stick-built office would run approximately \$586,000. Then you need to have a parking lot as Mr. Braly mentioned. You need some lighting in the parking lot and some landscaping, \$95,000 to \$120,000 depending on how wild and crazy you would like to get with lighting and landscaping, hardscaping, gravel versus asphalt and so forth.



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Then technology and AV needs within the building. Again, depending on how crazy you get with outfitting the building with technology needs an estimate of approximately \$35,000 was used. I do not have designs to show you, I do know have blueprints, we are not at that point yet, but these are just some basic figures so you know as far as budgeting purposes for the future what all a project like this would cost. Any questions.

Mayor Bugg: Council any questions? Thank you, thank you for putting all of this together and all of your work in regards to all of this. That will bring me to my Mayor's report.

F. REPORT FROM THE MAYOR – Mayor Bugg

Mayor Bugg: Regarding the allegations made by Klaus Schaschek at the last meeting I asked the town attorney to review these serious allegations of misappropriation of checks and several other financial and contract issues. I have seen nothing to date that supports the statements made on December 10th. Based on what I have seen these allegations are unfounded and close to reckless against the town and its officers. We must obtain an independent financial audit to address this. No action should be taken tonight except to authorize an independent audit. Now I will read a statement from Anthony Marchetti who could not be here tonight. 'My fellow council members, I apologize for not being able to attend tonight's meeting. I have a lot to say and I'm sorry I won't have the chance to voice my thoughts in person at this meeting. However, I will make sure my voice is heard through all means possible until the next meeting. I was upset at the accusations and allegations brought forth by a resident at the December 10th meeting. The statement made some bold claims that challenged the professional integrity of both the town and its staff. His implications will have an impact whether they are true or not and have already proven costly to the town. As of today, December 17th I have yet to see any supporting documentation or evidence to support any of the resident's claims. I have only seen evidence to refute them. I encourage citizens and council members to speak freely and demand transparency, however it seems reckless to bring forth such claims without evidence to substantiate them. Decisions should be made on facts not hearsay. There is a process in place for a reason so that both sides have the opportunity to present and defend their case. Let the facts speak and the actions determine then and only then. I support as I have abdicated for previously, an independent, neutral third-party audit by a licensed CPA with municipal audit experience so that the facts are revealed, and the town can be confident in making the future decisions based on the audited financials. I am frustrated and disappointed at the continued lack of communication by members on the council and the unwillingness to address the problems and find solutions through the proper channels. Our Vice Mayor makes a motion at the last meeting to be included in meetings and communications yet has not extended the same courtesy to me. There has been an incredible lack of communication regarding the budget and finance issues and now this personnel issue. Practice what you preach otherwise the request for transparency and communication always seems to be somewhat self-serving. I have emailed and called my fellow council members asking for transparency and communication to no avail. I see the four signatures requesting a closed session meeting regarding personnel matters. You of course have the right to call a meeting anytime you so choose. However, if you truly had the Town of Irvington's best interest at hand you would first, talk with the head of HR Committee, Dudley Patteson, and request a discussion and meeting through the proper channels and B, provide some context to the nature of the request so that fellow council members could prepare for the discussion. Yet the head of the HR



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Committee and myself still have no idea as to the reason behind the meeting. In addition to not following protocol, it is outright disrespectful to suggest alternative motives. You clearly have no interest in working together as is evident by the lack of communication and veil of secrecy behind which you operate. My personal opinion is that the personnel issue is not a performance issue at all as would be suggested by the fact no formal or written performance issue has been reported about any current staff. I have prophesized that the underlying issue is that the personnel is actually doing the job they were hired to do and protecting the integrity of the Town. Personally, I am grateful for such checks and balances otherwise things like a short-term rental ordinance would have moved forward without the input or knowledge of those tasked to prep it. Mr. Mayor I would like to encourage during the discussion of any motion tonight, that each of the council member explain how the motion and their vote to support or reject it has the Town of Irvington's best interest behind it. We were all elected to serve the town, so I think it is only fair to the residents for their council to go on record and explain how their vote serves the town best. Casting a vote is easy, but it comes with accountability. Anthony Marchetti, December 17, 2020'. I will now allow Dudley Patteson to make a statement during this time.

D. Patteson: Mr. Mayor, members of council, all those in attendance, I am addressing you as Chair of the Human Resources Committee of the Town Council and as a council order as well. We were elected to represent the residents of our town and to work together to accomplish goals and objectives that make this town better. This is not being done. We are not a team, in fact a group of four council members are continually doing everything possible to prevent council from doing its job. Three of us consider that they are wasting our time when we have so much more, we can be doing to improve the Town of Irvington. What I'm about to say is addressed to those that live in our town and it's all about the four members of council I call the group of four. Let me begin by saying that I truly regret speaking out about my fellow council members. However, events have taken place that are clearly unacceptable, and I cannot be quiet any longer. Back in the spring of this year I announced that I was interested in serving on town council. The Town was not pursuing the mandates of its comprehensive plan and the group of council members have an anti-tourism agenda in which I did not approve, and the business of the town was conducted in the most unorthodox way that I felt changes were needed. An election was held, it was clear by the votes for me, Mr. Marchetti and Mayor Bugg that the residents wanted change as well. Tonight, I'm sorry to report certain members of town council did not get that message and shenanigans continued. I have four examples of what I consider improper behavior on the part of these four. Example number one, I serve as chair of a two-member human resource committee along with Mayor Bugg. I pass on to you for you to read, right here somewhere, right in front of me, I pass on to you a notice to town council, Chris would you pass these out, this is what you will see what was released from our members of council. It was a notice for an agenda item to be added to a closed session at the end of tonight's meeting involving an HR matter. It was signed by these four members of town council. Not one of them followed proper protocol to notify the Human Resources Committee. We still do not know the nature of this agenda. As I do now and many times, I ask you, are they acting in the best interest of the town? Example number two, at a town council meeting earlier this year I asked the members of Council and the public to bring all HR matters to me as chair of human resources and that matters regarding staff should not be addressed in public. Last Thursday a resident made outrageous allegations about our staff and our town, last Thursday's diatribe was an embarrassment, this is the most common word used by the public to describe his undocumented claims of misappropriation and other matters. The representations of our staff were impugned by him. Can you imagine how they feel? These claims



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were delivered but I suspect very clearly that others in this room were also aware that he was going to speak and were aware of the nature of his comments. Back to the HR issue. There is not one written complaint in the files of these folks on our staff that anyone has brought anything but praise about them. In fact, HR considers their performance to be excellent. They are dedicated to this town. Dedicated to this town and put more hours in that are called for. To call for this tonight, a closed session on a personnel matter cannot be on performance as it was said. Example three, I wish to point out the failure of the chair of the budget and finance committee to include other members of it many budget and finance discussions. Anthony Marchetti was elected to be your voice in town matters and a town council member chooses to exclude him and emails and request to meet. Is this behavior in the best interest of the town? Example number four, STR, Short Term Rental Committee, a member of council was appointed to head it. As a citizen I volunteered to serve because I was not opposed to STRs, but the Tides and the Hope and Glory are historically the two contributors of the lodging tax wanted to make sure that there was a level playing field for all. It's not that we were against it, we just wanted to participate and make it fair. All of us were asked with tasks of making contact with a number of municipalities of similar size to determine their requirements and regulations. My research included Chincoteague, Hancock, Cape Charles, all of us provided this information to the committee chair and we never saw the research again. In fact, there was no subsequent meeting and I heard that this council member and another had then crafted a proposal set of regulations on their own. We have yet to see their product or weigh in on it. Again, are they acting in the best interest of our town? In sum, these four members have chosen to ignore process, proper procedure and challenge and the result is our town is not better for it. They methods have been divisive and disrespectful to our staff, members of council and more important to those who live here. Our town deserves better. The town has so much potential, we need to come together and I ask that all of us in the future be transparent, work together. The citizens of Irvington need to make their elected accountable. Thank you very much.

Mayor Bugg: Thank you Mr. Patteson. Next, we'll move on to old business.

G. OLD BUSINESS

1. Motion to appropriate FY20/21 general operating funds – F. Westbrook

Mayor Bugg: First item on the agenda is to appropriate FY20/21 general operating funds. Mrs. Westbrook, I believe you had something to say about this.

F. Westbrook: Yes I just ask that we table that until after our closed session discussion please.

Mayor Bugg, Any cons about that council? Would someone like to make a motion in that regard.

W. Nunnally: I'll move to table it until after the meeting.

D. Patteson: Second.

Mayor Bugg: Any further discussion. All in favor and all opposed.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye



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Bonnie Schaschek Aye
Jackie Brown Aye
Frances Westbrook Aye

THE MOTION TO TABLE THE MOTION TO APPROPRIATE FY20/21 GENERAL OPERATING FUNDS UNTIL AFTER THE CLOSED SESSION IS PASSED 5-0

Mayor Bugg: We will move that until after closed session. Next item again to you Mrs. Westbrook will be discussion on the purchase of tablets and related infrastructure costs using CRF and a possible motion to appropriate in regard to that.

2. Discuss purchase of tablets and related infrastructure costs using CRF; possible motion to appropriate; F. Westbrook

F. Westbrook: You've got some documents in front of you which I think we've all seen, at least the one from Mill Creek Geek form the first time so, I guess we don't know what we are going to do with the, there's a lot of money here. We are looking at the purchase of tablets that are roughly \$400 each, we are looking at setup, if we are looking at 15 tablets that's \$284 each, and then for support we are looking at \$680 each and that is based on 15 tablets, so I guess the bottom line question is do we want to spend \$1,300/\$1,400 each just for tablets and we would use these tablets in lieu of the reams of paper we get for meetings.

Mayor Bugg: Yeah, this evening doesn't look so bad but for those who could make it to the last meeting it was about a ream that we each had so a bunch a trees went down for that.

B. Schaschek: I have a question, how would we do this, would we turn the laptops or the tablets in after every meeting would it be downloaded, would it be our responsibility to download it, how exactly do you envision this working.

Mayor Bugg: We'll take comments from staff, yes.

S. Phillips: The proposal that our IT provider has presented to you is a breakdown of the purchase of tablets not only for six members of council, one mayor, but including seven members of the planning commission. That tablet depending on the device you choose obviously your town based Gmail account, town-based email account, that's how you would receive your documents. You would always access them through your email account, and you could be able to open any documents from email.

B. Schaschek: So you wouldn't be downloading them, you'd be.

S. Phillips: You'd access it through your email and so you would, you can download it, it has memory. Correct. You would be able to conduct, you would be able to have a camera, it would have audio. So should someone need to attend remotely that would be an option. Council had asked for solutions to in person meetings. Council had asked for solutions to be more environmentally friendly. To be cost effective. Again, this was provided in response to the request from Council. You will also see two separate proposals, one for the purchase of the physical tablets and the second proposal is a proposal



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for his services. I believe he suggests about 5 hours per tablet to set them up, once those tablets are set up obviously each member of council depending on their technology ability would have to be trained. So, it's not a definitive price, it just depends on again the user's ability, the end user's ability and I did hear a question earlier in the meeting as to why there was an end date on this. The end date is June 30th for the services provided, not necessarily for the physical structure itself but for the services provided because this would be using CARES Relief Funds and those have to, they can only go through June 30th.

F. Westbrook: So is the end date 2020 or 2021.

S. Phillips: 2020.

F. Westbrook: That's already happened.

S. Phillips: 2021.

B. Schaschek: So have they extended the use of the COVID funds for.

S. Phillips: We would have to appropriate this now.

B. Schaschek: We would have to appropriate now.

S. Phillips: Yes, to pay him now, that is why the proposal for services provided was a challenge because obviously there is no way to know, again the installation and the setup is fairly cut and dry, but it is the services to each end user where there may be some variable.

F. Westbrook: Then the figure for \$10,300 is for support and town council staff that goes through June 30th.

S. Phillips, Correct.

F. Westbrook: Alright, so then that's just 6 months, so then for the following year, are we going to be looking at double that money just for our support.

S. Phillips: I would suspect, no I would not think it would be a double figure because by that time you will have, you will not incur the setup fee.

F. Westbrook: The \$10,00 is not for setup, it's for support, ongoing support is what it looks like, onsite and remote and.

S. Phillips: I think the figure is a bit high, again it's all based on an estimate depending on end user availability, depending on connectivity, making sure that the end user has connectivity wherever the end user is. If they are in their office, if they are in their home, depending on the type of internet that



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end user may have. Again, I think there is quite a bit of variable in this proposal because Council would have to determine if this purchase is for council only or planning commission. So again, it is a scale, the decision is councils to make.

F. Westbrook: Do you know if any of us had an issue would we call Mill Creek Geek directly ourself or would we go through the town office.

S. Phillips: I think that, so in fairness I think that this, there is quite a bit to be decided. This proposal is for the purchase of the product and the delivery of the service. I think that in the interim council would have to establish policies and procedures because you must also account for transition of council and commission. So, I suspect that there would be transitional fees there when you have a change of council or commission.

F. Westbrook: Gotcha, thank you.

Mayor Bugg: Anyone else?

D. Patteson, Is this COVID, only for the COVID period or are we going to use this in the future, or.

F. Westbrook: I think it is ongoing, yeah.

Dudley Patteson: Okay.

S. Phillips: You would use the CARES Funds, but you would have these indefinitely. Now the budget and finance committee will have to, when the budget and finance committee takes into consideration the proposed budget starting July 1, that proposed budget would have to have a cost not covered by CARES for the maintenance of the product, of the tablets. Now council would need to understand that you would use your tablet for your meetings and so staff would not print that ream of paper.

F. Westbrook: Which is the big point of all this.

Mayor Bugg, Yeah, I mean that's.

W. Nunnally: That's a lot of paper for \$16,000.

Mayor Bugg: True.

F. Westbrook: Yeah, but it's my money when I'm printing.

Mayor Bugg: Bonnie.

B. Schaschek: I'm struggling here, and the reason I'm struggling is that this is a tablet. The amount of data that we are downloading from Google for these meetings is horrendous so depending upon, and I



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even have a problem with my Windows 10, I can't, I have a tablet right now, but I have to take it, break it up into pieces in order to take and put it on there so I'm a little concerned about the size of it because we have one giant PDF, I'm concerned about the downloading. Today even going into Windows 10 I don't know how long it takes you, but it takes a good half an hour to get all that stuff down and the size of it going to a tablet I'm a little concerned with unless we can sort of break it up into pieces. Those are huge files.

F. Westbrook: What we used to get.

Bonnie Schaschek: I have a Windows Surface of Microsoft which is the top of the line and I have to break it up in order to take and send the files to that in order to take and use it, so that's why I'm just struggling here with the size of these files and on a tablet. I don't know if anyone else has tried doing it with their current tablets. You use your regular.

D. Patteson: I use the regular.

B. Schaschek: I use the regular too, and then then break it into pieces to my tablet, so that's why I'm struggling. Those are huge files.

F. Westbrook: I have a desktop also and I would say that I do have issues with downloading one big continuous file as opposed to you know four or five smaller ones that we used to get. Maybe that would be part of the solution if we went to tablets.

W. Nunnally: Has this been committee discussed at all. This is the first time I'm hearing about this. Was it discussed anywhere else?

Mayor Bugg: We mentioned it at the last meeting that we were going to roll our sleeves up kinda the first time to see what we want to do.

S. Phillips: I think it has been discussed in workshops:

Mayor Bugg, Yeah, proposals though, fairly new.

F. Westbrook: At the last meeting if you remember I was talking about some of the packets we were getting.

W. Nunnally: I didn't see any proposals. Is this the only one we've had?

Mayor Bugg: I believe it is, is the first one.

S. Phillips: So it is one proposal, but you will see three different tiers. Fran, you said you were going to get a proposal, did you.



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F. Westbrook: No. Do you remember at the last meeting I said there were so many variables to consider that I was not able to really in that short amount of time that I spoke to you about before the meeting to get this kind of information together, with any real confidence, so.

Mayor Bugg: Is this something we want?

J. Brown: Is the main purpose to have zoom meetings or to hold the data in one place, what is the main purpose?

Mayor Bugg.: Multiple, multiple purposes.

S. Phillips: Given the concerns from council which were voiced fairly consistently the purpose of the proposal that is sitting in front of you is A, to have zoom meetings, or whatever interface, but also to alleviate printed materials.

J. Brown: To alleviate what?

S. Phillips: Printed materials.

Mayor Bugg: Printed materials.

F. Westbrook: So we would be able to conduct zoom meetings with this, if we had.

S. Phillips: It would have a camera and it would have audio.

B. Schaschek, Depending upon which option we choose, or do they all have it.

S. Phillips: I made it clear to them that the purpose was to conduct online zoom or other online meeting platform.

Mayor Bugg: This takes care of the paper and the paper issue.

W. Nunnally: I'm not sure it would be prudent, that's the first thing I have to say about it, and the second thing I have to say about it is I would like to at least see these bids and proposals before giving it to council in the spirit of cooperation. So, if that's where we are at, I'm against the purchase. I will vote no.

Mayor Bugg.: Understood. Anyone else anything further to say.

F. Westbrook: I do hate making a decision in a hurry and I know that it is off of COVID funds and what have you, I think it is an excellent idea to do this, I'm just not so sure that this is the deal we should do.



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W. Nunnally: I agree, excuse me Fran, I just think there are other reasons, and other options, technology, we should be able to do that at less cost.

Mayor Bugg: Well will there be a motion to table this or.

W. Nunnally: I want to table it until we get all the information we need to vote intelligently.

Mayor Bugg: Any further discussion. All in favor.

B. Schaschek: Yes, I am sorry.

Mayor Bugg: Speak up.

B. Schaschek: I understand we are tabling and it is a fairly good idea and I think it is good that we table it and do a little bit of research. Is it possible that we could, I don't know how to say this, get a sample, and see what the downloads are, the times and what the equipment will and will not do. If we have a couple of different options here. Because I haven't used any of these tablets, so I'd just like to see it in action to see what kind of delay we have as well as how long is it going to take to download, are we going to be able to open the files. Because I can tell you right now on certain tablets you can't open them right now. So, I'd like to see it functional, just the download. I mean if Chris has one of these tablets, he could show us a download would work, I think that would be a good idea.

Mayor Bugg: Alright, thank you. Vote all in favor of tabling. Opposed. Mayor Bugg, Opposed. Tablets are tabled.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

THE MOTION TO TABLE THE TABLET PURCHASE IS PASSED 5-0.

3. Discuss American Legal Publishing; possible motion to appropriate; L. Brown.

Mayor Bugg: Next item on the agenda would be discussion of American Legal Publishing; possible motion to appropriate. Mrs. Brown, I have you down as saying something about this.

L. Brown: Well I'm not in a position to discuss how we move forward with this project at this time. The last meeting was only this past Thursday, you know there was, Bonnie brought up the other company that I wasn't here on staff when you all saw that research and reviewed that, so. I'm not prepared to discuss one over the other, so, I suggest to table.

Mayor Bugg: Yeah, I agree to table as well, time is not on our side, we met just one week ago, anyone want to entertain that motion.

W. Nunnally: I'll move.



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B. Schaschek: Second

Mayor Bugg: Any further discussion. All in favor of tabling, all opposed. Great.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

THE MOTION TO TABLE THE DISCUSSION AMERICAN LEGAL PUBLISHING IS PASSED 5-0.

H. NEW BUSINESS

- 1. Motion to appropriate \$600 to Irvington Baptist Church as prepayment for the use of the Memorial Hall for the purpose of town council and planning commission meetings. (JAN-JUN 2021) from CRF – A. Marchetti**

Mayor Bugg: New business, we have the first item the motion to appropriate \$600 to Irvington Baptist Church as prepayment for the use of the Memorial Hall for the purpose of town council and planning commission meetings. Mr. Marchetti is not here I will ask someone else to make that motion.

W. Nunnally: I would like to make a statement.

Mayor Bugg: I was about to turn it over to you sir.

W. Nunnally, I tried without fail to reach the gentleman who was to make this motion, but I never got him to return the call. The church will not rent this facility. The church will allow you to be here with open arms, and we had this discussion at least 6 months ago. The church is not in the business to rent. They would gladly accept a donation, but we don't want to be in the business of renting because it would jeopardize our status as a charitable organization, so, please don't make a motion to pay rent.

F. Westbrook: So we may make a motion to donate.

N. Keane: We cannot donate to a church.

Mayor Bugg: Yeah church and state.

W. Nunnally: Certainly don't mind using it. There are probably 10 other organizations that meet here, we don't judge anybody either.

F. Westbrook,: Nancyellen, can we just term it a motion to appropriate \$600 to Irvington Baptist Church for the use of the hall and not say one way or the other.

N. Keane: It's not a donation so.



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W. Nunnally: There will be no, we went through this. We don't need, the church does not need the money for ya'll to use this, or us to use this building, in fact we built this to be the community hall in town which it usually is. We have weddings and everything else here.

F. Westbrook: Well I guess we screwed up the last umpteen dozen years we have been giving you guys money as a donation for using this place so, now I understand where you are coming from and I understand where ya'll are coming from so we are at a quander as to how to term it or even do it.

J. Brown: How about if we make an improvement for the Irvington Baptist Church in the COVID money and get them the microphones I keep asking for.

S. Phillips: That proposal was submitted. That proposal was distributed at a prior meeting amongst yourselves you decided not to go forward with it.

F. Westbrook: We decided not to move forward with the whole big project and then we started talking about just microphones, is that what you're speaking of?

N. Keane: You can purchase microphones and just decide to leave them here I guess.

F. Westbrook: Can we just leave \$600 on the table.

W. Nunally, Make George do it. Let's move on.

Mayor Bugg, Yeah, thanks for the good will, please pass that along, I appreciate it and it is nice to be back here so. We'll move on.

2. Motion to appropriate \$3,070 to Elbourn Electric from CST – A. Marchetti

Mayor Bugg, Motion to appropriate \$3,070 to Elbourn Electric from CST. Mrs. Clerk, Madam Clerk, anything to add?

S. Phillips: Does Council have any questions?

W. Nunnally: What is this for again?

S. Phillips: \$3,000, excuse me \$2,400 was for the billing of the regular contract for the flags and banners decorations, \$190 was to unload the new decorations for the town to purchase 10 new lanterns and they had to be assembled, they arrived via freight and had to be delivered by pallet and unboxed and assembled and then there was an additional charge of \$480 for one man at 3 hours and they used a bucket truck to take down the old fixtures and install new ones.

W. Nunnally: Did the finance committee approve all of this?



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B. Schaschek: Some of that is in the capital plan, not in the general. Their yearly contract is in the general, but the others should go to capital.

S. Phillips: It really is in the community sport and tourism.

Mayor Bugg: Would someone like to make that motion.

F. Westbrook: So moved.

Mayor Bugg, Second.

D. Patteson: Second.

Mayor Bugg: Any further discussion. All in favor, all opposed. The motion passes.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

THE MOTION TO APPROPRIATE \$3,070 TO ELBOURN ELECTRIC FROM CST IS PASSED 5-0.

3. Motion to appropriate \$727.65 to Elbourn Electric from Capital Expense – A. Marchetti

Mayor Bugg: Next item is to appropriate \$727.65 to Elbourn Electric from Capital Expense. I suspect that's related.

S. Phillips: It is related to the installation of the Christmas lights and also has to do with the utility poles and so that's why you will see that that is appropriated from capital expense. It was categorized to the electrical renovation I believe is the line item on the budget.

F. Westbrook: They had to bring the telephone poles up to code or plug ins up to code.

S. Phillips: No, it is not.

F. Westbrook: Who do we pay for that?

S. Phillips: This was simply moving some of the brackets from the old post to the new post, but this has nothing to do with bringing anything up to current standards.

B. Schaschek: I thought Roy had hired somebody?

S. Phillips: I'm not apprised, I could not speak to that. The dual utility poles is something that I'm not familiar with.



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Mayor Bugg: A motion to appropriate that amount.

F. Westbrook: So moved.

Mayor Bugg: Second.

D. Patteson: Second.

Mayor Bugg: Further discussion. All in favor, all opposed. Motion passes.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

THE MOTION TO APPROPRIATE \$727.00 TO ELBOURN ELECTRIC IS PASSED 6-0.

Dudley Patteson: Mr. Mayor.

Mayor Bugg: Yes.

Dudley Patteson: Is it appropriate for me to bring up a motion at this time?

Mayor Bugg: You can or we can take care of this last bill.

Dudley Patteson: Sorry.

Mayor Bugg: No problem at all.

4. Motion to appropriate \$465.00 to Mosca Design from CST - A. Marchetti

Mayor Bugg: Motion to appropriate \$465.00 to Mosca Design.

S. Phillips: That was just the shipping.

Mayor Bugg: That's what I thought.

S. Phillips: The lanterns were \$500 a piece for 10.

Mayor Bugg: Speaking of the lanterns, any further questions, or discussion. A motion to appropriate that amount for \$465.00.

F. Westbrook: So moved.

Mayor Bugg: Is there a second.



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W. Nunnally: Second.

Mayor Bugg: Any discussion. All in favor, opposed. Motion passes.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

**THE MOTION TO APPROPRIATE \$465 TO MOSCA DESIGN FROM CST IS
PASSED 5-0.**

Mayor Bugg: Yes Mr. Patteson.

D. Patteson: Based upon what I've heard tonight I would like to follow-up on Mr. Schaschek's recommendation that we call for an audit and I'd like to propose one issue to ask the budget and finance committee to retain the services of an outside, totally independent auditor to address the comments by our resident to review the financials and the town's financial practices and provide a report of its findings to budget and finance committee and ultimately to council. That's a motion.

F. Westbrook: Mr. Mayor, this is a special called meeting and that's not on our agenda, so we can't do this.

S. Phillips: It was allowed twice last week at a special called meeting.

F. Westbrook: It is not on this one. Have to take a vote and it would have to be unanimous.

Mayor Bugg: I'll note that for the record that you mentioned that.

W. Nunnally: We have been told that by our legal counsel, I tried to do it several times. We've got to play by some sort of rules.

S. Phillips, As clerk, I'd just like to remind council that Councilwoman Westbrook made two motions last week that were not on the agenda.

Frances Westbrook: They were within the items that we were discussing.

S. Phillips: HR was not on the agenda.

F. Westbrook: Neither was the discussion.



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Mayor Bugg: Well I think the public wants this, I think council wants this.

Wayne Nunnally: We definitely want it.

Mayor Bugg: We already know that it is not on the agenda and but I highly recommend that we vote on this and I recommend that we approve it.

F. Westbrook: Are we in the discussion part of this, is that what we are doing now.

Mayor Bugg, Yeah, I mean.

F. Westbrook: I think it is a good idea too and I highly recommend it, however, I would think that we would want to postpone on voting on that until after closed session.

W. Nunnally, Be too late after closed session.

A. Gardner: Could I ask that to be clarified, could you repeat the motion that you suggested.

D. Patteson: What.

A. Gardner: I'm sorry, if you don't mind could you just repeat what you had asked to motion.

D. Patteson: Yes the motion was to ask the budget and finance committee to retain the services of an outside totally independent auditor to address the allegations by a resident, review the financials and the town's financial practices and provide a report of its findings to the budget and finance committee and ultimately relayed to council.

A. Gardner: Thank you.

Mayor Bugg: Mrs. Westbrook did you then have a follow motion in regards to table that at the time.

F. Westbrook, Well my motion would be that we would hold voting on that until after.

Mayor Bugg: Okay.

F. Westbrook: I can't make a motion on top of your motion, you can rescind your motion technically.

Wayne Nunnally: I don't think there is a member here who doesn't want an audit. I know Mr. Schaschek and I know him to be a good financier, and if he thinks we have a problem we need to investigate it. It's that simple. I am all in favor of an audit independently. So, if we could just get to it, I will second Dudley's motion which I consider to be out of order, but.

Mayor Bugg: We noted that, if we can get on with it.



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J. Brown: Since we are all in agreement can't we make the motion to amend the agenda and hear Dudley's motion?

Mayor Bugg: We can do that as well.

J. Brown: Since this is a special called meeting.

Mayor Bugg: Yes?

Wayne Nunnally, As long as we've been contacted to do this from the beginning.

Mayor Bugg: We are working on that.

J. Brown: I'd like to make the motion to change the agenda to include a motion for audit by an outside auditor.

W. Nunnally: Second.

Mayor Bugg: All in favor, and all opposed. It is unanimous, the motion passes.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

THE MOTION TO CHANGE THE AGENDA TO INCLDUE A MOTION TO ASK THE BUDGET AND FINANCE COMMITTEE TO RETAIN THE SERVICES OF AN OUTSIDE TOTALLY INDEPENDENT AUDITOR TO ADDRESS THE ALLEGATIONS BY A RESIDENT, REVIEW THE FINANCIALS AND THE TOWN'S FINANCIAL PRACTICES AND PROVIDE A REPORT OF ITS FINDINGS TO THE BUDGET AND FINANCE COMMITTEE AND ULTIMATELY RELAYED TO COUNCIL IS PASSED 5-0.

N. Keane: Well wait a minute, you changed the agenda so now you are going to have to do the motion.

Mayor Bugg: We're getting it.

D. Patteson: I would like to make a motion to ask the budget and finance committee to retain the services of an outside totally independent auditor to address the allegations by a resident to review the financials and the town's financial practices and a report of its findings to the budget and finance committee and ultimately to council.

W. Nunnally: Second

Mayor Bugg: Thank you, any further discussion. All in favor, all opposed.

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Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

Wayne Nunnally: I'd like to make one quick statement, since four of us have been maligned by two of us, I shocked quite frankly. If you would look at my phone, I've called you 15 times and never got a return phone call. I've called Anthony and he has not returned my phone call.

D. Patteson: That's not true.

Mayor Bugg: Hey, let's talk about this in closed session, we are about to go into that.

F. Westbrook: I think that's a good idea.

Mayor Bugg: Anyone opposed of having an investigative private audit. Thank you for that motion. The motion passes. We are now hiring a private independent auditor to conduct an audit. With that we will move to closed session.

THE MOTION TO ASK THE BUDGET AND FINANCE COMMITTEE TO RETAIN THE SERVICES OF AN OUTSIDE TOTALLY INDEPENDENT AUDITOR TO ADDRESS THE ALLEGATIONS BY A RESIDENT TO REVIEW THE FINANCIALS AND THE TOWN'S FINANCIAL PRACTICES AND A REPORT OF ITS FINDINGS TO THE BUDGET AND FINANCE COMMITTEE AND ULTIMATELY TO COUNCIL IS PASSED 5-0.

S. Phillips: Mr. Mayor, may I?

Mayor Bugg: Yes.

S. Phillips: Mayor Bugg and members of council I'd like to express my gratitude to Mayor Bugg and members of the town council and the commission and to the residents of the Town of Irvington for providing me the opportunity to serve as the counterpart for the officer of the Treasurer for the Town of Irvington since June of 2017. It has been my sincere pleasure serving and the comments made by Klaus Schaschek last week were intended to compromise the reputation of the town and to erode public confidence in the treasurer. Therefore, as your treasurer I do fully support the demand for an audit of the town finances by an independent third party CPA specializing in municipal finance. The reputation of the town must be defended, and public confidence must be restored. Unfortunately, this is not the first time Mr. Schaschek has attacked me professionally. Even going so far as to threaten my job if I didn't satisfy his demands. Vice Mayor Westbrook who also serves as the chair for budget and finance committee has called for a closed session tonight for discussion of personnel performance where the attendance of staff is not desired. Rather than to call for a budget and finance committee meeting to refute and defend the reputation of the town because Mayor Bugg and the human resource committee were not included in the call for this closed session where I undoubtedly will be given a performance



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review without the benefit of the human resource committee. I respectfully resign my position as the treasurer of the Town of Irvington effective immediately. Thank you Mr. Mayor.

Mayor Bugg: Thank you. With that we will move into closed session.

I. CLOSED SESSION

F. Westbrook: I move that we go into closed session 1) pursuant to §2.2-3711A7 of the Code of Virginia for consultation with legal counsel for actual or probable litigation and 2) pursuant to §2.2-3711A3 of the Code of Virginia for real estate matters where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town and 3) pursuant to 2.2-3711(A)(1) for personnel matters where discussion of personnel performance is deemed necessary.

Mayor Bugg: Before that motion I got ahead of myself Madam Clerk, thank you for all of your efforts as treasurer.

S. Phillips: Thank you.

Mayor Bugg: Motion to move into closed session.

Wayne Nunnally: So moved.

Mayor Bugg: Second. Any discussion. All in favor, all opposed.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

S. Phillips, Mr. Mayor, my motion was effective immediately if I could grab some signatures.

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 5-0.

J. RETURN TO OPEN SESSION

1. Mayor Bugg, We are coming out of closed session now into open session.

F. Westbrook: A motion whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law; now, there, be it resolved that the Board hereby certified that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open session requirement by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters were identified in the motion convening the closed session were heard, discussed or considered by the Board. Is there a departure from Purpose? Is there any member who believes that there was a departure from the motion to go into a closed session? If so, so state the departure. No statements Mr. Mayor.

Mayor Bugg: Excellent.



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Vote taken on certification

Present:	Vote:
Bonnie Schaschek	So certify.
Jackie Brown	So certify.
Tripp Bugg	So certify.
Dudley Patteson	So certify.
Wayne Nunnally	So certify.
Frances Westbrook	So certify.

Mayor Bugg: So the first motion will be for the Mayor to accept the proposal from Bay Design for survey and engineering Services for the North Commons using COVID CARES Funds, maximum not to exceed \$35,000 and sign that contract with Bay Design. Would someone like to.

Wayne Nunnally: So moved.

Mayor Bugg: Is there a second?

D. Patteson: Second.

Mayor Bugg: Any further discussion. All in favor, all opposed. Opposed. Motion passes.

Vote:	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye

D. Patteson: That was \$35,000.

Mayor Bugg: Did I say \$3,500?

D. Patteson: You said \$3,500.

Mayor Bugg: I meant \$35,000, not to exceed \$35,000. Motion stands. Motion carries as approved. Next up will be.

THE MOTION TO ACCEPT THE PROPOSAL FROM BAY DESIGN FOR SURVEY AND ENGINEERING SERVICES FOR THE NORTH COMMONS USING COVID CARES FUNDS NOT TO EXCEED \$35,000 IS PASSED 5-0.

F. Westbrook: Mr. Mayor I'd like to move that we appropriate utilities and salaries for the remainder of fiscal 2021 out of general operating funds. The remainder of invoices due, bills paid will continue on a month-to-month basis until further notice.



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Wayne Nunnally: Second.

Mayor Bugg: Any further discussion. All in favor, all opposed. Motion passes.

THE MOTION THAT WE APPROPRIATE UTILITIES AND SALARIES FOR THE REMAINDER OF FISCAL 2021 OUT OF GENERAL OPERATING FUNDS. THE REMAINDER OF INVOICES DUE, BILLS PAID WILL CONTINUE ON A MONTH-TO-MONTH BASIS UNTIL FURTHER NOTICE IS PASSED 5-0.

K. ADJOURN

Mayor Bugg: Motion to adjourn.

Wayne Nunnally: Moved to adjourn.

D. Patteson: Second.

Mayor Bugg: Meeting is adjourned. Thank you.

THE MOTION TO ADJOURN IS PASSED 5-0.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



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AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: the Irvington Town Council will hold a Special Called Meeting on Thursday January 7, 2021 immediately following the Planning Commission Special Called Meeting; Irvington Baptist Church. Thank you, town council, for joining us tonight and also joining us for the previous meetings we had.

I have called this meeting to order. We will start with roll call.

B. ROLL CALL – Mayor Bugg

Members of Council Present: Frances Westbrook present.
Jackie Brown present.
Bonnie Schaschek present.
Dudley Patteson present.
Anthony Marchetti present.
Wayne Nunnally present.

Administrative Staff Present: Nancyellen Keane, Esq., Town Attorney
Lara Brown, Zoning Administrator
Sharon Phillips, Clerk, FOIA Officer

Guests: See attached sign in sheet

C. MAYOR'S REPORT

Mayor Bugg: Thank you again council. The first item I have is the mayor's report which unfortunately is a little bit brief. A little bit shorter than what I have presented the past few meetings, but it touches on a number of issues I think need to be mentioned. The first is an independent review. At our last meeting I called for an independent review of the town finances. I want to let you know that we are moving forward on this. The insurance company has engaged the law firm of O'Hagan-Meyer to investigate the allegations made starting in December of 2020 concerning financial, human resources and related matters. The investigation is underway. As part of the investigation, the insurance company will be hiring and paying for an auditor. The auditor is prepared to conduct a full financial review under the following procedural parameters. For the period July 1, 2018 through December 31, 2020, the auditor will review expenditures of \$100.00 or more from the town operating accounts, and also deposits, transfers and withdrawals for all town accounts. I agree with these parameters of the audit. The second item is appointing an interim treasurer. We need to appoint an independent CPA or accounting firm as soon as possible as interim treasurer. The law firm directing the investigation has advised us that the interim treasurer should be independent and not be affiliated in any way with the town, council members, mayor or staff. This interim treasurer will have to work closely with the auditor and the



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law firm directing the investigation. I understand there are some possible firms for consideration. With that I have a document packet to hand out to each one of you. If you could pass them down Mr. Nunnally and take one and pass it along. Council as you can see these are letters of interest submitted by various accounting firms. I would like to thank Mr. Patteson for his efforts as HR Director in securing these possible candidates and having them submit their letters of interest regarding serving as an interim treasurer and I know this is the first time you are getting these packets. Obviously, there is a number of pages in here that you have not had a chance to review them until now. My recommendation is that we consider these and either call a meeting for Tuesday, to select an interim treasurer or else do it next Thursday at our regular meeting. Obviously, we need this appointment as soon as possible. Council, I welcome any comments and thoughts.

W. Nunnally: I don't think we need the expense of this. I mean, why can't we write the checks and pay the bills until this audit is over with. Why do we have to have an independent outside source doing this. I mean, historically when Jackie Burrell was sick, I think it was Fran and Ms. Pollard, they took over the office, paid the bills and wrote the checks. I don't know why we have to continue spending our town money on everything that is outside when we can do a lot of this stuff ourself. So personally, I would oppose any interim treasurer being appointed. The job itself is not interim treasurer. The job is we need an interim clerk and an interim treasurer.

Mayor Bugg: I'm glad you brought up those points because I'm sure they have crossed a number of council members minds and I welcome any comments regarding that. I believe there is a problem with a member of council actually issuing checks and signing checks for legality purposes. I can have Nancyellen discuss that with you and anything Dudley or anyone else would like to add about that arrangement and furthermore about expense and I'll turn that over to Nancyellen. Would the insurance company be paying for the treasurer?

N. Keane: I don't know, not the interim treasurer, we should ask them that question. I don't know.

F. Westbrook: If the interim treasurer is going to be interacting with the audit.

Mayor Bugg: Correct.

F. Westbrook: Is that what I just heard you say.

W. Nunnally: Dudley shouldn't be messing with the finance committee's, I mean he got all upset when we tried to do something with personnel, now he's trying to tell us how to run the treasurer department, which should definitely be a finance department problem, finance committee problem.

F. Westbrook: I would say that this is probably the same reason. In fact if I remember correctly when we decided to go this route, I believe the motion you made and there was some conversation and stuff back and forth, withdrawing and adding with the motion, but I believe this was supposed to have gone to budget and finance and report back to town council.

W. Nunnally: It certainly was.



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F. Westbrook: And if that's the case then somebody has jumped the gun on doing any of this because budget and finance has not had the opportunity nor were, we asked or talked to about any of this. So.

A. Marchetti: It's in front of everybody to review. We don't have to do anything tonight.

F. Westbrook: I agree with that.

D. Patteson: I was asked by the mayor.

F. Westbrook: Just like I had been asked by the mayor and you fussed about.

D. Patteson: Pardon.

F. Westbrook: Just like I had been asked by the mayor and you fussed about that.

D. Patteson: I don't want to address that at the moment.

F. Westbrook: I'm sure you don't.

D. Patteson: Well, it's not for that reason. I will address it, but the mayor asked that I help him find a qualified independent entity to serve as interim, interim treasurer capacity. These two firms that I spoke with all have government practices under their umbrella and they all have people able to serve in this capacity at this time of the year. We did seek out local firms that might be independent of all of us on council. It was tax season and we were politely turned down. So, we needed to reach outside and so we did. Both firms have the ability to electronically deal with the books and will probably make some good suggestions as to how we proceed in the future on Quick Books. They don't think it is going to be many hours. In some cases here, there is a questionnaire of things that need to be answered in order for them to appropriately determine the number of hours but it seems like it is going to be 1 day a week or less on their part because they have extraordinary skill sets and experience and unfortunately the events that have taken place have prompted us to go to outside help to determine what is true and what is not and in order to keep the independence of all things I don't think anyone on town council should serve in any capacity in the finances of the town while this investigation is going on. It puts you in harms way and puts all of us in harm's way if we do that. As much as I would like to save money, this is not a case of, it is not a case, we need to do it the right way and do it quickly and hopefully resolve all this so we can get on to the business of the town which we have not been able to do for quite some time.

F. Westbrook: I agree with just about all you said and I'm sure these are very fine people. My point which evidently I wasn't making very well is that this, the motion that was made and voted on by council and passed, in fact it was a unanimous vote was not properly followed in doing this.

D. Patteson: The motion was for you all to go out and to find somebody. Have you done anything in that regard to follow-up on the motion. I have a town office which is short a treasurer.

F. Westbrook: You don't have one, we all have one.

D. Patteson: But as head of human resources.



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F. Westbrook: I have talked to you throughout the holidays a number of times. I have talked to the mayor a number of times. I have asked you all questions, you have put me off. I ask you the status of things, well we are waiting, we're waiting, we gotta talk, we gotta talk. Not one time did either one of you tell me a town council member just like each of you that any of this was being done. You couldn't give me answers to my questions.

D. Patteson: I think you should thank me quite frankly for doing the work.

F. Westbrook: Well excuse me.

D. Patteson: Because you haven't done the work that you were asked to do.

F. Westbrook: What about all the times I've asked you about this stuff.

D. Patteson: What stuff.

F. Westbrook: The conversations we've had about where we are on everything and my concern about this....

D. Patteson: I don't know what you're, be more specific because I don't know what you're talking about.

F. Westbrook: I don't know that we should go into this right now but I will with you later. But my point is, this does not conform to the motion that was made and voted on.

D. Patteson: Well.

F. Westbrook: That's my point. So as far as I'm concerned that motion was not followed and so this is invalid.

Group: Talkover.

A. Marchetti: It's important for the town to have a treasurer so we can pay bills.

F. Westbrook: That's not what...

A. Marchetti: This is embarrassing. Everyone get off their high horses. It's not about anybody here, it's about the town. The town needs a treasurer. We need to pay bills.

F. Westbrook: It is, but we made a motion and that is legally binding to us unless we want to undo the motion and do it again.

Mayor Bugg: Nothing is being voted on right now.

A. Marchetti: Nothing has been voted on. What's wrong with doing some research, what's wrong with....

F. Westbrook: I'm talking about a procedure.

A. Marchetti:either of these, the....



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Mayor Bugg: There are three actually.

F. Westbrook: I want an outside source, I want an interim.

A. Marchetti: This sounds like a discussion for later, if there is outside, the answer to what the town needs is right here.

F. Westbrook: I agree, but the process that we voted on was not followed. Why did we go outside the motion that was voted on.

D. Patteson: The mayor who serves in the capacity of our leader asked me to as human resources...

F. Westbrook: Well then he was incorrect in doing that because that was not the motion that was voted on.

Mayor Bugg: So we are going to let the town not be able to pay its bills.

F. Westbrook: No we should not. We should.

Mayor Bugg: ...this afternoon.

F. Westbrook: It should have never happened. It should have never happened period.

D. Patteson: Fran, as part of budget and finance you should have taken the initiative to go out and do what I had to do.

F. Westbrook: I touched base with you all all day long.

D. Patteson: I would have loved for you to have taken that role but.

W. Nunnally: Excuse me, I think it's enough of that. The problem is this, Fran can write a check and the mayor can sign it.

N. Keane: No, she cannot do that.

W. Nunnally: We've done it in the past.

D. Patteson: This is not the past Wayne, we're not going to do it the way we've done I the past. That's why we are here.

Mayor Bugg: It's for your protection.

F. Westbrook: I'm fine with that, my point...

W. Nunnally: So the bills don't get paid. We can't put these people on tonight.

A. Marchetti: We can vote on something tonight. Pick one. We can have somebody.

F. Westbrook: No, I'm going to read through this.

Mayor Bugg: That being the case, when do we want to reconvene to discuss this further.

A. Marchetti: The bills aren't getting paid.



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W. Nunnally: We can adjourn anytime, we can come back tomorrow.

N. Keane: You have to give 3 days notice for the next meeting.

Mayor Bugg: Three days, we can....

F. Westbrook: No actually can we just continue this meeting and come back the next day. There's a way to do that.

A. Marchetti: The sooner the better for the town.

F. Westbrook: Yeah, I mean we could do that, we could come right back down here tomorrow. We don't adjourn.

W. Nunnally: You do, you call it adjourn.

F. Westbrook: No, if you are going to continue it to the next day.

W. Nunnally: You adjourn it to the next date.

AnnGardner Eubank: In White Stone we have done it before as town council we table it.

W. Nunnally: I think tabling and adjourning is probably....you know I didn't know this was on the agenda. Is this on the agenda.

F. Westbrook: It's on the mayor's report.

Mayor Bugg: He just got that this afternoon. That's why it is relatively soon, there is a pattern to meet after this meeting, so I'm presenting it as part of the mayor's report. I just got the packet when I walked in here so. I want you guys to have time to review it obviously because there are what 40 pages in there, a little bit less. I'm not asking you to take all of that in and make a decision. But the decision needs to be made as soon as possible.

W. Nunnally: Let me tell you something, if Fran, if the finance committee, I am embarrassed at this statement, that we have not paid our internet, that we have a telephone evidently that was cut off. This is serious stuff, I'm embarrassed and every one of y'all should be embarrassed. You don't cut a phone off without 60- or 90-days notice, a phone call. This is not something that just happened. We need to get it paid and there is no reason that the finance committee and the mayor can't write these people checks and get this stuff off our back and get on about what we need to do. I just, I just can't believe that it's illegal for the finance committee, she is a signatory on the check, you're a signatory on the check, we've done it in the past. In fact, as I understand it, Fran asked for checks so that she could pay the bills.

F. Westbrook: No, I was going to do two payroll checks for the employees.

W. Nunnally: And they wouldn't give you checks.

F. Westbrook: No, the mayor and I talked about it and we decided I would go down there and do that so that they could get paid, so the question is why were we so late in paying the bill that it was cut off. That's what I'd like to know.



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S. Phillips: We pay the bill in advance.

F. Westbrook: Okay, so why did it get cut off when it did.

S. Phillips: It was cut off, I don't know. It's due on the first of the month.

F. Westbrook: So why didn't you pay it the first of the month.

S. Phillips: Who, I resigned the 17th.

F. Westbrook: You resigned as treasurer correct.

S. Phillips: Yes ma'am.

F. Westbrook: The deal is that is not just one position, it is a yolk position, as treasurer and clerk. You don't get to decide as an employee what part of your job you're going to do and what part you're going to resign.

Mayor Bugg: Fran, let's bring back to this.

F. Westbrook: I'm not through, just hold on. The reason it didn't get paid was because our employee was derelict in making sure that happened.

S. Phillips: Careful. She resigned.

Mayor Bugg: Being investigated.

F. Westbrook: She resigned....

S. Phillips: I'm not derelict.

F. Westbrook: I'm not through please, thank you.

S. Phillips: You don't get to say slanderous words on the record with a reporter sitting here.

F. Westbrook: I can say it louder if you want.

S. Phillips: Say it. Please say it. Please say it.

F. Westbrook: Look, you're not supposed to be saying anything at a town council meeting. You're not a town council person.

S. Phillips: I'm not.

F. Westbrook: You're not elected, so I respectfully ask.....

S. Phillips: I am a staff member and you are saying slanderous words to me.

D. Patteson: And you should show a staff member more respect and treat her....

F. Westbrook: It goes both ways.

D. Patteson: As we should treat each other.



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F. Westbrook: It goes both way. Now, having said what I've said, this is not the place for that, there is a method for doing that. So, since that position was resigned and it was a yolk position, I make a motion we consider she resign from both positions.

Mayor Bugg: It's not on the agenda.

F. Westbrook: You opened the door with this discussion of all this.

D. Patteson: I object to that as chair of human resources because I've also had said in my last session with everyone was that if there was a human resources issue you don't take it to council in closed session. You don't take it anywhere but to the human resources committee. We will evaluate it which is the mayor and myself and we will make a recommendation to council based upon our findings and that's the proper way to do it. If you have an issue with one of our staff members, I'm all ears, you have not come to me at all, as you have said I have not come to you and I am more than happy along with the mayor to review and listen to everything that you have to say, but it is unfair to suggest what you have just suggested as a motion.

F. Westbrook: I don't see it as unfair. First of all I see it as part of my duty as an elected official. Secondly, you do not automatically as a council, as a committee assume that you just inherit something like oversight of an employee. These things have to be assigned to our committees as they come up and the committees are needed. I can't just do anything in budget and finance because I'm budget and finance. It comes to town council.

D. Patteson: I can't do, I can't do as you said in human resources, but.

F. Westbrook: It's the same for you.

D. Patteson: But when there is a human resources issue you should bring it to committee. When there is a budget and finance issue I should bring it to you. And that is what I plan to do and will do.

F. Westbrook: Alright there is a motion on the floor.

D. Patteson: I'm going to object.

F. Westbrook: I made the motion.

N. Keane: Could we have a 5 second break, I need to see you outside really quickly, please.

F. Westbrook: No I'm not leaving.

N. Keane: Please, Fran.

F. Westbrook: At this point I will do that.

Mayor Bugg: Thank you. Briefly in recess.

W. Nunnally: In recess, I want to say this, I think we should do away with all committees. There's only six of us. What do we need committees for.



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Mayor Bugg: We are back on the record. Before we discuss these items, where I left things...

F. Westbrook: Excuse me, there is still a motion on the floor.

Mayor Bugg: Your motion.

F. Westbrook: Yes.

N. Keane: It's not on the agenda.

Mayor Bugg: It's not on the agenda.

F. Westbrook: It was an open door when you started.

A. Marchetti: This is ridiculous.

F. Westbrook: You opened the door when you started talking about bills that were unpaid.

A. Marchetti: ...opened the door...

W. Nunnally: ...bills unpaid.

D. Patteson: Human resources got the internet back up and the telephone back up. Not budget and finance.

A. Marchetti: Can we spend time on a solution.

Mayor Bugg: That's why I'm trying to do.

F. Westbrook: You can't ignore a motion that's on the floor. If it dies for lack of a second.

N. Keane: It's not on the agenda.

Mayor Bugg: It's not on the agenda.

N. Keane: There's no motion on the agenda.

F. Westbrook: And you know what on the mayor's report, we don't know what's on there either. He gets to do whatever he wants.

N. Keane: He is not asking you to vote on anything.

F. Westbrook: I understand.

D. Patteson: But you are.

F. Westbrook: I am because you started talking about the issue.

Mayor Bugg: I'm reporting to the council. I'd like to report to the council in terms of trying to resolve this and come up with some solution. I will mention I know tonight we are not going to solve these issues but we have a meeting next Thursday as well. Business is continued. The immediate thing we need to do tonight is come up with a plan for our next immediate meeting to, after you've taken a look at these documents come up with a plan for a treasurer, an interim



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treasurer for the immediate future and my question is not, it's not going to be who are we going to decide on right now, it's when's that meeting going to be and how soon are we going to do it so that we can make that decision at that meeting in the future. I'm open to any suggestion in terms of that date.

A. Marchetti: Tuesday, before the planning commission or, 3 days not enough time to notice.

S. Phillips: No because that meeting, no.

N. Keane: Well, they've already discussed that they could adjourn this meeting to another day and they could do it tomorrow, they could do it Monday, they could do it Tuesday, they could do it Wednesday.

A. Marchetti: It's got to have.

N. Keane: Or you could have it on Thursday at your regular meeting.

F. Westbrook: Actually, if we were not adjourned, we would just do a, meeting, notice tomorrow, that's Friday, Monday, Tuesday, we could have it Wednesday but I want a closed session added onto that meeting.

S. Phillips: For HR.

F. Westbrook: And I'll deliver paperwork to you in the morning.

D. Patteson: If the closed session is on HR it should be coming through human resources.

F. Westbrook: I don't have to come to anyone to ask for a meeting.

W. Nunnally: Absolutely not, any council member can make a motion, any three people...

D. Patteson: Then you are, then my opinion is you are not following the proper procedure with regard to the topic that you are likely to bring up.

F. Westbrook: There is no proper procedure...

D. Patteson: You're putting us in harm's way...

F. Westbrook: I'm asking for a closed session.

D. Patteson: And I don't think that you should.

F. Westbrook: Any of us can ask for that closed session and it will happen. That's state law.

Mayor Bugg: I have some comments about the closed session, Fran. You are welcome to bring those documents to me first. My suggestion is very much that I would then, actually what I would do is bring Dudley up to speed as well and try and see if we can all discuss this towards what it may be that you are seeking and try and solve this issue if it needs to be a closed session.

A. Marchetti: The last closed session was called for personnel matters, the only, it had nothing to do with personnel matters. It was all financial.



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F. Westbrook: It had to do with performance is what it had to do with.

Mayor Bugg: I believe you should reach out to Dudley first, but if you need to reach out to me first, that is fine, just know that I'm then to reach out to Dudley and I'll reach out to you too. We will all be on the same page.

F. Westbrook: I'll withdraw my motion and I'll see you in the morning, how's that.

Mayor Bugg: We can do that.

F. Westbrook: You've got time in the morning.

Mayor Bugg: Just text me in the morning, we'll go from there.

W. Nunnally: Mr. Mayor before we leave this subject I'd like to inquire about the law, if three council members or more ask for a closed session, don't we have to have one.

N. Keane: If you have three members of council who ask for a meeting you can call a meeting, yes.

W. Nunnally: Yeah.

N. Keane: You can call a meeting, you can't, this is a special called meeting tonight, you can't change the agenda unless you have a unanimous vote, okay. That is what the issue is tonight.

W. Nunnally: That was not my question.

N. Keane: Yes, if you want to call a meeting, you've done that before.

W. Nunnally: Alright, I just want to make sure we all understand.

Mayor Bugg: Alright.

N. Keane: With the closed session.

F. Westbrook: Well, we can call it for a closed session, we can call it, obviously we can start as a public meeting then we can go into closed session.

A. Marchetti: Considering the investigation, I'm not sure there's a whole lot to discuss.

Mayor Bugg: That's exactly where I'm heading.

A. Marchetti: We have been advised by legal counsel when taking this claim on to not discuss anything...

F. Westbrook: It doesn't..

A. Marchetti: And it's what you want to discuss.

D. Patteson: Yes it does.



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A. Marchetti: You can, but been advised not to and, and I want to go on the record that we should not discuss things we shouldn't be discussing.

F. Westbrook: We're not going to discuss that stuff. But we can call a closed session.

A. Marchetti: You can, you can, absolutely.

W. Nunnally: May I make a point.

Mayor Bugg: Yes Wayne, that letter says we shouldn't be discussing this outside and probably it should not be discussed in public but it certainly doesn't mean us as a body are forbidden from discussing it and I encourage us to discuss it. I mean I think it is part of our responsibility to do that.

A. Marchetti: The investigation is out of our hands.

W. Nunnally: We're not talking about the investigation. That's nothing, I mean what we got to discuss is, the point I'm trying to make Anthony is that we are not put a gag on our mouth with each other. We can talk to each other.

A. Marchetti: Sure.

W. Nunnally: And I urge us to talk to each other.

Mayor Bugg: I have some final comments about closed session. This is not opening up any doors or I'm hoping this won't open up any doors for further comments. I have a sense where each one of you stand. Communication will continue that is my goal. For the record another closed session was requested for personnel matters by Fran Westbrook early this week. I did not place this topic on the agenda because an investigation is pending and it takes precedence. We have been advised by counsel of O'Hagan-Meyer that the investigation should be completed prior to any decision being made to hold a closed session for this purpose. Again, I am stating that for the record for all of us. Now back to where I was with the next meeting. When do we want to have that?

W. Nunnally: Lets schedule it for Thursday.

Mayor Bugg: You want to handle the treasurer issue on Thursday, that's what I'm talking about.

F. Westbrook: How long can we go without paying bills.

Mayor Bugg: Or the alternative was continuing this meeting until tomorrow sometime.

F. Westbrook: Do you know whether or not the church is even available to us.

W. Nunnally: I'll have to check, I know they use it Wednesday, I don't know about Tuesday.

Mayor Bugg: We can set everything for Thursday and take care of it all then.

W. Nunnally: I suggest we do that.

Mayor Bugg: Okay. Are you guys okay with that, take care of it all Thursday, review the packets between now and Thursday. Is that okay with you Anthony.



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A. Marchetti: Yeah, the sooner, the better if there is a way to do it sooner.

Mayor Bugg: Right now it sounds like Thursday is the most viable option. Dudley.

D. Patteson: I will be available by phone.

Mayor Bugg: Huh.

D. Patteson: I'll be available by phone.

Mayor Bugg: Bonnie.

B. Schascheck: Okay that works with you.

F. Westbrook: We're talking about...

Mayor Bugg: Next Thursday, the 14th, and that works with you too Fran, Wayne, and the church's participation. Alright new business.

D. NEW BUSINESS

1. 1st Reading of Resolution 2020-15 TC_CUP Application 2020.CUP.8_Smith

Mayor Bugg: 1st reading of resolution 2020-15 TC_CUP Application 2020.CUP.8_Smith.

Madam Clerk do you need to read that at this time.

S. Phillips: Resolution 2020-15 TC_CUP Application build pool outside of RVA R1 tax map 27222A is attached and incorporated within.

Mayor Bugg: Thank you. The next item will be the 1st reading of resolution 2020-19 TC_CUP application 2020.CUP.11_Tides Inn.

2. 1st Reading of Resolution 2020-19 TC_CUP Application 2020.CUP.11_Tides Inn

S. Phillips: Resolution 2020-19 TC_CUP application proposed boardwalk CANDOCK in B1 tax map 33236 is attached and incorporated within.

Mayor Bugg: Thank you.



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E. ADJOURN

W. Nunnally: I move we adjourn.

Mayor Bugg: Well that was fast. Is there a second.

B. Schaschek: Second.

A. Marchetti: Second.

Mayor Bugg: All in favor. Meeting is adjourned.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



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AGENDA

A. CALL TO ORDER – Mayor Tripp Bugg

Mayor Bugg, “I would like to go ahead and call this meeting to order. This is the Irvington Town Council special called meeting held at Connemara Corporation, Thursday, December 10, 2020. Notice is hereby given that the Irvington Town Council will hold a special called meeting held immediately following the Planning Commission special called meeting. The purpose of the special called meeting is to conduct monthly business. I’ve called this meeting to order and we will start with roll call.

B. ROLL CALL – Mayor Bugg

Members of Council Present: Frances Westbrook
Dudley Patteson
Jackie Brown (left meeting at 7:40 p.m.)
Wayne Nunnally
Bonnie Schaschek
Anthony Marchetti

Administrative Staff Present: Nancyellen Keane, Esq., Town Attorney
Lara Brown, Zoning Administrator
Sharon Phillips, Town Clerk, FOIA Officer, Treasurer

Guests: See attached sign in sheet

C. APPROVAL OF MINUTES

Mayor Bugg, “Thank you council and thank you to the public for joining us this evening. We will start with a number of minutes, it looks like two of these are present in your packet.” W. Nunnally, “May I ask a question? Did we approve the agenda?” F. Westbrook, “I was going to ask the same thing. That is left off again.” Mayor Bugg, “Because this is a special called meeting there is no need to approve the agenda, we are in a different place on a different date.” F. Westbrook, “No I don’t think so and I beg to differ because we could amend this, depending on vote count, if we had a unanimous vote, this could be amended. So to me, the approved agenda should still be on there” Mayor Bugg, “For today’s purposes it is not on there because it still is a special called meeting given the circumstances of COVID-19 and the need to change locations and dates and a meeting was canceled.” F. Westbrook, “I’d like to go on the record as objecting to that please.” N. Keane, “Do you want to change the agenda?” F. Westbrook, “No but if I did I couldn’t even do it because there is no place to do it.” N. Keane, “If you were to propose to change the agenda you would just need a unanimous vote after you make a proposal.” F. Westbrook, “So it should still be on there so we know that that is always an option. So I will respectfully ask that in the future we always include approving the agenda on the agenda.” Mayor Bugg, “Certainly noted for the record. Thank you, Mrs. Westbrook.” W. Nunnally, “The reason I pointed it out is because under announcements, it says we are going to meet at Connemara on December the 15th, and I wanted the guests to know that the Irvington Baptist



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Church has spent over \$3,000 on cleaning it, and it would be available tonight if we had wanted to meet there. So I don't see the point at being at Connemara for \$300 bucks when we could be at the church for nothing. And it was locked into that December 15th meeting, so if we could change it back to Irvington Baptist Church and not Connemara." Mayor Bugg, "Thank you Mr. Nunnally for bringing us up to speed on that, and let's certainly follow up with that tomorrow or early next week. So thank you, it's good to hear. Back to the minutes, we will start with the August 13, 2020 meeting minutes, they should be part of your packet. Has everyone had a chance to review those minutes? Is there a motion to approve those minutes?" D. Patteson, "So move." Mayor Bugg, "Second?" A. Marchetti, "Second." Mayor Bugg, "Any discussion? A vote? All in favor and those oppose?"

Vote: Frances Westbrook Aye
Dudley Patteson Aye
Jackie Brown Aye
Wayne Nunnally Aye
Bonnie Schaschek Aye
Anthony Marchetti Aye

**THE MOTION TO APPROVE THE AUGUST 13, 2020 MEETING MINUTES IS
APPROVED 6-0**

Mayor Bugg, "The minutes are approved. Looks like September 10, 2020 are tabled. That brings me to the next set of minutes and the only remaining set of minutes that are attached in this packet. The September 10, 2020 regular monthly meeting minutes. Has everyone had a chance to review those?" F. Westbrook, "I do have a question please sir." Mayor Bugg, "Certainly." F. Westbrook, "Who tabled the minutes?" S. Phillips, "I did." F. Westbrook, "Isn't that the function of the council?" S. Phillips, "They're not prepared." F. Westbrook, "Well then they shouldn't even be on the list if that's the case, but the council tables anything that's on the agenda." Mayor Bugg, "I think the purpose given the volume that the staff is dealing with, which is extraordinary right now, Madame Clerk has not yet gotten to those minutes. I want the council to be aware that those minutes are in process, you will be receiving those and that's why they're noted. That is the purpose of it." F. Westbrook, "So why don't we vote to table those? That would be the proper procedure." Mayor Bugg, "That's fine with me." W. Nunnally, "Move that we table those minutes." Mayor Bugg, "Can I get a second?" A. Marchetti, "Second." Mayor Bugg, "Any discussion? All in favor? Oppose? The minutes are tabled."

Vote: Frances Westbrook Aye
Dudley Patteson Aye
Jackie Brown Aye
Wayne Nunnally Aye
Bonnie Schaschek Aye
Anthony Marchetti Aye

THE MOTION TO TABLE MINUTES MENTIONED ABOVE IS PASSED 6-0.

Mayor Bugg, "Brining me back to that set of minutes that are present in your packet tonight from September 10, 2020, regular monthly meeting minutes. Has everyone had a chance to review those? Is there a motion to approve?" A. Marchetti, "So moved." Mayor Bugg, "Second?" D.



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Patteson, “Second.” Mayor Bugg, “Discussion? All in favor? Oppose? Those minutes are approved.”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTION TO APPROVE THE SEPTEMBER 10, 2020 MINUTES IS PASSED 6-0.

Mayor Bugg, “Is it permissible to approve the minutes in a block or do I have to go through each one?” W. Nunnally, “My motion included them all.” Mayor Bugg, “That’s your motion? To table those all?” W. Nunnally, “Yes, sir.” Mayor Bugg, “Is there a second?” B. Schaschek, “Second.” Mayor Bugg, “All in favor? Oppose? The minutes are tabled.”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

MOTION TO APPROVE MINUTES MENTIONED ABOVE WAS PASSED 6-0

Mayor Bugg, “The last item which is also tabled, the November 2020 Treasurer’s Report. Sharon is working on that as well. Is there a motion to table that as well?” F. Westbrook, “So moved.” Mayor Bugg, “Second?” A. Marchetti, “Second.” Mayor Bugg, “All in favor and opposed?” W. Nunnally, “Let’s do a little discussion, I would say this Mr. Mayor, it is sort of frustrating to come to a December meeting and not have at least the October minutes. I just wanted to express my frustration.” Mayor Bugg, “Noted. Thank you, Mr. Nunnally. Back to the vote, all in favor of tabling the Treasurer’s Report? And those opposed? The Treasurer’s report is tabled.”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

MOTION TO TABLE THE NOVEMBER 2020 TREASURER’S REPORT IS PASSED 6-0

C. PUBLIC COMMENT

Mayor Bugg, “Thank you for joining us tonight, Public, for public comment. We will have a brief public comment period tonight. As many of you already have, please sign in with your name and address. Please do not discuss topics covered in tonight’s joint public hearing. Also, if your comments pertain to street signs, traffic, or the North Commons, please hold those for a future meeting. Would anyone from the public like to speak? Yes, sir.” K. Schaschek, “My name



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is Klaus Schaschek, 394 King Carter Drive. Mr. Mayor, I would like to read off this here. Mr. Mayor, my capacity as treasurer of Golden Eagle, LLC, I would like to thank the town for the \$2,000 contribution for the rather successful Irvington Mayor's Golf Tournament, honoring former Mayor Rannie Ransone. Thank you very much." Mayor Bugg, "Thank you, I'm glad to hear about the success of that event, and I'm sorry I couldn't make it that day, but it sounds like it was a wonderful event." K. Schaschek, "Next year." Mayor Bugg, "Exactly." K. Schaschek, "Now, as a resident of the Town of Irvington, I would like to express my deep concern about the handling of the town's finances, and it's incorrect reporting, as well as the handling of contracts. Please let me present some of the facts. We have misappropriated funds for the trolley, the one time bonus for the lawyer, and payments to Lillian Merrill. All of these were never appropriated by the council. Also, the town's balance sheet is a total mess since August. The treasurer mixed equity and retained earnings, liabilities where not recorded properly, resulting in a large net income, which should of in actually a loss of over \$11,000. Furthermore, normal operating funds were comingled with COVID funds, which is against any accounting practice. The COVID bank account was never reduced by the actual COVID expenses. So, that means it came out of a regular, operating account that's comingling. Now to the FlackShack contract. The Mayor signed a contract for this service to the company for \$25,000 on October 5th. The council did approve this on the September 10 meeting after Mr. Patteson's recusal by 3-1-1 vote, and only from appropriation of \$3,000. According to our charter, you need 2/3 of the elected council, which means 4 votes. The mayor could not be the 4th one since it was not a tie. This contract should have never been signed, and these funds should not have been appropriated. I believe that this might become a case for the court. The lawyer's contention expressed in the September council meeting, that the application for \$25,000 grant as a contract is absolutely absurd. She should know that any one contract must be executed by the Mayor or Vice-Mayor, and not the Clerk. She should have objected at the time, since she knew about it, or should have known it since she has spent so much time at the town office. Also, her suggestion to use the contingency fund for this project shows that she does not understand budgeting and the reason for the funds. Since the \$80,000 is only a marker to show the minimum cash balance to operate the town in an emergency like a total income loss from the Tides Inn. You might say, 'Klaus, why did you wait until now?' Well, 4 or 5 months ago, some people from the public basically told me to 'Shut up and let the staff do their job' since they were quote 'performing it so ably'. Here are the results. No oversight, and the lawyer did not do her job when it came to the activities which should become now very expensive for the town. Based on all this evidence so far, and the possibility that the town has to obtain money in the future for large projects, I call for a financial audit so we can ensure that our finances are properly managed and reported, and you can show a clear picture to the lender, and have public support and confidence in the current financial report. Also, I will ask the council to curtail the lawyers involvement in town's affairs give her only very specific tasks. This should reduce her time at the office. Thank you." Mayor Bugg, "Thank you, Mr. Schaschek. Mr. Schaschek?" K. Schauschek, "Yes?" Mayor Bugg, "Can I have that for reference, we can discuss it tomorrow if you'd like." K. Schaschek, "I can give you a copy." Mayor Bugg, "Yes, I would like a copy of that." S. Phillips, "Mr. Mayor?" Mayor Bugg, "Yes?" S. Phillips, "I would just like to add just a brief change or correction to Mr. Schaschek's comment. It was not a contribution to the Golden Eagle. It was actually a contract for services."



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Mayor Bugg, “Thank you.” K. Schaschek, “Thank you.” W. Nunnally, “I would like a copy of it too.” K. Schaschek, “I can forward it to the whole town council.” Mayor Bugg, “Thank you. Yes, Adrienne?” A. Bugg, “Hi.” A. Marchetti, “Let’s try to do something happy, Adrienne, shall we?” A. Bugg, “So, I’m Adrienne Bugg. I am a resident of Irvington, and I also just want to say thank you to the town council, the mayor, and the staff, for everything that you do that’s in the best interest of the town. We really all appreciate that. I’m here tonight to introduce the IVBA, which is the Irvington, Virginia Business Association. A group of obviously I’m involved because I’m up here talking about it, Gabe is walking around giving information about it that is here as well. Ann Meekins is a part of it, there’s some other people that are a part who couldn’t be here tonight. We decided it would be a really great thing to have an association to support the businesses in town. You’ll see the information on the back here, but this is a few highlights. We started in May. We’re a very dynamic and passionate group of people, and we’re very invested in the town. We’re excited to support and promote the businesses here, and really support the culture of Irvington, and to give the small businesses more of a voice for the direction of growth and the protection of the charming and natural history that we all love here in Irvington. It’s funny saying ‘here in Irvington’ when we’re in White Stone, but you know, you get it. So far, we have 22 members, and we’re growing. 8 of those sit on the Board of Directors, I am the Vice-Chair, Sam Van Saun.” G. Del Rio, “Is quarantining, otherwise she’d be here.” A. Bugg, “Exactly. So that’s one reason that Gabe and I are here tonight representing. Ann as well.” G. Del Rio, “Ann’s Secretary, I’m Treasurer.” A. Bugg, “Yep. So we are growing, and obviously we invite any of you that have businesses in the town that want to be a part of it to join. We have a website going already, that’s a little clip of it here on the back, it’s visitirvingtonva.com. It lists the members, there are links to the Town of Irvington website, there are links to the River Realm website, with a new Irvington-focused page coming soon. We also applied for a grant, this is a doosie, you ready? Virginia Tourism Corporation Recovery Marketing Leverage Grant for Tourism Marketing, but we got it. We got it, so what we’re going to do with that is we are going to focus that money on digital advertising, and leveraging the River Realm’s existing high-ranking website to promote the Town of Irvington. So, we are very excited about that, and also, the council, our bylaws allow for a liaison to participate in our board, and I would really love to have one of you come and do that. So, if you’re interested please appoint someone so we can keep a line of communication open. We are definitely interested in collaborating to further efforts in the best interest of the town. So, anything to add?” G. Del Rio, “If anyone has any questions, we’ll be happy to answer them.” A. Bugg, “Yeah absolutely. So, thank you very much.” Mayor Bugg, “Thank you. Exciting stuff. Would anyone else from the public like to speak?” G. Del Rio, “There was a question about memberships joining for a business it’s \$100, to be a founding member it’s \$500, for non-profits or individuals it is \$50, and all those things are on the website just go to visitirvingtonva.com, go to the about, and you can do it all there.” Mayor Bugg, “Thank you. Anyone else from the public like to speak?” W. Nunnally, “Mr. Mayor, I think I’d might like to be on that board, when you consider who you might want to send to them.” Mayor Bugg, “Alrighty, good to know. Thank you. If there’s no one else from the public that would like to speak that’ll move us on to the next item.”



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D. REPORT FROM THE ZONING ADMINISTRATOR – *L. Brown*

Mayor Bugg, “Alright the Report from the Zoning Administrator – Mrs. Brown.” L. Brown, “Thank you. I only have one thing to add to my report since I gave this to all of you on Tuesday. This morning I attended my first Wetlands Board hearing at the Courthouse. It was in regard to the Tides Inn project, and I’m not going to go into detail about that since they have a presentation. It was a very informative, educational experience for me to see the hearing process, I will find more out about what happens between the dual jurisdictions with the Wetlands Board and the Town of Irvington. So, thank you.” Mayor Bugg, “Thank you.”

E. REPORT FROM THE TOWN ATTORNEY – *N. Keane*

N. Keane, “No, I don’t think I have anything.”

F. REPORT FROM THE MAYOR – *Mayor Bugg*

Mayor Bugg, “The first item I have to speak about is research on appointments and reappointments. Several months ago, there was a discussion at the table about whether the town must always place an add to fill an appointment. It was stated that the town always did this. As we discussed at that meeting, there’s no legal requirement to advertise for an appointment positions. I have since reviewed the minutes for the last several years. In several cases, a planning commission member whose term ended was reappointed without advertisements. An example of such reappointment without advertisement, would be Mike Mattheisen, Lee Hood Caps, and Chris Braley. I just wanted to clarify for the record that our past practice on advertising appointments has been mixed. With that in mind, we do have a vacancy on the BZA. Robert Fleet’s term ended a couple months ago. We don’t appoint it to the BZA, we concur with the court on appointment. May I suggest that we recommend that the Circuit Court reappoint Robert Fleet to another term? Council?” W. Nunnally, “I so move.” F. Westbrook, “Do we know that he – does he want to do it?” Mayor Bugg, “Yes Sharon.” S. Phillips, “Mr. Mayor, I spoke with Mr. Fleet this afternoon, and yes, I suggested that the council members would make a decision this evening as to whether he would be interested in fulfilling a new term, and he was interested.” B. Schaschek, “How long is the term?” S. Phillips, “Four years.” Mayor Bugg, “Excellent is there a second?” B. Schaschek, “Second.” Mayor Bugg, “Discussion? All in favor and oppose? Great, Robert Fleet will be reappointed to the BZA and I will take that off my notes.”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye

THE MOTION TO RECOMMEND THE CIRCUIT CORT TO REAPPOINT ROBERT FLEET TO ANOTHER TERM WAS PASSED 6-0



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Mayor Bugg, “The next item I have to discuss is a council directive to require clarifying ordinance regarding cups for docks. At the April meeting, council directed the town attorney to draft an ordinance that would clarify existing, somewhat conflicting language in the town code when a CUP is required for a dock. The council’s direction at that time was to ensure that a CUP is required for all docks built in the town. I have asked the Town Attorney to go ahead and draft the ordinance which was requested by council last April, and I intend to place the topics on the January or February agenda. Separately, I have received questions about the reason for the number of meetings for CUPS. We are using regularly scheduled meetings as much as possible to process CUP’s. Most CUP supplied for in Irvington are for pools and docks. All schedules adopted by council for hearing CUP contains sites to the legal requirements. Requirements in the state statutes, and/or the town code include advertising, hearings, and meetings, with specific timing required as an overlay. Failure to follow the legal procedures renders the action taken invalid. As a protection for the town, and the applicants, we must adhere to what the law requires so that the CUP will be valid. The real issue is whether council wants to continue to require CUP’s for all docks built in the town. Council apparently did, as recently as able. If council were to eliminate the requirement of a CUP for docks inside the navigation line that would likely reduce the number of CUP’s processed by the town. It is worth a public discussion so the council members can go on the record with their definitive positions on this matter. The next item I have to mention is the budget process. We just completed our budget process. I have received some comments about the process, and I have my own additional thoughts. We invested a lot of time in Committee Meetings, at least eight of them over several months, totaling at least 20 hours. The meetings were poorly attended by council and the public. Other than Fran and Anthony, who held the meetings, I think one council member came to one meeting. At the end of this several months’ process, at the second reading, we had three council members vote against the budget. Since then, I am now hearing complaints about the budget. I was never informed by any council member of concerns or complaints about the budget, taxes, or fees. I would like to find out why these concerns are not being communicated in real time to me, or to all members of the Budget and Finance Committee. I broke the tie in favor of passing the budget. I should never have to break a tie on a budget because that means we have not done the work necessary as a body to resolve concerns and solve problems ahead of a vote. We were elected, in part, to be problem solvers. This recent experience does not instill confidence in the town. The new budget process will begin in a few months. I am not in favor of handling this process the way it has been handled, and I will be looking to members to provide feedback about how this can be improved. Specifically, what it will take for members to participate well ahead of readings contemplated for passage. Thank you, council I will be reaching out to all of you. Next item I have is appropriating payment to contractors. Also at the last meeting, a debate was undertaken about appropriations, specifically to contractors of the town. Motions seeking certain appropriations for payment were defeated. My observation is that some council members may be using appropriations or defeating appropriations to include paying vendors that have a valid contract with the town. This is not an appropriate purpose. It is misuse of the appropriation vehicle. Appropriations are required as a safeguard for expenditures to make sure they are budgeted, to make sure the amount is correct, and there is no mistake about the amount or timing of those payments. Appropriating should not be used as a sword for the purpose of defeating a vendor, or



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changing the outcome of a budget. Remember that all of our actions are on the record, and building a record, and the liability of the town is potentially increasing when these actions are taken. We do not want these actions to harm the reputation of the town. Lastly, the North Commons, I promised residents that we would try to hold a public hearing specifically about the development of the North Commons. I would like to do this next week on December the 15th. This is stated later in the agenda. Those are all the comments I have in terms of my Mayor's Report."

G. OLD BUSINESS

1. Motion to appropriate FY20/21 general operating funds – F. Westbrook

Mayor Bugg, "The first item would be the motion to appropriate general operating expenses for fiscal year of 2021. To facilitate the smooth operation of the town, I recommend the council adopt this motion. These are all budgeted expenses. With that, I will turn it over to Mrs. Westbrook for that motion." F. Westbrook, "Thank you, I didn't realize you've got me down for a few motions on here which I wasn't aware I was doing so I'm at a little bit of a disadvantage here. However, at the last town council meetings, because of some questions about the financials, you asked that I meet with Bonnie, which I recently have done. I understand her concerns and concur with the majority of it. And because the majority of those concerns do deal with our general operating funds, at this time I'm not going to recommend that we do an appropriation for all general operating funds. I'd like to see us consider appropriating all payments, whether it's general operating, or even the category on a monthly basis. I do agree that we need to get a little tighter control on some of these things, and I think it'll serve us best to appropriate on a monthly basis." S. Phillips, "Mr. Mayor, in a recent meeting with Mrs. Schaschek, as Treasurer we had a meeting, and she and I reviewed those concerns regarding general operating, and they were clarified. There had been a question asked about the difference between the two budgets, and they were discussed. Are there further questions regarding those? I'm prepared to address them, if it will help council come to an appropriation. B. Schaschek, "Are you asking me?" S. Phillips, "If any member of council has questions." B. Schaschek, "At last meeting there was a motion to appropriate those remaining general operating funds that hadn't already been appropriated. And I had requested a list of what hadn't we already appropriated, so I was looking for a list of items." S. Phillips, "Again, so I think that the main difference is in the general operating that has been validly, through a contract, handled would be under operating expenses, would be the Centrix contract for the new printer. That is under just office expenses, but as far as under operating expenses, there was an increase of \$522. I suspect that was a simple round-up to get to a whole number, so there's no specific vendor involved. Under professional services, no contract has been offered or authorized, but the line item last year was \$15,000, and it is currently \$25,000. That is for wealth management, but again there is no contract for that. So, the appropriation wouldn't occur for that until you address it as a contract, and there's none on the table and none to be considered. Under insurance, that was an increase of \$384. Again, I suspect that the council rounded to a whole number, so it was simply a whole number. Under public safety, there was an increase of \$500, I don't believe that there's a vendor involved. Under office expenses, again those increases are related to the Centrix new contract, which has been authorized. Under municipal expenses, there is actually a reduction of \$2,600. Under town council there was a



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reduction of \$1,000. In utilities there was an increase of \$1,400, so I suspect that the vendor associated there would either be Dominion Energy.” F. Westbrook, “I think the items you are reading are things that are on the budget, as opposed to what I was talking about, as general errors that need to be addressed, and rather than spend all this time tonight doing that kind of stuff,” S. Phillips, “I don’t have a list of appropriations, so I’m not sure how we’ll pay bills between now and the next year.” F. Westbrook, “I would suggest that we table this idea of appropriated general funds until next January, or to the next meeting in January.” S. Phillips, “So no bills will be paid?” F. Westbrook, “And we’ll have time to get with you and go down the list.” S. Phillips, “But again, I think that the question that was asked was what was the difference, and I think I addressed that difference.” Mayor Bugg, “I have a specific list if you’d like to hear it.” W. Nunnally, “I’m totally confused, and I’ll just have to say that, but I am concerned. I happen to know that Mr. Schaschek is a brilliant financier, and I happen to know that Bonnie Schaschek has a career in finance, and has done and organized huge businesses. If they’re having questions about our finances, we’ve got to put a spotlight on this stuff. It’s that simple.” F. Westbrook, “My thought is that perhaps since we will meet on the 15th that we convene about 30 minutes earlier so that we can get a little bit of time and zero in on this, and present it back to you at that time. And we’re only looking at 5 days.” W. Nunnally, “And I thought the printer was done with COVID money. Where did that budget go?” S. Phillips, “No, the printer was not done with COVID money, the printer was done through general operating.” F. Westbrook, “So I’d like to move that we table this until the discussion on December the 15th, and that we meet 30 minutes earlier than when we were going to meet, so we can have that discussion.” W. Nunnally, “I second that.” Mayor Bugg, “Any further discussion?” A. Marchetti, “Yes. Where was this discussion three months ago at all of the meetings? I don’t take personal offence to anyone that opposes a line item under the budget, or every line item under the budget. Why are they waiting until now to engage in this conversation?” F. Westbrook, “Well you all asked me to meet with Bonnie at the last meeting. So now I’ve just recently done that.” B. Schaschek, “In August I objected to approving the finances because they were incorrect. They were tabled. Tripp asked me to meet with Fran, and did Fran agree with me? And she did because I had spoken to her. Tripp asked me to meet with Fran. I did, I met with Fran on multiple occasions, discussing these items. So, it is not just coming up now.” S. Phillips, “Was the Budget and Finance Committee aware of this meeting?” W. Nunnally, “Well Fran is the Budget Committee.” S. Phillips, “Is there anyone else here from the Budget and Finance Committee?” A. Marchetti, “I was unaware of any meetings or any talks or any oppositions to any of the line items.” F. Westbrook, “The request of the meeting came from the mayor that I meet with Bonnie, and that’s what we did.” S. Phillips, “Alright so the concern is, that you had multiple meetings regarding those concerns. And again, we want to instill confidence as we shared the other day. Bonnie, you’re 90 days frustrated, and that’s reasonable, but unfortunately the meetings and the conversations that you had did not go anywhere. Anthony is on the Budget and Finance Committee, and the information was not shared. The treasurer is not aware of these concerns.” W. Nunnally, “Well maybe Anthony should be included in this next meeting.” F. Westbrook, “Well that meeting that the mayor asked for, it was not a Budget and Finance meeting, it was just for me to get together with Bonnie, and any two council members can certainly get together.” S. Phillips, “The treasurer has not been made aware of any of Mrs. Schaschek’s concerns.” F. Westbrook, “Okay, so a motion



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is on the floor, please.” Mayor Bugg, “Any further discussion? Vote? All in favor and all opposed?”

Vote:	Frances Westbrook	Aye	
	Dudley Patteson	Aye	
	Jackie Brown	Aye	
	Wayne Nunnally	Aye	
	Bonnie Schaschek	Aye	
	Anthony Marchetti		Nay

**THE MOTION TO TABLE THE GENERAL OPERATING EXPENSES
APPROPRIATION FOR THE FISCAL YEAR OF 2021 WAS PASSED 5-1**

2. Motion to appropriate \$8,334.00 to Flack Shack from CST – F. Westbrook

Motion to appropriate \$8,334.00 to Flack Shack from CST – F. Westbrook Mayor Bugg, “Next item on the agenda is a motion to appropriate an \$8,334 to Flackshack. This is representing three months of payments. I’ve asked the vendor to submit a report of work performed, which it did. You received the report in you packet. I also circulated the report to our partners for feedback on the report. Their responses were very positive. Based on my review of the report, and the positive comments from our partners, I recommend that this appropriation be approved by council. Is there a motion to approve this appropriation?” A. Marchetti, “So moved.” D. Patteson, “Second.” Mayor Bugg, “Discussion?” F. Westbrook, “Yes Mr. Mayor, it looks like I’m on a roll tonight. I feel we do have to pay this because it is a contract, however, I would like to go on the record one more time about how this whole thing has occurred and how it has been handled has not been... We’ve put a lot of stomach with this and there’s still a sour taste in some of our mouths, but given that we signed a contract, I’m in favor of paying it.” Mayor Bugg, “Thank you.” W. Nunnally, “Let me comment on this, I read these minutes, and I started my comments off last time by saying I was confused of what we’re doing. And then in that meeting, the September meeting, there was a \$3,000 motion, and I thought that’s what we were going to spend, and that the mayor was going to design the stuff that needed to be designed. And I don’t think we’ve got a contract, and I would like to humbly submit that we review that and see if we’ve got a contract.” A. Marchetti, “It should probably be in your packet.” F. Westbrook, “I did read the contract and it stipulates we pay them monthly, equal amounts.” W. Nunnally, “Yeah but I’m not sure we’ve got a contract.” F. Westbrook, “Yeah we do, the mayor signed it. We authorized him to sign it. And in addition to that, the unfortunate aspect of this is that by not paying it and paying it in a timely manner, it’s just not us, it’s the other partners in this, which means the Steamboat Era Museum now looks bad, the Tides Inn, and whoever the other partners are, The Hope and Glory. This whole thing has had a series of problems, and I don’t want to see us add to that by withholding payment on a contract that we authorized the mayor to sign on our behalf.” Mayor Bugg “Wayne, I’d be happy to get together with you, and get you up to speed on this as well, I think that would be useful.” W. Nunnally, “I think it would be.” Mayor Bugg, “Alright the motion is on the floor, all those in favor of this appropriation to Flackshack and those opposed?”



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Vote:	Frances Westbrook	Aye	
	Dudley Patteson	Aye	
	Jackie Brown	Aye	
	Wayne Nunnally		Nay
	Bonnie Schaschek		Abstain
	Anthony Marchetti	Aye	

THE MOTION TO APPROPRIATE AN \$8,334 PAYMENT TO FLACKSHAK WAS PASSED 4-1-1

3. Discussion of audio visual proposal from Entertainment Systems

Mayor Bugg, “Next item on the agenda is the discussion of the use of tennis courts to teach tennis. That item is being tabled to a later date. Next, that brings me to Item 4 which is the discussion of audio visual proposal for entertainment systems. We began this discussion, and I think we are going to move forward with this discussion whether to purchase all of the additional equipment and any potential motion we may want to entertain. Bonnie, anything you would like to say in regards to what you reviewed?” B. Schaschek, “I did take a look at the estimate and I did go out to the website and look at all of the pieces. This is a very expensive proposition at \$31,300. The sound system is we’ve got to do a major installation, and it’s about \$10,000 just for that. The good points on it would be that every member and mayor and council person would have their own mic, so we wouldn’t be screaming across the floor and everyone could theoretically hear. However, there’s an awful lot of cons to it. There was nothing in the estimates for the ongoing support and maintenance required. The setup of the racks and speakers before each meeting would need to be done by somebody. I don’t think it’s something that the existing staff is going to be able to do. It’s very technically complex, and you’re going to need somebody to do that. I don’t think you could use the COVID funds for ongoing maintenance of it. I did draw out a couple of these things, just flowing through it, if anyone was interested in taking a look at it. I guess I’m curious on what you ultimately wanted to get out of this. There is a whole visual part of it, but then again, now you need to go to live streaming. We don’t have the infrastructure in order to do live streaming, you need regular internet, and I’m not sure what they have at the church. So I’m not sure what it is that you are going to get for \$31,000. And then you’d be better off investing in a few microphones around the room than spending on something that you have to do major installation, major setup and takedown, and then continuously pay maintenance on it. That’s just my opinion.” Mayor Bugg, “I share your opinion. I think it’s too expensive. I think we should explore alternatives and move on from this item, so we might lean on you in getting some more info on microphones and things that will be more cost effective. That would move me to the next item, which is New Business.”



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H. NEW BUSINESS

1. Tides Inn Presentation on Shoreline Development

Mayor Bugg, “The Tides Inn asked for time on our agenda to discuss its shoreline development project. This project involves several applications before several government agencies, including Irvington. Due to the length of our agenda, we have designated about 15 minutes of tonight’s agenda for the Tides Inn to give a high-level summary presentation of this project. Please join me in welcoming the Tides Inn.” B. Musinski, “Good evening, thanks everyone for welcoming us, my name is Brian Musinski, I represent the Tang family, and lead all the real-estate for the Enchantment Group. I’ve been with the company for about two years, and that really has represented a major investment in the Tides Inn, and really our first major investment since 2002. We have our design team, who’s going to be walking us through the visual presentation. Waterstreet Studios is a Charlottesville based landscape architecture firm, we have Bay Design, who’s based in Urbanna, and we also have Brian Hoffman from Friends of the Rappahannock. This July, the Tides will turn 74 years old, and in addition to our continued investment in the property, we also look at infrastructure, and we’re looking at the shoreline. And as we started looking at the future of the Tides Inn, and the future hospitality, we’ve seen in our other properties, which are sort of high-end experiential resorts that customers are looking for more than just coming to a place, sitting on a beach, and having a drink. While certainly that’s something that’s important to them, we see the future guests and the current guests wanting to have experiential events and activities with their friends and their family. And the shoreline started as an idea to restore an area of the property that was eroding, and turned into what we see as the future of the Tides Inn, and coincidentally this coincided with something that Lara mentioned at the Wetlands Board hearing is that there’s been some changes in regulation that have been encouraging natural shorelines. And what we see in this project is both a tourism draw to the Tides Inn, another one besides just gathering with friends and family, but also an ecological and educational opportunity, which the team’s going to talk about here today, and then of course if there are any questions we’d be happy to answer those. Thanks for everyone’s time, I am going to introduce Wayne Savage with Bay Design.” W. Savage, “Hey everyone, I’m sure you remember me from the other night. I’m Wayne Savage with Bay Design Group. I’ve been a civil engineer on this project. This is quite the project here, as I’m sure you guys are now seeing. Also you guys have packets here as well that our landscape architects have provided to you guys to get you a good overview of what it looks like and what we’re proposing. I just wanted to give you guys an update on where all the permits stand. We’ve gone through a JPA process, we’ve been working with VMRC, the Corps of Engineers, local Wetlands Board, along with several other agencies for this project. So everyone’s all in on this and trying to get this thing to a point where we can get it permitted. At the local Wetlands Board hearing this morning, they did vote to unanimously approve this project. Based on my conversation this afternoon with the Army Corps of Engineers, there’s no objection from them and we should be receiving a permit next week. As far as we know, there has been no further objection or comment from



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VMRC, and we're expecting a favorable action from them within 10 days from today, that's their general timeline for issuing a permit from then. And the only thing that follows from there is we need this town council, obviously, to give us approval of the project. I think from that, I kind of gave us an update on where our permits for that, I'll turn it over to Waterstreet, and I'll be here to sort of help them along and introduce the project." E. Young, "I'm Eugene Young, we're from Waterstreet Studio, we're landscape architects and environmental planners in Charlottesville and Richmond, Virginia. Thank you all for letting us present to you tonight. I've never presented with a mask on and a coat on so this is a little interesting, and you can't see my expressions, so you won't be able to see our enthusiasm for this project, but we have books that we passed out to you if you want to follow along. We'll give you a quick description of what our design implementation is for the Tides Inn, along the shoreline as Brian and Wayne just described. This is the existing site conditions as we know it, this the Inn here, this is the arrival court as you come in for those of you unfamiliar with the Tides Inn. This is the base map that we are going to use to describe all the respective. And please, if you have any questions while I'm doing this just go ahead and ask them. This is the plan, this is our proposed plan, this rendering here. And what you'll notice is this rendered edge, this colorful edge here, it looks really thin, but there's a lot happening here. One is that we plan to renovate the store and protect this eroding slope, in these areas in particular, like here in the winter house, and here by the bluff. Another thing we want to do is renovate and restore this insufficient marsh land that has occurred right here, and what we call the cove. So it's these three areas that are of particular importance, and we plan to do this by implementing the living shoreline, but with that shoreline, we're also proposing a boardwalk on that edge, and what's most beautiful to us is that this is an example of what we call infrastructure and design. So it's not just design for design-sake, it's where you use infrastructure as the basis for design. So form follows function, but it follows it thoughtfully and beautifully, and makes a statement. So by that I mean, when we take this boardwalk, we're actually using it in these two particular areas, where we are going to attach a sill to the boardwalk discreetly, so you don't even see it. And that's what's going to hold the living shoreline in place in these two particular areas. Here, we have the opportunity to do a stone sill, and that's where we'll put the oyster spat on top because we're trying to restore the cove area, which is a bit of a marshland already. One thing to note, if you see in your books there's a dashed line area and that dashed line indicates the approximate shoreline in 1937. That's on the survey page as we know it now. So the actual shoreline, originally, was out here. But now, it's eroding away here. I'll go into these three particular areas, the Winter House section, this Cove section, and the bluff. This is very important, these section drawings here. The before and after pictures are great, they're beautiful and they really tell the picture, but these technical joints here, are very important, because what you notice here is an existing condition of this slope. It's almost 1.5:1, that's like this. And you notice that these buildings are sitting on that slope like this, so they are very close to that slope edge, and we're proposing here, by putting this sill attached to the boardwalk, is going to hold back this living shoreline and allow us to grade the slope into a 2:1 slope, which is in the plan. That's by code you can plan a 2:1 slope without a problem. So you can see the big change between that eroding shoreline and that proposed slope. And here's a before and after. Here's the Winter House, and you can see how close it is to that slope and how we're losing ground here, and here's the proposal for the boardwalk in place, and



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the living shoreline, and the destroyed slope edge.” W. Savage, “To add to Eugene’s thing real quick, and I’m not meaning to interrupt, but on those slopes, and specifically where the buildings are at, we have actually had a geotechnical firm and geotechnical professionals come in and conduct borings in those locations, we’ve actually installed some helical piles on those two buildings specifically because of their location to the slope, and with those helical piles, along with the regrading of the slope, we’re creating a stable slope. We’ve gone through a slope stability analysis, and currently, the existing slope is not stable, it’s a danger, and it possibly could let the buildings fall in, so in that particular area, we’re actually saving buildings, and creating a positive slope.” F. Westbrook, “I have a quick question if I may.” W. Savage, “Sure.” F. Westbrook, “Would the living shoreline and the sill and the thing that you are proposing to prepare, by any chance are you working with VIMS on that?” W. Savage, “Yes, VIMS is actually a part of this project. They have actually reviewed, commented, provided us their professional opinion based on their science, and we’ve actually responded to those and implemented what we could to the project and we have heard no further objections. So, they’ve had a site visit with them actually on site as well.” W. Savage, “Along with SEAS as well, SEAS is another nonprofit organization, Mike Vanlandingham, some of you may or may not know him, he is a professional who has worked with living shorelines as long as it’s been around, and he also provided his comments as well, which we did address, so we’ve got multiple different agencies that we’ve been working this angle to make sure that everything is right where it needs to be.” F. Westbrook, “Thank you.” W. Savage, “Yes ma’am.” E. Young, “Here, this is the Cove area that we have been talking about. Here’s what we called, this very little section, it is a very little diminished and impaired marsh area, and so in this, you can see from the section, there’s a lot of invasive species here. We propose that we remove those invasive species, and if here, we put a rock sill with oyster spat, so we’re creating an oyster habitat on top of that rock sill to establish a sill that will create this new extended marsh land here, as you can see in the perspective. And lastly, we have... this is really, this is the bluff. It’s occurring in different places along the tidal creeks, and it’s extreme erosional processes. And so a lot of it is not only eroding away but the trees and stuff fall. So what’s really beautiful about this particular bluff at the Tides Inn, is really interesting, there’s a grove of Chestnut Oaks, which is what you’d typically find in the Piedmont, you don’t typically find it in the Coastal Plain out here. So this is like, it’s a climatic species of tree, very special, but they’re starting to fall into the water. So, here the proposal is to actually put a sill right up on the edge so we get that 2:1 slope here, but what we’re proposing, and thankfully the Tides are actually going to go along with it, it actually putting the living shoreline on the outside of that sill, rather than on the inside which likely on the Winter House, and the Cove. So that’s pretty unique, here’s an after picture.” W. Savage, “The purpose of extending all that out is, like Eugene had mentioned those Chestnut Oaks, we’re trying to preserve as much of the upland vegetation as we can, within reason. There’s certainly going to be some trees removed, and some bank stabilization done, some trees are falling in the water that we have to remove, but ideally, we’re trying to save the majority of that Chestnut Oak, and we’re trying to create a natural environment, especially at the Cove to almost create a nature trail and something that people can enjoy, a different experience there. And we’re planting wetland species, living shoreline species, upland species, such as new trees.” E. Young, “There’s 10,000 plus proposed shoreline plans, and there’s 18,000 square feet of proposed living



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shoreline, where now there's none. So, I think for us, what's most exciting is that obviously, environmentally, we know the benefits of this, but we are thinking about it from a cultural perspective as well, because there's an opportunity here as Brian had alluded to, that this is not a private endeavor. We understand that most of the properties in the estuaries and creeks, out into the river, and even the Bay, 85% are privately owned land. So the opportunity for the public to actually come here, and public outreach. And we were just listening to the Irvington Business Association got that tourism grant, so all of a sudden people are allowed to come here, and the public outreach for schools, clubs, classes, they can come and explore and understand what is happening to this shore, especially in estuaries. It's a very critical, in our universe, landscape pathology that we're losing, it's like an endangered species. And it's very important for us, and hopefully for you, to restore this important environment." B. Muskinski, "We really see this as the future of hospitality, and as Eugene mentioned, that combination of infrastructure and design. And I forgot to mention Jason Trollop, who many of you guys have met, our new managing director at the Tides. Let us mention that education for us is big. We want to have programming, we want to teach people about oysters, we want to teach people about how to grow oysters, how oysters help clean the water. We know that the Rappahannock is an area where you can't come and get oysters because of some of the environmental concerns, and so we're excited to do that. I wanted to introduce Brian Hoffman, from the Friends of the Rappahannock to talk a little bit about natural shorelines." B. Hoffman, "Thank you for having me tonight, Brian Hoffman, Deputy Director with Friends of the Rappahannock. We're a nonprofit organization that works to protect and restore the Rappahannock River from the Blue Ridge Mountains down to the Chesapeake Bay, and in interest of respecting your time I'll be brief. We've invested over \$100,000 in Carter's Creek and this area over the last several years in an effort to clean the creek, increase the water quality and beautify it, to help better grow oysters, to help keep the water clear for Rockfish, Crabs, and other juvenile fish species that we all love. Living shorelines, since 2015, Delegate Hodges pushed through some legislation to make it the preferred alternative for shoreline stabilization throughout the Commonwealth. In 2019, we worked with the Northern Neck and Middle Peninsula planning districts, as well as many other partners across the state, to develop a Watershed Implementation Plan for the entire Chesapeake Bay portion of Virginia. This outlines all of the different types of projects that we have to go through to install by 2025, to meet our water quality goals which are mandated by the federal government and EPA. In the Rappahannock River Basin alone, over 150,000 linear feet of shoreline has to be stabilized using living shorelines. 150 acres of oyster reef has to be restored, and 4.8 million trees need to be planted, among about 80 other practices and projects that have to happen. This project is one of those that will help meet those goals. Here in the Northern Neck and Lancaster County, we installed and monitor many living shorelines throughout the lower Rappahannock River. We partnered with Northern Neck Planning Commission to run a cautionary program for living shorelines, and we continue to write grants to help bring money locally here to put in the hands of contractors like Bay Design and some other people who actually install the projects. We bring students out to these projects beforehand and show them the problem. They actually get their hands in the mud, helping us install the projects, and then they're out there taking water samples and other things. Most recently we've done some work with Chesapeake Academy, building an plant garden on their property. We're real excited about these types of projects. We have a clean



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Carter's Creek initiative where we're going to be offering free trees to anyone who lives in this area, because we value the creek so much. We're doing disaster relief with other landowners in Lancaster County who suffered due to the hurricane and tornado, so we're really excited for this opportunity to be involved in the education and the installation of the project. I can answer any questions now or in the future if anybody has them. Thank you for your time." W. Savage, "Thank you Brian. So, we're asking for your guys help. You helped us last year with the conditional use permit for the floating dock in front of Fishhawk, so we could welcome guests and essentially run a restaurant without a parking lot. We appreciated your guys help last year, and as you know, we're staying open this year for much longer than we have in the past, we're staying open through the end of January, and we have a pretty short window to execute this project. So, we appreciate your help and can answer any questions that you guys have. And I'll just add, Lara has a copy of these in full size, I'm sure you guys won't receive them in full size, so I'm willing to leave these with you, maybe if you want to share them as a council, be able to look at it and then pass them along day by day. I'll leave them up here so if you guys want them, you're more than welcome to have them. Other than that I think we'll take questions if you have any." Mayor Bugg, "Any questions council?" W. Nunnally, "Good luck." Mayor Bugg, "Well thank you. Wonderful presentation, this has been very exciting. Thank you."

Mayor Bugg, "For the record it is 7:40 p.m. Jackie Brown has left the building. I just wanted that to be on the record and now we will proceed with the remaining items."

2. 1st Reading Resolution 2020-14 TC; CUP Application CUP-2020.CUP7_Alga

Mayor Bugg, "Starting with the next item under New Business, we have some first readings, first reading of Resolution 2020-14-TC-CUP Application. CUP 2020, CUP 7_Alga" S. Phillips, "Resolution 202014TC Conditional Use Permit Application – is attached and incorporated within."

**3. 1st Reading Resolution 2020-15 TC; CUP Application CUP-2020.CUP8_Smith -
tabled**

Mayor Bugg, "Next item is a 'Smith' first reading, I believe that has been tabled."

4. 1st Reading Resolution 2020-16 TC; CUP Application CUP-2020.CUP9_Webb

Mayor Bugg, "Item 4 is the reading of Resolution 202016TC. That would be Webb." S. Phillips, "Resolution 2020_16TC Conditional Use Permit Application, build pool inside RPA, R1, Tax Map# 34-21-D. is attached and incorporated within."

**5. 1st Reading Resolution 2020-17 TC Rezoning Application 2020.RZ1_Town of
Irvington**

Mayor Bugg, "Thank you Sharon, the next item will be Item #5, that will be the Town of Irvington." B. Schaschek, "Lara, do you have any extra copies of the DCR and the Land Usage that they handed out on Tuesday?" L. Brown, "Not with me, but I'm happy to email them to anyone who would need them." S. Phillips, "Resolution 202017TC Rezoning Application, rezone parcel from R1 to B1 or B2, Tax Map 33-37-8. Is attached and incorporated within."

6. 1st Reading Ordinance 2020-011_Repeal, Re-enact Town Code §154.106

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Mayor Bugg, “The next item will be item #6, first reading of Ordinance 2020-011_Repeal, Re-enact Town Code §154.106.” B. Schaschek, “Are we going to talk about any of these.” Mayor Bugg, “These will be talked about at the January meeting.” B. Schaschek, “I was just wondering because the last item says rezone from R1 to B1 or B2, when do we discuss whether it is going to be a B1 or B2 because this is very confusing.” Mayor Bugg, “Every one is having it’s first reading.” B.Schaschek, “We’re having a first reading of something that hasn’t even been passed on to the Town Council yet.” S. Phillips, “Ordinance 2020-11: Repeal/Reenact Town Code §154.106, Use regulations in B2 zoning. Whereas the Town Council proposes to repeal and reenact Town Code §154.106 regarding B2 Zoning District regulations. And whereas, this ordinance, 2020-11, will create a new sub-section in K. in Town Code §154.106, allowing Pilates, yoga, music, or art studio in the B2 Zoning District. Whereas a notice of public hearing on this ordinance 2020-11 was advertised on November 25, 2020 and December 3, 2020, pursuant to Virginia Code Annotated Section 15.2-2506. And whereas, a public hearing on Ordinance 2020-11, was held on December 10, 2020, and the public also had the opportunity to speak about the ordinance at its meetings held December 10, 2020 and January 14, 2021. Whereas this ordinance, 2020-11, was read twice before approval at the December 10, 2020 and January 14, 2021 Council meetings. Be it enacted and ordained by the Town of Irvington, Virginia as follows: Council hereby repeals Town Code §154.106: Use regulation. 2. Council hereby reenacts Town Code §154.106: Use regulation as follows §154.106: Use regulation. In limited district B2, structures to be erected not to exceed 1,500 square feet of floor area, first and second floor total, can be used for one or more of the following uses with the Conditional Use Permit: a. Town Office and other similar public uses, b. Bed and Breakfast Establishments, c. Office Buildings, d. Professional Offices, e. Antique Shops and Galleries, f. Catering, g. Bakeries, h. Florist Shops, i. Barber Shops and Beauty Shops, j. Hobby and Craft Shops, k. Pilates, Yoga, Music, and Art Studios. 3. This ordinance is effective upon passage.” N. Keane, “You probably want to get Sharon to read the beginning of the other alternate, just so it’s clear that we have it.” F. Westbrook, “It has just occurred to me, like Bonnie’s point a moment ago if we have questions or concerns or issues with any of these that were just read, wouldn’t we rather have that happen now as opposed to waiting till January to find out that you may have a bugaboo or something.” Mayor Bugg, “Sure, yeah.” B. Schaschek, “So let me ask you this. Is the Planning Commission going to meet and discuss these? Or are they just going to meet and just approve it and pass it on?” W. Nunnally, “I told you they were going to discuss it, I asked about that.” B. Schaschek, “Oh you did?” T. Chapman, “We proposed to discuss that at our next meeting.” F. Westbrook, “When is your next meeting?” L. Brown, “January 12th.” B. Schaschek, “Can public come and speak on it as well?” T. Chapman, “Yeah, I don’t see why we can’t add that on the agenda.” L. Brown, “They’ll have a discussion before they vote on it.” T. Chapman, “I’ll make a note that we’re going to have public comment on there.” B. Schaschek, “And that’ll be at 6:30? Usual time?” L. Brown, “Yes, 6:30 on the 12th, not sure where we’ll be.” W. Nunnally, “We’ll be in the safest place around right now, with \$3,300 worth of COVID cleaning.” T. Chapman, “I’ll make sure that there’s a public discussion on there.” B. Schaschek, “I don’t want it to go to the Planning Commission and come back to the Town Council, thinking that we’re going to have a second reading when there’s still some issues to talk about.” L. Brown, “So Planning Commission will have a discussion, and they’ll have a vote, and then they



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have to make the recommendation to the Town Council. And then you'll either accept the recommendation or add conditions."

S. Phillips, "Proposed Ordinance 2020-11, Repeal, Reenact Town Code Section 154086: Use regulations in B1 Zoning District. Whereas the Irvington Town Council proposes to repeal and reenact Town Code Section 154086, regarding B1 zoning district use regulations. And whereas, this Ordinance 2020-11 will create a new subsection B21 in Town Code Section 154086, allowing Pilates, Yoga, Music or Art Studio in the B1 Zoning District. Whereas, a notice of public hearing of this Ordinance 2020-11 was advertised on November 25, 2020 and December 3, 2020 pursuant to Virginia Code Annotated Section 15.2-2506. Whereas, a public hearing on Ordinance 2020-11 was held on December 10, 2020, and the public also had opportunity to speak on the Ordinance at meetings on December 10, 2020 and January 14, 2021. Whereas, this Ordinance 2020-11 was read twice before approval, at the December 10, 2020 and January 14, 2021 Council meetings. Be it enacted and ordained by the Town of Irvington, Virginia as follows: Town Council hereby repeals Town Code 154086: use regulations. Council hereby reenacts Town Code Section 154086: use regulations as follows: 154086: Use Regulations I am not going to read A through..." F. Westbrook, "I think you've read it. We get the idea." S. Phillips, "But I am going to note that item 21 is added: Pilates, Yoga, Music, and Art Studios."

7. 1st Reading Resolution 2020-18 TC; CUP Application 2020-CUP10_Town of Irvington

Mayor Bugg, "Alright, to the last item, 2020-18." S. Phillips, "Resolution 202018TC: Conditional Use Permit Application: Pilates Studio in B1 or B2, R1, Tax Map# 33-37-8. **Resolution 2020-18 TC is attached and incorporated within.**

8. Motion to approve CUP Schedule – L. Brown

Mayor Bugg, "Excellent, I think those are all of the first readings. Well done. The next item on the agenda is Motion to Approve the CUP schedule. I think this should be placed at the end of the agenda, after Close Session. Anyone have any problem with saving this stuff until the end?" F. Westbrook, "It's basically just adding the one extra, compared to the previous CUP schedule." Mayor Bugg, "Okay yeah we're going to move that to the end."

9. Motion to approve Sign Permit 2020-21_Town of Irvington – L. Brown

Mayor Bugg, "The next item is a motion to approve a sign a sign permit for 2020-2021." W. Nunnally, "So moved." F. Westbrook, "Don't you want to know what it's going to cost?" Mayor Bugg, "Is this for the Town Office?" L. Brown, "It is recommended that the Town Office needs a sign at our temporary location for visitors and residents to be able to find the office. So it's to have Mitchell Signs create something that we can put in the front yard. The proposal is no larger than eight square feet, complying with our sign requirements." W. Nunnally, "How much was it? The cost?" S. Phillips, "So if you flip in your packet, there is an image, and Bill Mitchell generously... this is the image, and you'll notice there is a piece of paper laid on top of this, it says Village. In the bottom left, you will see an illustration of the brick pillar that is at the end of the driveway. The illustration on the left is a one-sided sign that would have low visibility. The cost there is \$250. The image to the right is a two-sided sign that would be on a post, which



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would grant visibility on Route 200 in both directions, and the cost there is \$500. Excuse me, \$550.” F. Westbrook, “I move to go with the one that is \$550.” B. Schaschek, “I would go with the \$550, but what is this big blank space? Is that where he was zeroing something out?” S. Phillips, “His original illustration said ‘Village of Irvington’ and it should not reference ‘Village of Irvington’ because it is actually your local government.” B. Schaschek, “Okay so this will just get moved up a little bit?” S. Phillips, “Yes, I suspect that he will respace it appropriately.” W. Nunnally, “I second the motion.” Mayor Bugg, “Any further discussion? All in favor and oppose?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION TO APPROVE SIGN PERMIT 2020-21_TOWN OF IRVINGTON; PICK THE \$550, DOUBLE-SIDED SIGN WAS PASSED 5-0

9. Announcement of Irvington Small Business Grant Winners – Mayor Bugg

Mayor Bugg, “Next item on the agenda is the announcement of Irvington’s Small Business Grant Winners. The grant winners are: Lee Taylor of SewLoveLee, Bryan Byrd of Dredge, Michael Knappick, of The Office Bistro, Objects Art and More, Fore and Aft, Sweet Tea Boutique. Staff, and the Council as well, thank you for all your efforts in making this happen. This is a most unique scenario, and I know it took a lot of effort, but we got it done, so thank you to you all.

10. Motion to release CRF funds to Lancaster EDA for Irvington Small Business Grant Winners – Mayor Bugg

Next item on the agenda is the motion to release CRF funds to Lancaster EDA for Small Business Grant Winners. That goes hand in hand with the other grant. Would someone like to make that motion?” D. Patteson, “So moved.” W. Nunnally, “Second.” Mayor Bugg, “Any discussion? All in favor and oppose?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION TO RELEASE CRF FUNDS TO LANCASTER EDA FOR SMALL BUSINESS GRANT WINNERS WAS PASSED 5-0

12. Discuss purchase of tablets and related infrastructure costs using CRF; possible motion to appropriate; F. Westbrook



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Mayor Bugg, “Fran I’m going to turn this one over to you. Item 12, Discuss purchasing tablets and related infrastructure costs using CRF.” F. Westbrook, “Yes sir, I requested that it be on the agenda. The intent was to discuss type and cost of tablets for each town council member, and in researching and looking at that, I’ve come to the conclusion that I need advice from someone like our IT person that we’ve been using. There’s just too many variables to tackle unassisted, but I did want to go into more detail as to why I wanted to get the tablets for us. For our meeting packets, that’s the main reason. You all may have noticed that if you printed out your own packet, there’s over 100 pages in this meeting packet. Most of us use our personal ink, personal paper. This would have been more if we had printed out all the other minutes that were available. I used a fifth of a ream of paper just getting stuff, and then when I got here, here it is all over again, and it just seems crazy. I think that I’d like to see us start getting all of this information earlier. To receive this, just several days earlier with all this reading, all these documents, they supplement this stuff. I’d like to see us start getting this stuff the Friday, at the very latest, the Friday prior to our upcoming Thursday council meeting. We’re all volunteers, it takes up a lot of our time I mean we signed on for it, but some of the town council, I think four of them are working full time, so if we have this on a Friday, we have the weekend to look at it. This would have us better prepared, I think, for our meetings. And it would be able for us to generate any questions and get answers before the meeting happens. So, having said all of that, I would like to make a motion that we start receiving our packets, in its entirety, at the latest on the Fridays prior to our Town Council meetings. And if we’re going to continue doing paper copies, then I’d like for those to be printed by the town, at the town’s expense, as opposed to ours personally, and have that available at the same time frame, and we can go by the Town Office and pick them up ourselves so that they don’t have to be delivered individually, to us necessarily.” W. Nunnally, “Second.” B. Schaschek, “I’ll second.” A. Marchetti, “Second.” Mayor Bugg, “Okay any further discussion? All in favor and opposed?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION FOR COUNCIL MEMBERS TO RECEIVE THEIR MEETING PACKETS, IN THEIR ENTIRETY, ON THE FRIDAY PRIOR TO A REGULAR COUNCIL MEETING AND WE CAN GO BY THE TOWN OFFICE AND PICK THEM UP OURSELVES TO THAT THEY DON’T HAVE TO BE DELIVERED INDIVIDUALLY TO US IS PASSED 5-0

Mayor Bugg, “Just a dovetail on what you said earlier about the tablets, that could be a COVID expenditure. We have a meeting next week and research is just coming in on this, I actually just got an email from the IT guy, so that may be a perfect time to start exploring that concern.” S. Phillips, “Just a clarification with the motion that was just passed. Today is Thursday and we potentially will have a meeting next week. Unfortunately, I will not have that information by



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tomorrow.” Mayor Bugg, “Okay.” S. Phillips, “Or are we just talking our regular council meetings?” S. Phillips, “Nothing is regular right now.” W. Nunnally, “Tripp, when is the COVID guy coming? I thought we were going to have somebody knowledgeable to come and tell us how we can spend the money? To really tell us what we can do. ” Mayor Bugg, “It’s the IT guy.” F. Westbrook, “We have a nice long report that lists everything that we can spend it on, but that’s from several months ago.” Mayor Bugg, “We’ll do all we can to get it updated before and have that in-hand” N. Keane, “We can spend the money on the tablets and for the service if there is some service associated for a certain amount of time. All of these are COVID related if that is what you are asking.” W. Nunnally, “Yes. I just don’t want to have to give any of it back.” B. Schaschek, “Time is running out on all of this .” N. Keane, “They extended the deadline for final return of monies as long as you spend the money by December 31, they’re extending the return of unused money until January 22nd.” W. Nunnally, “We can spend through January 22nd?” N. Keane, “No, we can only spend through December 31st as far as I’m aware.” W. Nunnally, “Okay thank you.” Mayor Bugg, “Thank you, and thank you Mrs. Westbrook.”

13. Motion to appropriate annual donation to Steamboat Era Museum; \$2,500

Mayor Bugg, “The next item, Item #13 is the motion to appropriate annual donation to Steamboat Era Museum. That amount is \$2,500.” W. Nunnally, “So moved.” Mayor Bugg, “Is there a second?” D. Patteson, “Second.” Mayor Bugg, “Any discussion? All in favor and opposed?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION TO APPROPRIATE ANNUAL DONATION TO STEAMBOAT ERA MUSEUM; \$2,500 WAS PASSED 5-0

14. Motion to appropriate \$1,193.45 - Sept-Dec CY2020 and Jan-June CY2021 real estate taxes (4203 Irvington Road) using CRF

Mayor Bugg, “The next item on the agenda is the motion to appropriate \$1,193. 45 September-December CY2020 and January-June CY2021 for state taxes 4203 Irvington Road, using CRF Funds.” W. Nunnally, “We can do that?” F. Westbrook, “I have a question on clarification on this. Real estate taxes are for a calendar year, not a fiscal year. So, I think my guess is we’re paying the calendar year 2020. We’re not paying anything in advance on real estate taxes for 2021, because they won’t be due until December the following year, and we have no idea what they will be.” S. Phillips, “I worked with that vendor, and they have prorated, that is the number from the vendor.” F. Westbrook, “So we’re paying ahead of time for the COVID aspect of it?” S. Phillips, “Yes, with the COVID money you can prepay your real estate taxes.” F. Westbrook, “Excellent. Good. Thank you ma’am.” S. Phillips, “And so your operating budget will need to



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include the remainder of that, which will come out of general operating.” F. Westbrook, “Okay. But this is coming out of COVID?” Mayor Bugg, “Yes.” S. Phillips, “But June through December next year will not.” N. Keane, “This dovetails with the lease we signed with them, so they require us to pay their real estate taxes, under the lease.” F. Westbrook, “Yeah I’ve got that but then why, if the second half does not come out of COVID then why are we paying it ahead of time?” S. Phillips, “Because you’re spending your CARES money now.” N. Keane, “We have to spend whatever we’re going to spend by December 30th. So if you want to only pay for calendar year 2020, you would want to pay it by December 30, and if you wanted to prepay taxes through June 30, just like we’re prepaying the lease, you would have to pay that by December 30.” F. Westbrook, “And we can use COVID for prepaid taxes?” N. Keane, “Yes, because it’s required under the lease, so it’s considered a lease obligation. We wouldn’t pay taxes normally. It’s just a requirement under our lease.” Mayor Bugg, “Alright is there a motion to appropriate that amount?” B. Schaschek, “Can I ask a question. So, did we prepay the rent for January through June as well?” S. Phillips, “Yes.” N. Keane, “I believe you all appropriated that at the last meeting.” B. Schaschek, “And that is coming out of COVID funds and it’s been verified that we can do that?” N. Keane, “Let me make sure everybody remembers, we had this conversation maybe a couple of months ago, I inquired about prepaying those for the rent. The basic advice that I’ve gotten through reading the materials and talking to my sources, is that it’s probably okay, but the only place that we find that it wouldn’t be okay is that if Lancaster County gets audited. With this COVID, they’re going to audit the counties at the end again, and if that gets kicked back to us and they say it doesn’t qualify, you all made arrangements to cover that in the regular budget. Remember Fran you put the funds in our budget in 2 places in case we had to pay from our bucket back.” B. Schaschek, “That was for the rent.” S. Phillips, “Correct.” N. Keane, “And that rent figure included that, because that was all prorated in the contract for leasing the office.” S. Phillips, “No the taxes were not included in the rent.” N. Keane, “It’s in the lease but not a firm number.” F. Westbrook, “We added into it into the rent, in the budget to make sure we had enough if it’s not going to work out, paying it ahead of time.” W. Nunnally, “That word ‘probable’ lawyer, always makes my ears tingle.” N. Keane, “I made it clear before and I want to make sure you all know that it is possible that we might get a ring-a-ding-ding from Lancaster County telling us that we didn’t get away with this but I talked to the County Attorney about it. I talked to the County Attorney, I talked to the accountants, I talked to all my sources, and I think it’s probably okay.” A. Marchetti, “All you can do is try and if you don’t prepay it.” W. Nunnally, “I say give it a shot but don’t be surprised.” F. Westbrook, “You get an automatic no if you don’t at least try.” Mayor Bugg, “All you can do is try. Would someone like to make that motion?” F. Westbrook, “I thought someone did.” Mayor Bugg, “Oh yeah. Did we have a second?” W. Nunnally, “Second.” Mayor Bugg, “Any further discussion? All in favor and those opposed?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent



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**MOTION TO APPROPRIATE \$1,193.45 - SEPT-DEC CY2020 AND JAN-JUNE CY2021
REAL ESTATE TAXES (4203 IRVINGTON ROAD) USING CRF IS PASSED 5-0**

15. Motion to appropriate \$300 for use of building to Connemara using CRF

Mayor Bugg, "Item 15, motion to appropriate \$300 for use of this building using CRF. Would anyone like to make that motion?" D. Patteson, "So moved." Mayor Bugg, "Is there a second?" A. Marchetti, "Second." Mayor Bugg, "Any further discussion? All in favor and opposed?"

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

**MOTION TO APPROPRIATE \$300 FOR USE OF BUILDING TO CONNEMARA
USING CRF IS PASSED 5-0**

16. Motion to appropriate \$158.83 to Rappahannock Rentals using CRF

Mayor Bugg, "16: The motion to appropriate \$158.83 to Rappahannock Rentals, for these tables and chairs. Would someone like to make that motion?" W. Nunnally, "So moved." Mayor Bugg, "Second?" B. Schaschek, "Second." Mayor Bugg, "All in favor and those opposed?"

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

**MOTION TO APPROPRIATE \$158.83 TO RAPPAHANNOCK RENTALS USING CRF
WAS PASSED 5-0**

F. Westbrook, "I just have a comment to make on Items 4,5,6, and 7. I wasn't aware that I was going to speak on any of those, and I wasn't consulted on them so I would just like to ask in the future before anyone puts my name on any of this kind of stuff, I would like to make a motion or whatever, that you contact me first. And also, as part of that, when they mayor and I first spoke about the position of Vice-Mayor, I had a stipulation just to be included on all these staff meetings. To date, that really hasn't happened, I've inserted myself twice on meetings. Other than that, I have not been a part of it. If I had been, I would have been involved in working on this agenda, and I wouldn't be in this position. I will add that the mayor is elected at large, but you guys elected me as vice-mayor, and for that fact, I feel like I represent you all, but I can't represent you all without staff meetings. So, I once again am making a motion that I be included on all meetings with staff, legal and/or the mayor for whatever reason the staff meetings come up." W. Nunnally, "Second." S. Phillips, "Wait a minute, did you say legal? Can you state your



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motion again?" F. Westbrook, "I move that I be included in all meetings with staff, legal and/or mayor, for whatever reason." N. Keane, "That would be every day." F. Westbrook, "Well then I can have the option, but I'm talking about staff meetings." Mayor Bugg, "You want to be included in every staff meeting then, is that what you're asking?" F. Westbrook, "Yep." Mayor Bugg, "Okay, I've discussed that with you today, and I'll put you on notice for when we're having actual full staff meetings. I have no problem with it. Any discussion?" W. Nunnally, "I mean anybody can attend a staff meeting." Mayor Bugg, "It should all be out there." F. Westbrook, "Well we don't know when they are." S. Phillips, "No if you have more than two people it becomes a meeting. You have to be very careful." W. Nunnally, "You mean to tell me that I can't come to a meeting of the staff?" S. Phillips, "If Fran is there, no." F. Westbrook, "Two of us can be there." N. Keane, "It's more than two." Mayor Bugg, "We'll adjust it, we'll have it adjusted so don't cause a public meeting." F. Westbrook, "So two of us could be present?" Mayor Bugg, "No, I mean I have no issue with your request, as I expressed today, present during this staff agenda meeting. I think that's what you're alluding to." N. Keane, "We can rotate, and I think Wayne has attended them before, Fran's attended them before." F. Westbrook, "I've only been to two certainly. Anyway, I have the motion on the floor and a second." Mayor Bugg, "Any further discussion?" A. Marchetti, "Is it open to all Council members? The first two that say they would like to attend? If Wayne want's to attend. If Bonnie wants to attend." Mayor Bugg, "That's fair, certainly. I welcome the input." B. Schaschek, "Well personally, Fran represents us, so I don't see why I need to be there and Fran there. If there's something that we need to know, it should be communicated." Mayor Bugg, "And plus it's also what we can accomplish, we have to be aware of the numbers so that we don't have a meeting." A. Marchetti, "Bonnie I understand why you are frustrated." W. Nunnally, "While we are having this lengthy discussion, transparency is needed in everything that we do, and some of the things I hate getting is when I call to ask a question and I'm told I can't have that knowledge. Or I get a contract that says 'we can't tell you who the buyer or seller is'. Well we know who the seller is, and we all know who the buyer is. Secrecy from the staff sometimes bothers me. And as a public representative, I think I'm entitled to the full complete knowledge of what's going on if I asked the question. So, that's my two cents." Mayor Bugg, "Anyone else?" A. Marchetti, "I'll never argue against transparency." S. Phillips, "But I do think it is relevant to know that there are situations where there is confidentiality, such HR and other certain situations, some things can not be revealed." W. Nunnally, "Madam Treasurer, if you know it then the Councilmen should know it." S. Phillips, "You do know it. Is there an example?" W. Nunnally, "So there is no confidentiality that you have that I don't have." S. Phillips, "So what is your example?" W. Nunnally, "I'm not going to argue with you, okay?" S. Phillips, "Okay." W. Nunnally, "But you know exactly what I'm talking about." S. Phillips, "Actually I asked." W. Nunnally, "You know when I asked you who was it? You said 'I'm not going to tell you.'" S. Phillips, "That was HR. That was an HR situation." W. Nunnally, "Yes, well if you knew it then I should have known it." S. Phillips, "That's an HR situation." F. Westbrook, "I think this is a decision for Town Council and no one else. We're the ones that have the control, and we make all the decisions. A motion is on the floor and seconded." A. Eubank, "Could I request that someone clarify that motion one more time." F. Westbrook, "Would you like me to read it to you again?" A. Eubank, "Yes please, if you don't mind." F. Westbrook, "I moved that Vice-Mayor be included in all staff



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meetings, whether it's just one or two or three of the staff from here on out, whatever the meetings are for." N. Keane, " "Wouldn't that be every day?" Mayor Bugg "Let's clarify so you mean the agenda discussions?" F. Westbrook, "No, I mean other meetings too. I think it's important. I agree with what Wayne just said I think transparency there's an awful lot that's decided there and we just get informed. And there are a number of times when decisions are made and we are not informed, and things just change and start happening differently. And we're the governing body, we make those decisions, not staff. We have to make the decisions." A. Marchetti, "They have to do a job. You have to trust them to do their job." F. Westbrook, "But we have to make the decisions Anthony, we can't pass that buck to them. We're the ones that were elected. So I think it's time we started acting like that. And I would like to get these meetings just as the motion said, as vice-mayor. And in addition to me being there, if I am ever going to act in the absence of the mayor, it would be really nice to be totally on board and be aware of what's going on." S. Phillips, "I think there needs to be clarifications about..." F. Westbrook, "Sharon listen this is not about you, it's about..." S. Phillips, "No, but your motion... You said this was for every meeting whether it be one staff member, two staff members or three staff members." F. Westbrook, "Yes." S. Phillips, "How are we supposed to manage that? I think you need to change your expectations. The office is open from 9 to 1." F. Westbrook, "When you all have staff meetings, the motion is that I would be there, or that I have the opportunity to be there." S. Phillips, "So does that mean if the Zoning Administrator, and the Clerk sit down, to go over... Give me an example." F. Westbrook, "I'm not talking about zoning, that's what we have Lara for, and then she informs the Town Council." A. Marchetti, "She is staff." B. Schaschek, "I think she's talking about meetings that they mayor is attending." A. Marchetti, "And that's fine, so specify because to Sharon's point there is the point that staff is always meeting all day every day from 9 to 1. So I think what she's trying to achieve is clarification and specification on what meetings that means, otherwise, it's an open invitation for Fran to be there 9-1, 5 days a week." S. Phillips, "Also, I don't want to disrespect your motion. I'm trying to respect your motion." W. Nunnally, "I think that if the mayor is meeting with someone, in any capacity, that you be informed when that happens, and you can be there." F. Westbrook, "That would work." W. Nunnally, "You want me to try and make that motion?" F. Westbrook, "If you'd like, I'll withdraw mine." W. Nunnally, "Mr. Mayor, I move that whenever you meet with a staff person or a legal representative, that you inform the vice-mayor, and give her the opportunity to attend, if she so desires." S. Phillips, "And is the Mayor the one who is going to extend that invitation? We are a small staff, and multiple times a day we will pick up the phone and make a phone call. Is that a meeting?" W. Nunnally, "If it results in a decision, then she should know about it." S. Phillips, "So, before the mayor and staff discuss anything, the mayor needs to call the vice-mayor to let her know that that phone call is going to occur?" W. Nunnally, "Yes. I think that's reasonable." S. Phillips, "On part-time staff?" Mayor Bugg, "That's very cumbersome." D. Pateson, "I think that is too much on staff." F. Westbrook, "I think so too. I mean calling on the phone, if there's something I need to know then you'll let me know. When it's meetings, sit down meetings, then..." S. Phillips, "How about if we discuss potentially again, managing expectations, because again, we pick up the phone multiple times a day. We often will sit and make a phone call. How about if you offered that relationship between the mayor and the vice-mayor? Then that communication is between the two of you. Otherwise,



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you're setting staff up for failure. Because we're going to be non-compliant." F. Westbrook, "That's fine." Mayor Bugg, "Yeah." F. Westbrook, "As long as its going to happen I don't care who does it, I'd just like to see it done. And you all can figure out how." S. Phillips, "Well, if I might make a suggestion, you might have the mayor and vice-mayor do that." F. Westbrook, "I want to be involved when these meetings are happening between the mayor and staff. And that usually happens, for instance, when you all get together and talk about the upcoming meeting, planning all of that, and making the agenda. That's the example." A. Marchetti, "If Sharon picks up the phone and calls Tripp to ask him a question, is that a meeting?" F. Westbrook, "I don't see that that's a meeting. That's a phone call." Mayor Bugg, "The biggest one is the agenda meeting." A. Marchetti, "This sounds more like a mayor and vice mayor meeting." F. Westbrook, "That's the main one but I don't necessarily want to relegate it to just that because there are times when I hear of other meetings that I'd like to be a part of as vice mayor. And I won't know until those things happen. A simple email when anybody else is noticed, can we meet on this day to discuss this and I can say yea or nay." D. Patteson, "Is your role being there because you are an officer or part of council? And therefore you want to be involved because we are Council members. I heard Bonnie say something that you represent us, but I don't necessarily think that you represent each of us individually, I think that we represent ourselves. And so, my point is, at some point it's just going to get, as it is tonight, a little too confusing as to how this runs out. It would be simpler to just say, you know if there's an agenda to be discussed, by the mayor and staff, you have the right to be invited and to attend. And just leave it at that. Otherwise, I think these two ladies are going to be too overwhelmed with trying to please everybody, and..." F. Westbrook "Let's start with this." A. Marchetti, "I think you don't specify a meeting. Well, to me that was a meeting, but then someone else says 'Oh that wasn't a meeting to me'." F. Westbrook, "That's fine." A. Marchetti, "There's just too much gray area." F. Westbrook, "So let's start with that and see how it goes, and the mayor and I will stay in closer contact." A. Marchetti, "That's a great idea." Mayor Bugg, "Great. We will modify the minutes." F. Westbrook, "So the motion now is that the vice-mayor still be included in staff meetings for purpose of upcoming regular monthly meetings and the agenda." Mayor Bugg, "Second?" B. Schaschek, "Second." Mayor Bugg, "Any further discussion? All in favor and all opposed?"

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION FOR THE VICE-MAYOR BE INCLUDED IN STAFF MEETINGS FOR THE PURPOSE OF UPCOMING REGULAR MONTHLY MEETINGS AND THE AGENDA WAS PASSED 5-0

17. Discuss American Legal Publishing; possible motion to appropriate

Mayor Bugg, "Next item was discussion of American Legal Publishing proposal using COVID funds of approximately \$1,000 to replace a current version of our code and charter online. I asked for this proposal. We have been looking for ways to limit in-person meetings and



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discussions in the office during COVID. We want to post forms on our website, and offer a current and searchable version of our charter and code to make our administrative work easier and avoid some face to face time. This is our current vendor for our code books, the online version would be the same format and numbering, which is what we want. I request that you agree that we spend these COVID funds to purchase this service.” B. Schaschek, “I have something to say about this. This really annoys the hell out of me, because for a year and a half, we were pushing to get this done, and we were using MuniCode. We looked at American Legal, we looked at MuniCode. We went through, we had several seminars, not only the lawyer, but the clerk also said ‘no, we’re not publishing, we’re not going to do this’. We had multiple webinars, which part of the Council attended. I think the lawyer also attended one of them. MuniCode and there’s over 135 municipalities, towns, and counties using MuniCode. American Legal, there’s 6 in the State of Virginia. So, I’m kind of curious as to how this came back around after all the work that had been done, and all the pricing that had been gotten, and now all of a sudden we’re coming back to American Legal.” F. Westbrook, “Do we know what the Town of Kilmarnock uses?” N. Keane, “Kilmarnock has MuniCode but it’s the basic version.” W. Nunnally, “Because of the outlier, I so move that we table this.” Mayor Bugg, “We can discuss this on the 15th since it mentions COVID funds.” B. Schaschek, “And if you go through all the minutes from the last year or so, you’re going to see all of the information that was there.” Mayor Bugg, “Let’s table it to the 15th?” L. Brown, “Okay if you’re going to table it, I think we need to think about... The way I understand it is that if we use something other than American Legal, who, this is the company that did our book. All of our numbers will change, so that will also have to be changed, all of our town documents.” B. Schaschek, “I don’t think so.” Mayor Bugg, “Do you want to table this till next week?” W. Nunnally, “That’s part of the research for the next meeting. That was my motion. Because we don’t have enough information to hack it out.” Mayor Bugg, “Any further comments? Second?” D. Patteson, “Second.” Mayor Bugg, “Any further discussion? All those in favor of tabling this until December 15th? And those opposed?”

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

MOTION TO TABLE THIS ISSUE UNTIL DECEMBER 15 WAS PASSED 5-0

J. ANNOUNCEMENTS

Mayor Bugg, “Next we have the announcements. In observance of the Christmas and New Years holidays, the Town Office will close on December 23rd, and reopen on January 2, 2021. As we already know, the Town Council special called meeting and public hearing to discuss the development of the North Commons, and other related COVID expenditures on December 15, 2020 at 6:30.” N. Keane, “The thing you should probably highlight is the location. The Governor put out a notice today that they are going to reduce places and limit groups to 10 people and I’m not sure we can use this place, I will have to double check, so we might need to find a place where we can have a group of more than 10 people.” W. Nunnally, “The church is available. It is



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the safest place in town. I can't believe it we paid \$3,000 to have it cleaned." Mayor Bugg, "Last announcement, Dominion Energy will be in town February 1, 2021 to trim Crepe Myrtles." B. Schaschek, "I have already trimmed the ones on my property. Do not have them stop at my property. I will call the police." S. Phillips, "Wait, please, Mr. Mayor, I cannot prevent them from coming on property. They are a contractor on their own easement and she does not want them on her property or she will call the law. It is their easement." Mayor Bugg, "They are coming to town and they are a private contractor so we have some time." S. Phillips, "I had a conversation with Anita Powell and the purpose of Dominion Energy trimming the crepe myrtles is to keep the lights on. They trim on a two year cycle and they will trim them so that they will not need to be trimmed for another two years." F. Westbrook, "That is not right. When they came and talked to town council they told us a five year cycle and they were going to get in touch with us before they came here to do it again. It has not been five years since they trimmed them last." S. Phillips, "They will be here February 1 and they have the right to trim the trees." F. Westbrook, "We have time to deal with it." Mayor Bugg, "The purpose of this announcement is to let you know when they will be here." Last item for announcement, the December financials will be distributed for the December 15th meeting.

I. CLOSED SESSION

F. Westbrook, "I Frances Westbrook move to go into closed session pursuant to §2.2-3711A7 of the Code of Virginia for consultation with legal counsel for actual or probable litigation and Pursuant to §2.2-3711A3 of the Code of Virginia for real estate matters where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town and pursuant to §2.2-3711A8 of the Code of Virginia for consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice of such counsel." W. Nunnally, "Second." Mayor Bugg, "We have a motion and a second. All those in favor and all those opposed."

Vote:	Frances Westbrook	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Jackie Brown	Absent

THE MOTION TO GO INTO CLOSED SESSION IS PASSED 5-0

J. RETURN TO OPEN SESSION

F. Westbrook, "Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom Information Act and whereas Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia Law. Now there be it resolved that the Board hereby certifies to the best of each members



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knowledge, that one only public business matters lawfully exempted from open session requirement by Virginia law were discussed in closed session to which this certification resolution applies and two, only such public business matters were identified in the motion convening the closed session were heard, discussed or considered by the Board. Is there any member who believes that there was a departure from the motion to go into a closed session? If so, state the departure. There being no statements we take a vote.”

- I, Frances Westbrook, so certify.
- I, Bonnie Schaschek, so certify.
- I, Anthony Marchetti, so certify.
- I, Dudley Patteson, so certify.
- I, Wayne Nunnally, so certify.
- I, Tripp Bugg, so certify.

Mayor Bugg, “We are back in open session and the first motion would be a motion to authorize the mayor to initial changes to the contract addendum reducing the sales price to \$90,000 cash. Would someone like to make that motion?” F. Westbrook, “So move.” B. Schaschek, “Second.” Mayor Bugg, “Any further discussion? All those in favor.”

Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Absent

MOTION TO AUTHORIZE AND INITIAL CHANGES TO THE CONTRACT

ADDENDUM REDUCING THE SALES PRICE TO \$90,000 CASH IS PASSED 5-0

Mayor Bugg, “Motion to authorize the proceeds to be deposited in a separate earmarked account labeled, “For Use of New Town Office” at a bank of council’s choosing.” S. Phillips, “I would like a recommendation from the budget and finance committee, would you prefer for the money to be in an account at Chesapeake Bank or VCB?” F. Westbrook, “Let’s keep it a Chesapeake because that is the bank that pays us funds. I say deposit it there. Do you want a whole separate account? Is that what you are saying?” S. Phillips, “The treasurer would recommend that the monies be deposited into a standalone account and not merged into an existing account. I suspect you want this in a CD?” F. Westbrook, “What do you think Anthony?” A. Marchetti, “That makes sense.” B. Schaschek, “You don’t want to take a CD for a couple of years right now.” F. Westbrook, “Nothing is getting.” S. Phillips, “Do you want a six month CD at Chesapeake Bank?” B. Schaschek, “It is either six or seven months.” Mayor Bugg, “Would someone like to make that motion?” W. Nunnally, “So move.” Mayor Bugg, “Motion passes.”



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Vote:	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Anthony Marchetti	Aye
	Dudley Patteson	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Absent

THE MOTION TO AUTHORIZE THE PROCEEDS OF THE SALE OF 235 STEAMBOAT ROAD TO BE DEPOSITED IN A SEPARATE EARMARKED ACCOUNT LABELED “FOR USE OF NEW TOWN OFFICE” INTO A SIX OR SEVEN MONTH CD AT CHESAPEAKE BANK IS PASSED 5-0.

Mayor Bugg, “Next is the first reading of Resolution 2021-01 TC Authorizing Execution of Deed and Closing Documents.” S. Phillips, “Resolution 2021-01 TC Authorizing Execution of Deed and Closing Documents to effect transfer of 235 Steamboat Road; Tax Map 33 378 a whereas the Irvington Town Council entered into a contract for the sale of 235 Steamboat Road; Tax Map 33 378; to 235 Steamboat LLC and whereas the council authorized the preparation of documents required for closing of the transaction which is to take place on or before January 29, 2021 whereas as of January 14, 2021 all condition have been met now therefore be it resolved that the Irvington Town council authorizes the mayor to execute the deed and closing documents to effect the transfer.

Mayor Bugg, “Next if the motion to adopt a schedule for New Tides LLC, for exemption and CUP.” L. Brown, “There is a reason for the CUP schedule for the Tides Inn. One thing they forgot or they didn’t address in their project. The time line for planting the living shore line is critical that they do it at the exact right time and the Tides Inn is asking town council to try to start this CUP process as soon as possible and to end it as soon as possible. They would like to start this construction in January so they can get done the shore line part so they can start their plantings in the March/April timeframe. Because of that you are going to see this extra date in here on the proposed CUP schedule of January 7, it is just one extra meeting.” F. Westbrook, “We are moving it up by a week.” L. Brown, “The joint public hearing would be on January 7 and immediately following would be the planning commission first reading and immediately following would be the town council first reading; January 12 is the planning commission regular meeting and your second would be on January 14.” N. Keane, “You are going to send them materials to read over the holiday.” L. Brown, “There is a lot of information on this project and I am going to try to have as much of the staff report and it is all in this binder and you are all able to look at it but I will try to condense it because it is complicated. We have to do a multi-step process to approve the different components for what they are proposing. We need a CUP for the wrap around board walk or wrap around pier and that one CUP will have 18 different units on it. That one CUP will encompass 1, 305 linear feet of wrap around dock. It will have several viewing platforms and finger piers and two upland connector trails that will require an exemption through our planning commission. Just like what happened the other night with educating everyone with how someone can build a pool inside the RPA that scenario is permitted by right redevelopment project. These connector trails that are within the RPA that will be



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connecting to this wrap around boardwalk is considered an exempted activated not an exception not to be confused with an exception that made the news last summer through a board of supervisors thing this is an exemption. It is considered a passive recreation trail to connect from the upland to the water dependent use this wrap around walk it is also being proposed to meet the ADA requirements for their guests to access the water features and this project down below. I have consulted with our compliance office at DEQ and she confirms this is an exempted activity and that is why we have the schedule for the exemption activity for those two passive recreation trails. It is a big project and we are trying to wrap it into one schedule.” N. Keane, “Explain to them that the exemption is not something that they hear it goes to the planning commission.” L. Brown, “When the planning commission hears the exemption for the passive recreation trails they hear that it does not get recommended to the town council. It is just formality. It is how it is in our code.” F. Westbrook, “This sounds like a lot.” L. Brown, “The schedule that starts. I want to run the CUP that was tabled for Mr. Smith, I would like to add that to this schedule. We may as well add them together.” W. Nunnally, “Can I just make a motion to approve the existing schedules.” Mayor Bugg, “Yes.” W. Nunnally, “Mr. Mayor I move we accept these two schedule.” Mayor Bugg, “We have a second. All those in favor.” N. Keane, “For purposes of identification, these are the schedules that end on January 14, 2021.” Mayor Bugg, “Anthony needs to read his recusal. Mayor Bugg, “So noted.” N. Keane, “Did Wayne leave or is he just in the men’s room? We will need to get his vote when he returns because we don’t have enough votes.” L. Brown, “We have to set a location for these meetings because they have to be noticed by Monday.” B. Schaschek, “I think you have to wait for Wayne because only three of us can vote for the Tides.” N. Keane, “Correct. There were not enough votes until Wayne comes back.” L. Brown, “We just have to make sure that on January 7 we can have the joint public hearing at the church because I have put the ad in the Rappahannock Record by Monday.”

Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Anthony Marchetti		Abstain
	Dudley Patteson	Aye	
	Wayne Nunnally	Aye	
	Jackie Brown		Absent

THE MOTION TO ADOPT A SCHEDULE FOR NEW TIDES LLC, FOR EXEMPTION AND CUP IS PASSED 4-1.

Mayor Bugg, “I need a motion to adopt the CUP schedule for Smith.” W. Nunnally, “So move.” D. Patteson, “Second.” Mayor Bugg, “All those in favor.”

Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Anthony Marchetti	Aye	
	Dudley Patteson	Aye	
	Wayne Nunnally	Aye	
	Jackie Brown		Absent



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THE MOTION TO ADOPT THE CUP SCHEDULE FOR SMITH IS PASSED 5-0

Mayor Bugg, "Motion to adjourn." W. Nunnally, "It is my great pleasure Mr. Mayor to make the motion to adjourn."

Vote:	Frances Westbrook	Aye	
	Bonnie Schaschek	Aye	
	Anthony Marchetti	Aye	
	Dudley Patteson	Aye	
	Wayne Nunnally	Aye	
	Jackie Brown		Absent

THE MOTION TO ADJOURN IS PASSED 5-0

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



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TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY JANUARY 14, 2021; 6:30PM**

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: I'd like to go ahead and call this meeting to order. First, I'd like to start with a moment of silence. Thank you. Notice the Irvington Town Council will hold a Regular Monthly Meeting on Thursday January 14, 2021 6:30 pm; Irvington Baptist Church. Welcome this evening. I'd like to start with the roll call.

B. ROLL CALL

Mayor Bugg present.

Members of Council Present: Frances Westbrook present.

Wayne Nunnally present.

Bonnie Schaschek present.

Jackie Brown present.

Anthony Marchetti present.

Dudley Patteson present (via telephone).

Mayor Bugg: I will note for the record that Mr. Patteson is participating by phone this evening.

Staff Present: Nancyellen Keane Esq., Town Attorney
Lara Brown, Zoning Administrator
Sharon Phillips, Clerk, FOIA Officer

Guests: See attached sign in sheet

C. APPROVE AGENDA

Mayor Bugg: Next item on the agenda is approval of the agenda. Any discussion about that council.

Wayne Nunnally: The only thing I'd like to say about it is I don't see any minutes on it.

Mayor Bugg: Thank you Mr. Nunnally. That's noted anything further council. Can I get a motion to approve the agenda.

Frances Westbrook: So moved.

Mayor Bugg: Second.

Anthony Marchetti: Second.

Mayor Bugg: Any discussion. All in favor.

Mayor Bugg: Opposed.

Wayne Nunnally: No.

Vote: Frances Westbrook	Aye	
Wayne Nunnally		Opposed
Bonnie Schascheck	Aye	
Jackie Brown	Aye	



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Anthony Marchetti Aye
Dudley Patteson Aye (via telephone)

THE MOTION TO APPROVE THE AGENDA IS APPROVED 5-1

D. PUBLIC COMMENT

Mayor Bugg: Noted. Agenda is approved. Next item is the public comments section. I will note for the public that you are certainly welcome to speak this evening, given the number of people that we have speaking this evening. I would ask you to limit your comments depending on how many people need to speak to anywhere from 2 to 5 minutes and if you are truly not interested in staying for the remainder of this meeting, I would request that you disburse and exit the building at that time because we would like to be in better compliance with the Governor's order regarding COVID restrictions, so thank you for your understanding. I wish you all could stay here all evening, but those are the cards we were all dealt. So with that in mind, thanks again public, does anyone wish to speak. Yes Mr. Braly. Please state your name and address.

Chris Braly: Chris Braly, 298 Chesapeake Drive. Mr. Mayor, members of Town Council. I'm here to speak as a concerned resident of Irvington about the disappointing behavior of town council members and the state of our finances over the last month. First, I will address the behavior. It is obvious to everyone who pays an ounce of attention that town council is dysfunctional to say the least. As a group you do not respect each other, and you do not work together. You spend time at meetings bickering with each other about issues that are not pertinent to the discussions at hand. On several occasions over the past month one or more council members have complained about others not returning phone calls. Others are complaining about tasks not filtering through their committee when they feel it should have. This is not how a town council is supposed to function. You should be working together for us. For Irvington. I know you are all reasonable people and my capacity as a planning commission member I reached out to each and every one of you prior to my meeting this week to discuss the few P's before you tonight. I wanted to hear your thoughts about these projects, and I wanted to share with you what I was thinking. We had reasonable conversations. Productive conversations. This is how government is supposed to function. I was not able to attend the meeting held on January 7th, but I have listened to the recording. I was shocked, dismayed, disappointed and embarrassed. The behavior at that meeting by all involved was reprehensible. As a resident of Irvington, I expect civility and professionalism from our leadership. Honestly, as a person I expect that from everyone and anyone I encounter. Unfortunately, neither of those attributes were exhibited in that moment last week. I hope the meeting last week will be a turning point for this council. I hope that it was the low point. Now is the time to change course. On to our finances. It is inexcusable that the town has stopped paying bills. In our town the treasurer is the only person allowed to make financial transactions of any kind. Our town is small and doesn't have a large staff. Understandably, we do not have the redundancy of larger municipalities. In the last meeting Mr. Nunnally stated and I quote "there is no reason the finance committee and the mayor can't write these people checks." I believe this to be incorrect. The Code of Virginia 15.2-1534 states that "pursuant to article 7, Section 6 of the Constitution of Virginia no person holding the office of treasurer, sheriff, attorney of the commonwealth, clerk of the court, commissioner of the revenue, supervisor, councilman, mayor, board chairman or other member of the governing body of any locality shall hold more than one such office at the same time. The authors of this section wanted to prevent corruption in government. Can you imagine if elected officials were allowed to do whatever they wanted to do with town finances? Think for a moment about the corruption possibilities even in a small town like ours if this were to occur. Now if I believe anyone on town council wants to engage in fraudulent and illegal activities I do not.



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However, we have to keep the function of running a town separate from legislating for it. While the mayor and vice mayor or signatories on checks I do not believe they are allowed to perform the functions of the treasurer including issuing checks. No councilman or woman should be allowed to do so either. It goes without saying without a treasurer no financial transactions will occur. When the treasurer resigned on December 17th, the town council should have immediately begun the search for a temporary bookkeeper and interim treasurer. In fact, town council had the ability to take appropriate action after they returned from closed session on that night. Why didn't you vote immediately to begin this search at that time? At a minimum by the end of December council should have hired a bookkeeper so those staff and bills could be paid. Your inaction resulted in Atlantic Broadband cutting off the phones and internet in the town office. Your inaction has left vendors under contract that you voted to approve from being paid. Your inaction is putting the town at risk with potential lenders for the development of the North Commons. In closing, I hope that tonight you will begin to work together again for Irvington. I appreciate your time.

Mayor Bugg: Thank you Mr. Braly. Who would like to speak next? Yes, Mr. Kuper.

George Kuper: George Kuper, Hayden Home.

Mayor Bugg: Can you come up here so the recording can get you.

George Kuper: I want to speak to two items please on your agenda, items 6 and 7 under old business. Your rezoning application at the last meeting we heard from two dozen letters proclaiming the talent, skill and desirability of people who want to operate a Pilates studio there. No argument that they sound like fine people, it sounds like a fine idea. The only argument there is one, the neighbors have objected, you did not hear my letter, I did not hear at least one other letter that I know was submitted in opposition. My opposition was based primarily on traffic and I don't know what the other opposition was, and I do hope that you've heard from the immediate neighbors who live cheek by jowl next to that parcel of land that you want to rezone. That's item one, the second aspect of it, I put on your desk a piece of paper that came to us as neighbors asking for our comments regarding the CUP for using property as a Pilates studio and I've underlined the pertinent part that says that based on a very old report by whoever installed the sewer system that it was not to be used as a public facility and I question whether or not you have sufficient explanation as to how this will be addressed before you grant the CUP. Thank you.

Mayor Bugg: Thank you. Anyone else from the public.

Holmes Ginn: I spoke last week. I'd just like to reiterate one thing on the Tides Inn project.

Mayor Bugg: Can you state your name.

Holmes Ginn: Holmes Ginn.

Mayor Bugg: Your address.

Holmes Ginn: 142 Lancaster Road.

Mayor Bugg: Thank you.

Holmes Ginn: I'm the adjacent proper owner of the Tides Inn property right next to the bluff on the north part of the Tides Inn. We are right next to that property. I spoke last week, but I just wanted to reiterate that I think it's very possible to have and you have the picture up from the view from my backyard. That is about 100 feet from our backyard, 25 feet from the property lines but we think it could be moved, that ramp



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could be moved ADA accessible on all into the other side on the south side of the bluff without affecting anything that the Tides Inn wants to do. They still have access; they still do that and it keeps that whole project in the cove between the Fish Hawk and the bluff. That's all I have. Thank you.

Mayor Bugg: Thank you sir.

Wayne Nunnally: May I ask him a question. Is it the ramp, the ramps that you are talking about...

Holmes Ginn: The ramp comes around the bluff on the corner which is from our property 80 feet from the dock and probably 50 feet – 80 feet from our actually backyard.

Wayne Nunnally: Thank you.

Homes Ginn: Yes sir.

Mayor Bugg: Thank you sir. Yes Cay.

Cay Bradley: Cay Bradley, 991 King Carter Drive. I wish to express my dismay at how town council has behaved at recent meetings. I would love to see council members work together to make the most of opportunities presented and to solve challenges for the benefit of the town. Having attended recent council meetings on December 10th, 17th and January 7th, I do not feel that is what I have witnessed. As I learned from public comment on January 7th, the town is involved, I mean, not public comment, the mayor's report, excuse me. The town is involved in an investigation with our insurance company and the driver's seat. The investigation is due to allegations by a resident of misappropriation of funds which puts the town as an entity and individuals at risk. Based on comments on January 7th, among you all, it seems the law firm hired by the insurance company recommended council not discuss matters under investigation, however, it seems that some council members feel that that performance is at the top of the closed session that was last night that was canceled so it seems like it may be a topic of conversation. I encourage each individual member and council has and as a whole to protect the town to the best of their ability which includes supporting the investigation and heading legal advice regarding the investigation. Thank you.

Mayor Bugg: Thank you Cay. Anyone else from the public. Alright if no one else wishes to speak from the public, again, if you are not adamant about staying for this entire meeting, I would ask that you consider disbursing at this time to reduce our numbers, number of people in this building. Onto the next item, which is my mayor's report.

N. Keane: You have one more thing.

Mayor Bugg: I have one more. Oh, I did, I jumped ahead. Steamboat Era Museum, Cay you again.

E. STEAMBOAT ERA MUSEUM – Cay Bradley, President

Cay Bradley: Alright I put my scarf on, so all the Steamboat landings around here because I am not a resident at the moment. I am now speaking to you as president of Steamboat Era Museum Board of Directors. For those of you who are not aware, we have been very successful with bringing in the Pilot House and redoing the exhibit. That means that our former executive director Barb Brecker felt that she had done the task put before her and she has unfortunately left us to do other things. So I want to take a moment with you to share that the board conducted a search and we hired Steve Humphrey. Steve has more than 40 years of experience as an executive director for various entities primarily in Easton, Pennsylvania. For 30 years he oversaw the Canal Boat Museum. I still don't get all the names right. So he is well versed in the time period that the



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Steamboat Era Museum is interested in and Maritime issues. Steve and his wife Sandy have grandchildren in Kilmarnock and so are benefiting from their desire to be closer to the grandchildren. So, I just wanted to take a moment to introduce Steve particularly to council but I also to the members of the public who are here. So, please join me in welcoming Steve.

Mayor Bugg: Welcome.

F. MAYOR'S REPORT

Mayor Bugg: Now back to where I was before I jumped ahead. The mayor's report. Tonight's mayor's report is brief. I would like to start by addressing council and stating that I know that each and every one of you are taking to heart what Mr. Braly said and what Ms. Bradley said and I know that everything you hear from the public you take quite seriously and but the public does not see the work that you do behind the scenes so I wanted to sincerely thank you for all of your efforts and everything you put forth in accomplishing the goals of this town, so thank you. In keeping in spirit also with what Ms. Bradley and Mr. Braly mentioned, this is to reiterate to council and let the public know that it has been suggested by the attorneys for the insurance company that we hire a CPA or accounting firm to handle the bookkeeping task of the town office. Again, it has been strongly suggested that entity or person should be independent and not be affiliated in anyway with the town, council members, mayor or staff. This interim CPA or accounting firm will have to work closely with the auditor and law firm directing this investigation as we go forward. That is all I have to state tonight for the mayor's report. Again, thank you public and thank you council. Next item on the agenda is a report from the town attorney, Nancyellen Keane.

G. REPORT FROM THE TOWN ATTORNEY

N. Keane: I don't have anything. Thank you.

Mayor Bugg: Thank you Ms. Keane.

H. REPORT FROM THE ZONING ADMINISTRATOR

Mayor Bugg: The next item on the agenda is the report from the zoning administrator Lara Brown, I know you've been quite busy, so I'll turn it over to you

Lara Brown: Thank you mayor. In addition to what I have on my zoning administrator report, I have the other staff reports that I will do individual as we go through the second readings for the CUPS and the rezoning's tonight. Aside from that, we have been busy. There was one zoning permit issue that you approved last week. A sign permit for the new town office. Earlier in the meeting tonight I will propose a CUP schedule for six CUPS and one rezoning. We have two joint permit applications that are happening in our backyard so probably next month I'll be presenting those to you for CUPS. Completed two site visits this month, with chairwoman, Julie Harris of the planning commission. We went to the Tides Inn and she wanted to review the property. We also went over to Mr. and Mrs. Ginn's property and checked that out, or the site from Tides Inn to Mr. and Mrs. Ginn's property, excuse me. We also went and looked at the pool construction proposed tonight in the RPA down on The Lane. We received one complaint from an anonymous individual complaining about a tent up on Irvington Road that they were in violation. They were not in violation. I called the Lancaster County office, and this individual has a building permit which is



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required if you would like to put a tent up in your backyard for social gatherings, barbecues, picnics that exceed 250 square feet, so anyone that's taken care of. I want to give an update on the North Commons. I met with Bay Design Group on January 8th for a preliminary meeting to discuss the timeline in moving forward with their work. I forwarded the email to the mayor, but just to give you an idea of next steps for that. Sometime beginning late February or early March Bay Design Group will begin the topographic and boundary surveying which is item B1 on the proposal and contract. In addition to initiating the survey work, soil and septic profiles will also begin. It is anticipated by mid-March that Bay Design Group will have something to show me in regards to the surveys and where the potential drain field location could possibly be. That's necessary before you proceed with any additional site work, you know where you can figure out where the buildings are going to go and so forth. Once that is presented to myself, I propose that mayor, you appoint a committee to work with myself and the building and grounds committee to start looking at this seriously. Once we know where and what we have to work with, what our parameters are, you know what are our next steps and how do we move forward. I recommend that we solicit one member from the planning commission, and two possibly three residents to join us on that committee as we look at the plans, the preliminary designs that Bay Design Group will have. We don't need to do that tonight, but possibly between now and the February meeting we could start looking at, if you agree, you know putting a committee together.

Mayor Bugg: I do.

Lara Brown: Great.

Mayor Bugg: Thank you for that suggestion.

Lara Brown: Thanks. That is all that I have right now. Any questions on anything in the report.

I. OLD BUSINESS

1. Motion to appoint interim treasurer

Mayor Bugg: The first item that is at the very top of this list and very much the top of our to do list is a motion to appoint interim treasurer/bookkeeper. Council, Dudley can you still hear me.

Dudley Patteson: I can hear you.

Mayor Bugg: Okay, Dudley is the head of our HR Department, he has shared some candidates for this position and I circulated that paperwork last week. Hopefully council you have had a chance to review that and I'll let you take the floor from here.

Wayne Nunnally: I thought we were considering hiring Jeff Ewing

Dudley Patteson: Turning it over to me, Tripp.

Mayor Bugg: Sure, speak up.

Dudley Patteson: Well, there are on the table three qualified candidates, there are two regional public accounting firms, P. B. Mares and Robinson, Cox, Farmer and we also have a request to serve as treasurer from Jeff Ewing whose is an Irvington resident and one has a business in White Stone, several businesses in White Stone and well qualified. What has come from the attorneys that are representing the town in this investigation is that we are not to consider any candidate that has any connections with members of council or staff and Mr. Ewing has a relationship that does not permit him as I see it to be considered. If I'm wrong, I apologize, but



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that's the way I see it and I think council sees it and in addition to that we have two, one from P. B. Mares and one from Robinson, Cox, Farmer. Both of these firms have many, many, many municipal clients, they both have government practices, they both equally would like to become our acting or interim treasurer and to take care of the business of the town that has been overlooked for too long and either one of these firms is qualified and I would support and ask council after they have reviewed it to let us know their feelings on who of these two firms that should be appointed by motion to serve as our interim treasurer.

Mayor Bugg: Council, any thoughts.

Anthony Marchetti: I would certainly go back, keep in mind this is the temporary treasurer at least throughout the remainder of the investigation by the insurance company. I certainly think Mr. Ewing would be a good fit maybe to fill the role permanent.

J. Brown: Mr. Ewing, what.

Anthony Marchetti: Mr. Ewing would be a good fit to fill the position permanently down the road, I would say during the interim investigation, it would be one of the other two P. B. Mares or RFC because of his relationship. Otherwise I think it would be great to have Jeff, somebody local, and knowledgeable and would like to keep it having community when we can so.

Bonnie Schaschek: May I ask a question here.

Mayor Bugg: Yeah.

Bonnie Schaschek: If we don't bring him in as the treasurer, we don't have to swear him in and all of that, but bring him in as a bookkeeper, is there still a conflict of interest.

F. Westbrook: Are you talking about Mr. Ewing.

Bonnie Schaschek: Yes.

Fran Westbrook: I think we have already determined that. You know here in our immediate area as well as on the Northern Neck at large, we have lots of CPAs, lots of accountants to us, is there a reason why you haven't looked at more local people.

Mayor Bugg: I think Dudley can answer some of that. Dudley, did you hear Fran's questions.

Dudley Pateson: I did not hear the question, if the mic could possibly be taken a little closer that would be very helpful.

Frances Westbrook: Dudley, I was asking about more local CPAs or accountants that might be available to us.

Dudley Pateson: Well, in my quest to find somebody were local firms and some just outside of our area. With local firms it is difficult to find one independent, but what became very clear through multiple times that these firms, just could not do it. They were in the middle of tax season and some were short-handed, and we did look out for the local firms first, but one of the values of these two firms is they do have government practices and I think that all of us can learn more about how we conduct ourselves on the finance side of our town and they will certainly bring a professional perspective to that.

Frances Westbrook: Thank you.



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Dudley Patteson: Thank you.

Mayor Bugg: Dudley I'm really going to keep you on the hot seat here. In speaking with you and looking into this myself both, Robinson, Farmer, Cox and P. B. Mares being extremely qualified it is, both of them would definitely fit the position and take care of the task we need them to do and quite adequately, but do you have any insight as to these two and any preference.

Dudley Patteson: I, if you ask my vote and it is one vote, it is to send this to P. B. Mares. They have again a Williamsburg office which is very close, one of the senior partners has local ties, David Bush and is well respected within Williamsburg and was the one that we went to, to get their level of interest. Their level of interest is high. The other firm Robinson, Cox, great firm, P. B. Mares did come back to us in the interim since our last meeting and inquire where things stood which shows that they are very interested, they also have an accounting system with Quick Books and that can come in very handy. They also have ways to protect not only the town but the people working on the books and we are going to learn a lot from them in addition to the fact that they are going to be able to help us write our checks, pay our staff and pay our bills and move forward.

Mayor Bugg: Absolutely. Mrs. Westbrook just gave me a note. Did P. B. Mares mention anything to you about a cost. I see a cost in Robinson, Farmer, Cox's letter, but I'm not sure I see anything in P. B. Mares.

Dudley Patteson: I would highly suspect that the costs are similar, they as you can see were a little more detailed than Robinson, Cox in a discovery questionnaire in order for them to better ascertain how many hours and who in their firm is better suited to handle the affairs of the town. They are not going to put a CPA to do a bookkeeper's job, but I'd say an outstanding item that we need to make certain that they are in line certainly with the Robinson, Cox rate.

Mayor Bugg: Thank you. Anything further council.

Wayne Nunnally: I didn't understand, the bookkeeper not being eligible. Why can't we get a bookkeeper?

Mayor Bugg: Yes Nancyellen.

N.Keane: I was just going to say Dudley I don't think it matters what position it is, it's they are recommending that whoever does that work not to have a relationship with the town.

Dudley Patteson: If anything is being addressed to me, I'd like a little closer, I've got my phone up to my ear right now, trying to hear everybody.

Mayor Bugg: Nancyellen and Wayne were discussing something about the title bookkeeper versus treasurer.

Dudley Patteson: Got it.

Wayne Nunnally: As I understand it Dudley we could have a bookkeeper as long as that bookkeeper is not a council member or associated with the council in anyway and Nancyellen told me that was correct. If that is correct I don't see the need of hiring a high-powered CPA who might send like you say a bookkeeper to do the work. So, I would like to see a bookkeeper hired.

Dudley Patteson: Wayne, with all due respect to you, I think the town has never really gone outside for financial advise, we'll get that from hiring a municipal accounting firm and I think the additional cost I regret that, but people and events have prompted us to go in this direction and I think the funds will be well spent because I think we'll get more than a return than a bookkeeper will provide. We don't have a bookkeeper right now, do you have a bookkeeper in mind. It's a little late in the game to...



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Wayne Nunnally: If I may interrupt, I didn't understand what we were looking for. I didn't know we were looking for consultants. If that is what we are looking for on top of the bookkeeper's job, then of course we need a CPA to talk to us. But I thought we were just looking to write the checks and keep the lights on.

Dudley Patteson: Well, it's not, we're looking for more than a bookkeeper. A treasurer is more than a bookkeeper and this firm has very good skill sets of a....

Wayne Nunnally: I've heard enough Dudley. Thank you.

Dudley Patteson: Thank you.

Mayor Bugg: Good question. Thank you, Wayne. Anything further council. With that would anyone like to propose a motion for the hiring of either Robinson, Farmer Cox & Associates or P. B. Mares.

Wayne Nunnally: Let me get this straight. Why can't we hire Ewing. I was very impressed with his resume.

Fran Westbrook: We have a relationship with him. I do.

Wayne Nunnally: Oh. I'm sorry.

Fran Westbrook: I contract provide some services to him for tax preparation.

Wayne Nunnally: Okay.

Mayor Bugg: Anthony pointed out we are all very impressed with his resume and possibly should consider him for longer term after this is all over.

Anthony Marchetti: I mean, while I agree it's expensive hopefully, we can get a lot out of it. It seems like they are going to be working with the auditor it would be nice to have somebody with that level of experience in depth.

Wayne Nunnally: Alright, ya'll have convinced me, in the spirit of cooperation.

Fran Westbrook: I might add that I may be in favor of P. B. Mares if they could come in at around the same cost that Robinson, Farmer, and Cox has put in their letter here. I'm just a little bit leary at doing something which we do not know what it is going to cost us. So, I understand what Dudley is saying, but I do think we ought to have some basis to put our vote to.

Wayne Nunnally: How about this, that we give Dudley permission to hire them if they are competitive. If they are not competitive then we go back to...

B. Schaschek: Yeah, let's okay.

Dudley Patteson: ...go back to Robinson, Cox, I agree with what.

Females: [talkover], no, I don't want to get up in the air.

Bonnie Schaschek: Can I just make a comment or ask a question. Robinson, Farmer, Cox and Associates, they understand that this is a temporary job until we find a new bookkeeper. They are also going to use Quick Books. We currently use a desktop version not the cloud. We never converted to the cloud. So whereas the other one wants to put it out in the cloud, I think we don't want to do that. You know and the fact that they understand it is temporary until we hire somebody, I don't think we have to go through all the swearing in while they are just doing temporary until we hire somebody.



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Dudley Patteson: ...how the system works [phone is cutting in and out].

B. Schaschek: Sorry Dudley, I think you're in a hole. Say it again.

Dudley Patteson: Maybe I am. I think once everyone understands how the system works and the [phone cutting out, inaudible].

B. Schaschek: I think he is talking about security. Alright I have three bars, Dudley check yours.

Dudley Patteson: Okay, let me see what I can do to, I'm in the mountains of North Carolina and I can move.

S. Phillips: It's better.

Anthony Marchetti: Obviously, they're reputable, we got to make a decision, we got to get somebody tonight, so if you're not comfortable with the unknowns, for the other candidate, then....

Bonnie Schaschek: We'll just see where....

Fran Westbrook:either one.

Wayne Nunnally: We have to nominate somebody don't we.

Mayor Bugg: Make a motion.

Wayne Nunnally: Yeah, make the motion.

B. Schaschek: I'll make a motion for Robinson, Farmer, Cox and Associates.

Wayne Nunnally: Second.

Mayor Bugg: Second, is there any further discussion? All in favor.

Group: Aye.

Mayor Bugg: Opposed.

Fran Westbrook: Dudley are?

Mayor Bugg: Roll call vote.

Fran Westbrook: Dudley he is going to do a roll call vote. I'll tell you when.

Roll Call vote: Frances Westbrook yes.

Wayne Nunnally yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti yes.

S. Phillips: Your turn.

Dudley Patteson yes. (via telephone).

THE MOTION TO HIRE ROBINSON FARMER COX AND ASSOCIATES IS PASSED 6-0



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Mayor Bugg: Excellent council. Robinson, Farmer, Cox and Associates. We'll keep you in the loop. Thank you. Next up we have readings starting with #2. Second reading or resolution 2020-14 TC. Madam Clerk I'll turn it over to you.

2. 2nd Reading of Resolution 2020-14 TC; Conditional Use Permit Application – Replace and Extend Existing Pier, R-1, Tax Map 34F 13_Alga

Sharon Phillips: Resolution 2020-14 TC; Conditional Use Permit – Replace and Extend Existing pier, R-1, Tax Map 34F 13.

Mayor Bugg: Yes.

Lara Brown: May I make a recommendation that after the title of each resolution that if you have any questions for me or I have any updates to provide to you that I may do that before you vote. Would that be acceptable.

Bonnie Schaschek: That would be acceptable, also could we hear what the planning commission had to say upon reviewing these.

Lara Brown: Yes, so this is just a replace an old pier that was once an unsafe structure. The planning commission did vote to approve this. At the public hearing on December 8th at Connemara Corporation, nobody spoke against this application and I have not received any letters of objection.

Wayne Nunnally: Staff approved.

Lara Brown: Yes sir, staff has the approval.

Mayor Bugg: Thank you. Ms. Keane is it now appropriate to vote on this.

Nancyellen Keane: Unless there is any other discussion. Does anyone else have anything.

Mayor Bugg: Alright would somebody like to make a motion to approve this resolution.

Wayne Nunnally: So moved.

J. Brown: Second.

Frances Westbrook: Roll call.

Mayor Bugg: Was there a second. Oh, he did.

Frances Westbrook yes.

Wayne Nunnally yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti yes.

Dudley Patteson yes. (via telephone).

Mayor Bugg: This resolution is approved. Next item is item 3, 2nd reading of Resolution 2020-16.

THE MOTION TO APPROVE RESOLUTION 2020-14 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 6-0



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3. 2nd Reading of Resolution 2020-15 TC; Conditional Use Permit Application – build Pool Outside RPA, R-1 Tax map 27-222A_Smith

Sharon Phillips: Resolution 2020-15 TC; Conditional Use Permit Application – build Pool outside RPA, R-1 Tax map 27 222A whereas the Irvington Town Council reviewed the proposed conditional use Permit application CUP2020, CUP 8_ Smith to build a pool at a residence outside the RPA, R-1 zoning district tax map 27-222A 173 Virginia Road.

Lara Brown: As noted in the staff report for Mr. Smith’s conditional use permit, a joint public hearing was also held on December 8th at Connemara Corporation, nobody spoke against this application and I did not receive any letters of objection, do you have any questions about this. The planning commission did unanimously vote to approve this, to recommend approval, I’m sorry.

Mayor Bugg: If nothing further, is there a motion to approve this resolution.

Wayne Nunnally: So moved.

Frances Westbrook: Second.

Mayor Bugg: Any further discussion? All in favor.

Frances Westbrook yes.

Wayne Nunnally yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti yes.

Dudley Patteson yes. (via telephone).

Mayor Bugg: This resolution is approved.

THE MOTION TO APPROVE RESOLUTION 2020-15 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 6-0

Mayor Bugg The next item is the second reading of Resolution 2020-16.

4. Reading Resolution 2020-16 TC; Conditional Use Permit Application – Build Pool Inside RPA.

Sharon Phillips: Resolution 2020-16 TC; Conditional Use Permit Application – build Pool Inside RPA, R-1 Tax map 34 21D, whereas the Irvington Town Council reviewed the proposed conditional permit application CUP2009_ Webb to build a new pool at a residence inside the RPA Redevelopment with no further encroachment and increase in impervious cover R1 zoning district tax map 34-21D 391 The Lane.

Lara Brown: This request is for the Webb’s to build a pool inside the RPA under the Redevelopment proposal. This proposal meets the guidelines of the Chesapeake Bay Act under the Redevelopment criteria permitted by right. We did have a public hearing also on December 8th. I have not received any letters of objections from those individuals that were noticed. We did have a resident of Irvington, not within the 300 or 500 foot boundary that did have some concerns with understanding what the Redevelopment process meant. I met with that individual at the town office twice to go over the process, the plans, explaining the Redevelopment criteria and that’s the thought. He doesn’t like it, he doesn’t like the idea of redevelopment but there’s no objection. Planning commission did vote unanimously to recommend approval.



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Wayne Nunnally: Approve.

Mayor Bugg: Second.

B. Schaschek: Second.

Mayor Bugg: Any other discussion? Roll call vote.

Frances Westbrook yes.

Wayne Nunnally yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti yes.

Dudley Patteson yes. (via telephone).

Mayor Bugg: Resolution is approved.

THE MOTION TO APPROVE RESOLUTION 2020-16 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 6-0.

Mayor Bugg Next item is the 2nd Reading Ordinance 2020-11.

5. 2nd Reading Ordinance 2020-11, Repeal, Re-enact Town Code 154.106 Use Regulations in B-2 Zoning District.

Sharon Phillips: Ordinance 2020-11, Repeal, Re-enact Town Code 154.106 Use Regulation in B-2 Zoning District whereas the Irvington Town Council proposes to Repeal and Re-enact town code Section 154.106 regarding B2 zoning district and use regulations.

Lara Brown: We had discussions on this one. As far as rezoning it was recommended by the planning commission that this parcel be rezoned from R1 to B2 to strike the B1 from the language

N. Keane: We are doing the ordinance now. The rezone is the next one on the agenda after this.

Lara Brown: Did I skip one.

N. Keane: Yes.

Jackie Brown: So this is the Pilates Yoga.

N. Keane: They are putting this specific word so that the town council if it desires to do so will change the ordinance to allow its use, then would consider the rezoning of the actual parcel for that zoning district and that's why it's in this order.

Lara Brown: The planning commission's recommendation was to strike the word music from this use.



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Mayor Bugg: Anything further for Ms. Brown. Is there a motion to approve this?

Wayne Nunnally: With the condition with respect to music.

Sharon Phillips: Yes.

Wayne Nunnally: So moved.

B. Schaschek: Second.

Mayor Bugg: All in favor. Roll call.

Frances Westbrook yes.

Wayne Nunnally yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti yes.

Dudley Patteson yes. (via telephone).

Mayor Bugg: This is approved.

THE MOTION TO APPROVE ORDINANCE 2020-11, REPEAL, RE-ENACT TOWN CODE 154.106 USE REGULATIONS IN B-2 ZONING DISTRICT IS PASSED 6-0.

Mayor Bugg: Next item on the agenda is the 2nd reading of Resolution 2020-17 TC.

6. 2nd Reading Resolution 2020-17 TC; Rezoning Application – rezone Parcel from R-1 to B-1 or B-2, Tax Map 33-378_ 235 Steamboat Road.

Sharon Phillips: Resolution 2020-17 TC; Rezoning Application – rezone Parcel from R-1 to B-2, Tax Map 33-378, whereas the Irvington Town Council reviewed a proposed rezoning application RZ1 Town of Irvington to rezone Parcel Tax Map 33-378 from R-1 to B-2 at 235 Steamboat Road.

Lara Brown: Exactly what I said the last time. Planning commission recommends approval striking B-1 and going with B-2 going with the rezone of 235 Steamboat Road.

Mayor Bugg: Anything further council.

Frances Westbrook: I'm assuming then that on this document we are also striking the word music that is on the 3rd page, item 21 in the list.

S. Phillips: That's B-1, item 21 you have the wrong.



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Mayor Bugg: Yeah, yeah.

Frances Westbrook: Oh, okay. So we are re-enacting town code to say B-2.

Mayor Bugg: Yeah.

Sharon Phillips: Right, so this is the ordinance you just accepted.

N. Keane: The second one is the rezoning application which just means a particular parcel will now be zoned that, so that's the difference in.

F. Westbrook: Thank you sorry.

Mayor Bugg: Anything further council. A motion to approve.

Wayne Nunnally: Again.

Frances Westbrook: Second.

Mayor Bugg: Roll call vote.

Frances Westbrook yes.

Wayne Nunnally yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti yes.

Dudley Patteson yes. (via telephone).

Mayor Bugg: Item is approved.

THE MOTION TO APPROVE READING RESOLUTION 2020-17 TC; REZONING APPLICATION IS PASSED 6-0.

Mayor Bugg: The next item is item 7, 2nd Reading of Resolution 2020-18.

7. 2nd Reading Resolution 2020-18 TC; Conditional Use Permit Application – Pilates Studio in B-1 or B-2, R-1, Tax Map 33-378_235 Steamboat Road.

Sharon Phillips: Resolution 2020-18 TC; Conditional Use Permit – Pilates Studio in B-2, R-1, Tax Map 33-378 whereas the Irvington Town Council reviewed a proposed conditional use permit application 2020-10 Town of Irvington to locate a Pilates Studio in B-2 zoning district Tax Map 33-378_235 Steamboat Road.

Lara Brown: So this is for the use of a Pilates Studio at 235 Steamboat Road and I do want to answer or speak to Mr. Kuper's comment earlier. He is absolutely correct. I did not see his letter the night of the joint public



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hearing and I stated in staff report that a letter was distributed to all of you prior to the meeting because we had it before the materials went out. The reason the other letters were read is because those letters came out after the fact, so that is why they were read for you because you didn't have access to them until the joint public hearing, but Mr. Kuper's letter was distributed to you prior to the meeting. I just want you to be assured that we did get it. Then there was another resident that spoke about it. Mr. Ian Cheyne spoke about this CUP application but the residents on either side I have not heard from objections. Mr. Cheyne had a concern about the music part if that were left in the ordinance if this property were to be sold down the road how would that affect things down the road. That is something that the planning commission took under consideration and the concerns they heard and that's why music was struck from it.

Frances Westbrook: So, wherever it says music in either of these two documents, that is being taken out.

N. Keane: So, this CUP Application is only for a Pilates Studio.

Lara Brown: Correct.

Frances Brown: So, you are not even going to have to worry about music. The ordinance....yes.

Lara Brown: So, the document, this is page 2 of a 3 page document. On page 1 of this document, did you get all three pages.

J. Brown: No.

Lara Brown: Okay, so that is only partial. Ann did you do some more research on that.

Ann Meekins: This inspection was in 1978 and on the first page of this document it says that this could only be used for an office, one full time employee. This wording on the second page at the very bottom Ann Meekins the realtor representing both the town and seller, I have some information on that. Did she speak to that. If you look at the document that I sent with the contract there is a 3-page document, not 1 page. The first page was an inspection that said it could not be used as public use the way it was. The second one shows the installation, the third one shows the permit that plainly says this septic system is designed for one full time employee. If you look at all three, it is clear.

Mayor Bugg: Thank you.

Frances Westbrook: Clarification....when this says cannot become a public facility, the public facility means something like a town office that we were using it as pretty much.

N. Keane: I'm not sure that that was what that was for. It was the inspection before. Someone in 1978 did an inspection and wrote this report that has the words you are talking about Fran and then they did something to upgrade it or

Anne Meekins: They came up with the design and then came up with the permit, septic and attached that to it.



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N. Keane: I believe that something about the documents that I saw showed that at one time the septic was in one place and then it got moved to the other, directly behind or something and that might have been what it was. Wasn't it some new tank or something..

Anne Meekins: If you look at the entire document it tells you everything you need to know.

N. Keane: It says it can be used for a business with one employee.

Anne Meekins: One full time employee.

Frances Westbrook: So the things that are listed on this B-2 the use regulations, what we're seeing on here....

Sharon Phillips: You have to go to B-2.

Frances Westbrook: ...that's what I was going to ask, aren't these B-1 uses these B-2 uses. Yep, yep, yep.

N. Keane: So, there are possible on B-2 other than what this is going to be which is a Pilates Studio that they could use it for as long as there's only one employee, you see.

Frances Westbrook: But it could be used as a florist shop in the future if there is one employee, or bakery, if there is just one employee.

N. Keane: Or office.

Group: Talkover.

Frances Westbrook: I know but I'm looking at what the other uses could be in the future, I just want to make sure that we are very much aware of all those uses.

Bonnie Schaschek: And on page 3 Fran, they did do the improvements section to remove it and put that drain on the side.

Lara Brown: It was distributed in your packet for the public hearing, I didn't copy everything, they were in your joint public hearing packet.

Frances Westbrook:something that I don't have.

Mayor Bugg: Anything further council? Is there a motion to approve this resolution?

Anthony Marchetti: Approved.

Mayor Bugg: Second. Is that a second.

Wayne Nunnally: Second.



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Mayor Bugg: Roll call vote.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

Mayor Bugg: Resolution is approved.

THE MOTION TO APPROVE RESOLUTION 2020-18 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 6-0

Mayor Bugg: The next item on the agenda is item 8, 2nd reading of resolution 2020-19.

8. 2nd Reading Resolution 2020-19 TC; Conditional Use Permit Application – Proposed boardwalk, docks, candock, in B-1, Tax map 33-236_Tides Inn.

Sharon Phillips: Resolution 2020-19 TC; Conditional Use Permit Application – Proposed boardwalk, docks, candock, in B-1, Tax map 33-236 whereas the Irvington Town Council reviewed a proposed conditional use permit application 2020 CUP11 – Tides Inn to locate a proposed boardwalk, docks, and candock in B-1 district, Tax map 33-236 at 480 King Carter Drive.

Lara Brown: I would like to say I really enjoyed working on this application. This has been a very interesting experience for myself and learning experience and I'm glad to have had the expertise of Nancyellen and Bay Design Group and the Tides Inn staff and their attorney. It has been a joint effort the VMRC, VIMS, this has been a big project. This is the largest project the Town of Irvington has ever seen and Brian Barnes told me it's one of the biggest ones that Lancaster County has ever seen, so, having said that, a lot of time has gone into this, I understand if you want to ask questions, I hope we can get all of your questions answered tonight. We have some property owners here, you've heard from them so, let's get to it. This conditional use permit encompasses several different components. We have 1,305 linear feet of boardwalk reaching from Fish Hawk all the way around to North Shore Bluff. It is also for adding an L-platform to an existing pier right there at the Fish Hawk Restaurant, asking for use of a candock, for a floating candock for sail boats. Removing an existing pier and replacing with a new pier with an L on the end. Installing a new pier on the north end of the shoreline, installing four viewing platforms along the boardwalk. Each marsh and break waters will have access points connecting to the boardwalk for pedestrian use and ADA accessibility in connection with service use for Fish Hawk Restaurant. All of the underlying components on the first page of the staff report are the components that you are reviewing for this conditional use permit. I would like to add some additional information that is uncovered, but talking through today. This project has evolved through the months from different reviewing agencies and feedback has been open and transparent with the Tides Inn and their agent. The town has pursued just this week notification from VMRC of the proposed boardwalk meeting the requirements of a water dependent use which is permitted by right. I want to say that this is a unique application with a unique use. Therefore, we have to apply our ordinance that we have for use that we had not contemplated. After seeing the updated Tides Inn drawing with distances showing, the boardwalk as it relates to property lines in R-1 the proper setbacks that apply to the wharf as it is called now will be the same as any other water dependent feature. Which the closest definition in our ordinance would be pier or dock,



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Section 154.157 section D, waterside setback which does not apply to this boardwalk structure as we are considering as a pier or dock. No setbacks exist for docks. Tides Inn is offering a setback of 27.7 feet due to the needs to have an ADA compliant boardwalk. Tides Inn has offered that it will agree to a condition on the CUP regarding the use at the location adjacent to R-1, Mr. and Mrs. Ginns' property. Mr. and Mrs. Ginn has seen the condition which I will read in just a minute, let me finish this and I'll read the condition. The condition of the wharf and the encroachment along the bluff has favorable from VMRC as in their opinion it is reasonable to get the proper slope to avoid disturbing the upland wooded buffer, the Chestnut oak grove and the living shoreline component as a net gain of habitat. In addition, the VMRC's comments Wayne from Bay Design Group and I have had extensive conversations regarding the ADA requirements and what is required to make this wharf come up to slope. In order to have an appropriate grade for the ramp, the ramp needs to start midline at the bluff in order to meet the ADA specs. The condition that was drafted today for review is stated as such. The northeastern most 10 feet at the terminus of the wharf will be a scenic area of quiet repose used for ADA access and enjoyment of a natural environment and shoreline and unintrusive activities including without limitation yoga and small group education sessions. Consistent with these purposes, no concerts, parties or organized events hosting more than 15 people shall be conducted on the terminus portion of the wharf. Further any improvement, permanent damage, decoration, lighting or signage to be erected on the terminus shall require prior approval of the zoning administrator it being a tenant of this condition to minimize impacts of the terminus portion of the wharf upon the adjoining landowners. Given the lot, the terminus portion of the wharf, Wayne did you bring any diagrams did you, I've got.

Wayne Savage: I have three.

Lara Brown: Do you want to show where that is located.

Wayne Savage: Let me get the right. This is over in this area. So Mr. and Mrs. Ginn's property is this property here, and we are talking about this section in this area and I know for sure because we have talked about it multiple times. If anyone else wants to see from the public. The area we are referring to is this area in here and this is the Ginn, the Ginn property is here, the property is right about in here so we are talking about that area.

Wayne Nunnally: I move we approve it with the conditions.

B. Schaschek: I second it.

Mayor Bugg: Any further discussion council? Roll call vote.

Frances Westbrook yes.

Wayne Nunnally yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti I'm abstaining from the vote.

Dudley Patteson yes. (via telephone).

Mayor Bugg: Resolution passes. Thank you.



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THE MOTION TO APPROVE RESOLUTION 2020-19 TC; CONDITIONAL USE PERMIT APPLICATION IS PASSED 5-0.

Wayne Savage: Thank you council.

Mayor Bugg: Thank you. Very exciting. The next item on the agenda is the use of the tennis courts to teach tennis. That was previously tabled. Frédéric has reopened that and is interested to.

Frances Westbrook: So it's not tabled now.

Mayor Bugg: Correct.

Frances Westbrook: It does say tabled, sorry.

9. Discussion of use of tennis courts to teach tennis - Frédéric Cabocel - *tabled*

- Motion to authorize the use of the Town tennis courts
- Motion to authorize town attorney to draft contract and mayor to execute contract

Mayor Bugg: Madam Clerk do you have anything further to add.

Sharon Phillips: He has just reopened the request. I think he would like to proceed with spring tennis lessons. The concern I think at this point is that the tennis courts have not been repaired. The town council approved the repair of the tennis courts but due to the temperature outside, the outside temperature weather, the vendor for the tennis court repairs recommended waiting until the weather warmed up so that you get a better application, and you get more longevity of the repair.

Mayor Bugg: Table.

Frances Westbrook: I have one thing for us to think about, in the past we have let pretty much anybody everybody use the court and happy for them to do so. The Academy does teach and what have you. I don't think we have ever had anybody use the tennis courts before to earn money, charging for lessons, so the fact that we pay to have the maintenance and now getting ready to do some pretty serious monetary repairs or maintenance on it and then, our insurance policy and what have you, I would for us to entertain a fee to use it for that purpose to help us recoup our repairs for more use. In fact, and the large fact that he is going to be making money.

Bonnie Schaschek: Mr. Mayor what was your intention when you said a contract here, was that a monetary contract or was that to hold harmless the town of liability

Mayor Bugg: Yeah, I'm glad you brought that up. Have the town speak up about this as well. We have not begun discussions yet in terms of the contract so, I'm glad you mentioned these points as well, I think there could be a risk.

N. Keane: The liability one that Bonnie just mentioned, the fee, the other piece that had been mentioned, was that the Chesapeake County had a license to use the tennis courts and so if someone is then going to be using it for business purposes, if they have to have access to it at some pre-agreed time as scheduled, we'd have to have a schedule or something to figure that out. Figure out how to operate that. So that might be in the contract as well.



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F. Westbrook: So, it would also be advantageous the sooner we can decide this the better particularly if we decide to add a fee to this use, then that has to be considered for the budget so that we include that you know as revenues so we would, I would like to see us come up with that idea sooner rather than later is all. If we decide to go that route.

Mayor Bugg: I think his purpose was to bring it up now so we can get ahead of it and start working on it.

Anthony Marchetti: It would be a nice service, a nice service to have access to.

Bonnie Schaschek: At one time we did have a tin pan out there that people threw \$.50 in or so. We did a real tin pan. Well, we had the box on the cage or whatever you call it.

Wayne Nunnally: Years ago, any resident of the town for \$5.00 could get a key too and use it.

Frances Westbrook: I paid \$10.00 one year for that and had to go to the town office to get the key.

Mayor Bugg: Do we want table to authorize the use of courts and possibly consider having the town attorney begin working on that contract so that we can discuss it at the February meeting.

Frances Westbrook: Yeah, I would.

Wayne Nunnally: Approve.

Bonnie Schaschek: I'd like to get a schedule and then Chesapeake is going to be there as well, so we can write it accordingly. You moved.

Mayor Bugg: Okay.

Wayne Nunnally: I moved to table.

Bonnie Schaschek: Second.

Mayor Bugg: Table the item motion listed to authorize use of the town tennis courts. Can we get a vote on that. All in favor.

Wayne Nunnally yes.

Frances Westbrook yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti yes.

Frances Westbrook: Dudley, Dudley....

Dudley Patteson Call Failed

THE MOTION TO TABLE DISCUSSION OF USE OF TENNIS COURTS TO TEACH TENNIS IS PASSED 5-0.

Mayor Bugg: The motion passes. How about the motion for the town attorney to begin work on that contract and discuss it at the February meeting.

Wayne Nunnally: So moved.

Frances Westbrook: Second.



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Mayor Bugg: All in favor.

Wayne Nunnally yes.
Frances Westbrook yes.
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson Call Failed

Mayor Bugg: Opposed. That motion passes. That's it. New business.

THE MOTION TO FOR THE TOWN ATTORNEY TO BEGIN WORK ON THAT CONTRACT AND DISCUSS IT AT THE FEBRUARY MEETING IS PASSED 5-0.

J. NEW BUSINESS

- 1. Motion to authorize Mayor Bugg to execute deed and related closing documents to effectuate closing of 235 Steamboat Road.**

Mayor Bugg: Nancyellen any further discussion regarding this?

Nancyellen Keane: I don't think so, I don't think there is anything unusual. There might be a couple of things that you have to sign for closing.

Wayne Nunnally: Doesn't he have that power by charter.

Nancyellen Keane: He's allowed to sign official documents it says in the charter but you have to authorize which ones they are.

Mayor Bugg: We could go to contract, now go to closing documents.

Wayne Nunnally: So moved.

Mayor Bugg: Second?

Anthony Marchetti: Second.

Mayor Bugg: Further discussion. Roll call vote.

Frances Westbrook yes.
Wayne Nunnally yes.
Bonnie Schaschek yes.
Jackie Brown yes.



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Anthony Marchetti yes.

Dudley Patteson yes. (via telephone).

Mayor Bugg: The motion passes.

THE MOTION TO AUTHORIZE MAYOR BUGG TO EXECUTE DEED AND RELATED CLOSING DOCUMENTS TO EFFECTUATE CLOSING OF 235 STEAMBOAT ROAD IS PASSED 6-0.

Mayor Bugg: Thank you. Next item Ms. Brown NNPDC Mitigation Hazard.

2. NNPDC Mitigation Hazard

Lara Brown: I'm just the messenger, not nearly as exciting as the Tides Inn project, to participate in the Northern Neck Hazard Mitigation plan update, this plan has to be updated every 5 years. The Town of Irvington participated in this 5 years ago and then 5 years before that. Jerry Davis is Executive Director of the Northern Neck planning district commission and I asked him what this was for so I could bring it to you so that you could decide whether or not you were going to reup this. Jerry Davis states that the Northern Neck PDC is submitting a grant application for VDA and FEMA for funding to underwrite the next required update to the regional hazard mitigation plan. This letter of intent indicates that your locality will participate in the update planning process. What else can I tell you.

Wayne Nunnally: It's not going to cost us any money.

Lara Brown: It's not going to cost us any money. He said 12 years ago congress passed an act requiring all localities to have a hazard mitigation plan. If the Town of Irvington wants to receive grant funding you should submit the update of your intent. All localities have to agree to participate if they want funding. The local match money is paid by the NNPDC. If a natural disaster were to occur in our area that would require FEMA assistance, we would become ineligible to receive if unless we submit this intent.

Frances Westbrook: Not individual homeowners if they have FEMA insurance, that's not a part of this. That was my understanding. In looking at the codes he references in there, the state codes reference comprehensive plans, and I don't think we have a hazard mitigation plan in our comprehensive plan so I mention that only as to a planning commission member that maybe that needs to be added to, or something we need to address the next time we update our comprehensive plan. I don't know if this applies to us because it is not in our comprehensive plan, but I wouldn't necessarily want us to miss out on any funds that allow FEMA to help especially if it's not going to cost us any money to join this group.

Lara Brown: This is the reup so the Town of Irvington authorized this 5 years ago.



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Bonnie Schaschek: They participated only in the kickoff meeting, they provided some data as to the number of residents and they attended the final meeting...I went out and read all 150 pages to find out, I said what is this. I'll tell you what Bob was very involved in it when he was on council with the other ones because this is where they went around and said you're the head of this area, this area and if something happens, they would check on all the neighbors and they had to put that as part of the plan so.

Frances Westbrook: There is some reference from Mr. Davis about attendance to meetings and that's my only concern with part-time staff who is very heavily taxed and their workload, you know attending and keeping up with all of this.

Bonnie Schaschek: That's why I said they only attended three meetings. Five years ago. Let me go back, it was a kickoff meeting, 3 meetings that's it.

Frances Westbrook: Maybe you can talk with staff and zoning and if they can or cannot maybe we could ask a particular council member that would be interested to attend these meetings and bring, maybe depending on the workload that is going on at the time. Tides Inn, done by then or....

Mayor Bugg: That's makes sense, I think.

Frances Westbrook: It would be nice if we were present at every meeting, but that is something that zoning has to do.

Mayor Bugg: Absolutely. Do we need a motion to sign, again for this.

Lara Brown: Authorize someone to sign it. We need a signature.

Frances Westbrook: That would be mayor I would think.

Lara Brown: Town manager.

Mayor Bugg: I'll sign it if someone wants to make a motion.

Frances Westbrook: So moved.

Wayne Nunnally: Second.

Mayor Bugg: All in favor.

Frances Westbrook: Roll call.

Frances Westbrook yes.



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Wayne Nunnally Did not vote – had stepped out of the meeting
Bonnie Schaschek yes.
Jackie Brown yes.
Anthony Marchetti yes.
Dudley Patteson yes. (via telephone).

THE MOTION TO ALLOW THE MAYOR TO SIGN THE NNPDC MITIGATION HAZARD IS PASSED 5-0.

Mayor Bugg: Motion passed.

Frances Westbrook: Wayne Nunnally has stepped out of the meeting.

Dudley Patteson: Okay.

Frances Westbrook: Sorry that's for the recorder.

Mayor Bugg: Rezoning schedule.

3. CUP & Rezoning Schedule

Lara Brown: So, we have a 4-year schedule for six CUPS and one rezoning. We have four new private piers, we have one full in the RPA under the redevelopment guidelines, we have one rezoning and a CUP to operate a town office. So, we are proposing that the town public hearing be held on February 16th. Please note that this is a different date and I did not mention it Julie at the planning commission meeting but, the mayor has asked that we consider moving the planning commission and town council meeting a week out because he would like to be here for all of these CUPS. Am I saying that right Mr. Mayor.

Mayor Bugg: That's correct. I will be out of town.

Lara Brown: He'll be out of town the week prior and we normally have the planning commission meeting before the town council meeting and his desire for attendance, he's asking if we can adjust our schedules and see if the dates of February 16th and February 18th, would work. We have contacted Ms. Farmer and she has verified that the dates area available here for the 16th and 18th and then planning commission would hear the first reading initially following the joint public hearing, town council would hear this reading on February 18th, the second readings would be on March 9th, and March 11th which are typical dates for planning commission and town council for March. Any questions about the proposed CUP schedule.

Mayor Bugg: Council?

Frances Westbrook: I won't be able to attend the 16th but that is a joint public hearing and as long as everybody else is here I don't think that is any detriment whatsoever.

S. Phillips: The 16th of the joint public hearing, what was the 18th.

Lara Brown: Town council.

Mayor Bugg: Town council. Anything further. Can we get a motion.

Frances Westbrook: To adopt....



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Wayne Nunnally: So moved.

Mayor Bugg: Second?

Frances Westbrook: Second.

Mayor Bugg: Any further discussion. Roll call vote.

Frances Westbrook yes.

Wayne Nunnally yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti yes.

Dudley Patteson yes. (via telephone).

THE MOTION TO APPROVE THE CUP SCHEDULE PASSES IS APPROVED 6-0.

Mayor Bugg Next item is discussion regarding committees, Mr. Nunnally.

4. Discussion regarding committees – Councilman Nunnally

Wayne Nunnally: I know it is getting late and we still have what could be a lengthy closed session ahead. I would delay my remarks on this topic because of time.

Frances Westbrook: Here here.

Wayne Nunnally: However, I would remind the council that we, the town council have been elected as the committee to govern and operate this town.

Mayor Bugg: Thank you Mr. Nunnally.

Wayne Nunnally: Your welcome.

Frances Westbrook: Will this be on the next regular meeting, is that what you're asking.

Wayne Nunnally: Another time.

Frances Westbrook: Okay.

Mayor Bugg: Just reach out to us when you're ready.

Frances Westbrook: Alright. So that is tabled.

Mayor Bugg: Tabled.

K. ANNOUNCEMENTS



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Mayor Bugg: Any additional announcements. From the public. With that, that will take us to your reading. Ms. Westbrook.

L. CLOSED SESSION

1. Pursuant to §2.2-3711A7 of the Code of Virginia for consultation with legal counsel for actual or probable litigation.

Wayne Nunnally: I don't have this in my records, could I request a copy of these readings be sent to me.

Mayor Bugg: Yeah.

Frances Westbrook: I Frances Westbrook move to go into closed session pursuant to §2.2-3711A7 of the Code of Virginia for consultation with legal counsel for actual or probable litigation.

Mayor Bugg: Is there a second.

Wayne Nunnally: Second.

Mayor Bugg: All in favor. Roll call vote.

Frances Westbrook yes.

Wayne Nunnally yes.

Bonnie Schaschek yes.

Jackie Brown yes.

Anthony Marchetti yes.

Dudley Patteson yes. (via telephone).

Mayor Bugg: With that we will move to closed session. Public if you are not here after we're done, thank you.

M. RETURN TO OPEN SESSION

Frances Westbrook: Whereas the Town of Irvington has convened to closed session on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act and whereas section 2.2-3712 of the Code of Virginia requires a certification of the board that such closed session was conducted in conformity with Virginia law. Now there be it resolved that the board hereby certifies to the best of each members knowledge one on public business matters lawfully exempted from open session requirement by Virginia law were discussed in closed session to which this certification resolution applies and two, only such public business matters were identified in the motion convening the closed session were heard, discussed or considered by the board. Is there any member who believes that there was departure from the motion to go into closed session, if so, please state the departure. There being no such departures.

I, Frances Westbrook so certify.

I, Wayne Nunnally so certify.

I, Bonnie Schaschek, so certify

I, Jackie Brown, so certify.

I, Anthony Marchetti so certify.

I, Tripp Bugg, so certify.



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N. ADJOURN

Mayor Bugg: With that, motion to adjourn.

Wayne Nunnally: Motion to adjourn.

Frances Westbrook: Second.

Mayor Bugg: All in favor.

Group: Aye.

Mayor Bugg: Meeting is adjourned. Thank you, council.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor



**TOWN OF IRVINGTON, VIRGINIA
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IRVINGTON BAPTIST CHURCH**

NOTICE: the Irvington Town Council will hold a Regular Monthly Meeting on Thursday February 18, 2021 6:30 pm; Irvington Baptist Church.

AGENDA

A. CALL TO ORDER – Mayor Bugg

Mayor Bugg: This is the February 18, 2021 Irvington Town Council regular meeting no town council business is being conducted. This meeting is being called to order. We will start with a roll call.

B. ROLL CALL – Mayor Bugg

Members of Council Present: Dudley Patteson here.
Bonnie Schaschek here.
Jackie Brown here.
Frances Westbrook here.
Mayor Bugg present.
Anthony Marchetti present.

Members of Council Absent: Wayne Nunnally

Staff Present: Nancyellen Keane Esq., Town Attorney

Staff Absent: Lara Brown, Zoning Administrator
Sharon Phillips, Clerk, FOIA Officer

Mayor Bugg: We do have a quorum. Again no business is being conducted due to inclement weather. Next I will ask for a motion to adjourn this meeting to next Thursday, February 25th at 6:30 pm.

D. Patteson: So move.

[inaudible]: Second.

Mayor Bugg: Further discussion? I will let the record show that all town council members voted in favor of this.

Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye

THE MOTION TO ADJOURN UNTIL THURSDAY, FEBRUARY 25AT 6:30 PM IS PASSED 5-0.

Mayor Bugg: With that is there a motion to adjourn no further business is necessary?

D. Patteson: So move.



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F. Westbrook: Second.

Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye

MOTION TO ADJOURN IS PASSED 5-0.

Mayor Bugg: This meeting is adjourned. Thank you everyone.

C. CALL TO ORDER – Mayor Bugg

Mayor Bugg: I’m going to go ahead and call this meeting to order. This is the Town of Irvington, Virginia Town Council Meeting. This was originally scheduled Thursday, February 18th, that meeting did take place here at the church at 6:30 p.m. That meeting was adjourned to today which is February 25th, 2021. Town council thank you for all your help on juggling that schedule and making this happen so. I am pleased to announce that we are having a meeting tonight. I call this meeting to order. We will start with the roll call. Ms. Schaschek.

D. ROLL CALL – Mayor Bugg

Members of Council Present:	Bonnie Schaschek here.
	Wayne Nunnally here.
	Jackie Brown here.
	Frances Westbrook here.
	Mayor Bugg present.
	Anthony Marchetti (via phone)

Staff Present:	Nancyellen Keane, Esq., Town Attorney
	Lara Brown, Zoning Administrator
	Sharon Phillips, Clerk, FOIA Officer

Guest:	See attached sign in sheet.
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Mayor Bugg: Anthony can you hear us. I will also note for the record Dudley Patteson is present. He stepped out for a few minutes and will be back.



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E. APPROVE AGENDA

Mayor Bugg: The next item is approval of the agenda.

Wayne Nunnally: Mr. Mayor I would like to add a few items to the agenda. If the board will approve it, I don't know if I can do that or not. I move that we amend the agenda.

Mayor Bugg: What would you like to add Wayne.

Wayne Nunnally: I want to add short term rental discussion. I want to add a discussion of alternatives to building a town office and, you want to do something.

Jackie Brown: I'd like to move my comments from the mayor's report to old business please.

Frances Westbrook: What was the other one? You said the second one.

Wayne Nunnally: Short term rental. Discussion of alternatives to building a town office and the change that Jackie wants.

Mayor Bugg: Jackie you want to move your item from my report to old business.

Jackie Brown: To old business and I think we should add a round table.

Frances Westbrook: Before announcements.

Mayor Bugg: Motion to amend the agenda. Wayne, can you repeat for Mr. Patterson what your two items were.

Wayne Nunnally: Discussion of short-term rental and proposed ordinances, and discussion on alternatives to building a town office.

Dudley Pattenon: And your adding that to be done tonight?

Wayne Nunnally: Yes. I want to make a report of that to put in my what am I chairman of.

Mayor Bugg: Building and grounds.

Wayne Nunnally: Building and grounds committee.

Anthony Marchetti: It's a report?

Wayne Nunnally: Correct.

Mayor Bugg: We will take them one at a time and Wayne if you want to make your motion then, point out where you propose putting that in the agenda in that motion, we will take a vote on yours and then we'll move.

Wayne Nunnally: I think we can put it under, I guess we can put it under old business.



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Frances Westbrook: Well actually if it is a report from building and grounds, it should probably go with the other report, so perhaps right after mine, which is Item I, that's where the other reports are listed.

Wayne Nunnally: That's for the alternatives.

Frances Westbrook: And short terms?

Wayne Nunnally: And the short-term rental would come under old business.

Frances Westbrook: Oh, I see what you're saying, okay.

Mayor Bugg: Item 2 under old business is what you're proposing.

Frances Westbrook: Item 3 perhaps.

Mayor Bugg: Okay, yeah.

Jackie Brown: Item 2.

B. Schaschek: Jackie is Item 2.

Mayor Bugg: Okay Item 2 would be Jackie. Alright, Wayne do you want to make your motion.

Wayne Nunnally: I move that the agenda be changed to reflect that under old business short-term rental will be discussed, under reports from committee members, building and grounds make a report of alternatives to building and then move Jackie's comments from mayor to old business and add a round table to the very end.

Mayor Bugg: And where would you like the round table?

Wayne Nunnally: Round table always traditionally went right at the end before adjournment.

Frances Westbrook: Maybe before announcements.

Wayne Nunnally: That's fine with me.

Mayor Bugg: Okay.

Wayne Nunnally: Announcements may generate something to talk about at round table.

Frances Westbrook: So, before announcements.

Wayne Nunnally: I think you should put it after.

Frances Westbrook: Okay, that's fine with me.

Wayne Nunnally: Alright, okay with everybody.

Mayor Bugg: Is there a second?



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Jackie Brown: Second.

Mayor Bugg: Further discussion. All in favor? Opposed. Motion passes and the agenda is, yes.

Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

THE MOTION THAT THE AGENDA BE CHANGED TO REFLECT THAT UNDER OLD BUSINESS SHORT-TERM RENTAL WILL BE DISCUSSED, UNDER REPORTS FROM COMMITTEE MEMBERS, BUILDING AND GROUNDS MAKE A REPORT OF ALTERNATIVES TO BUILDING AND THEN MOVE JACKIE’S COMMENTS FROM MAYOR TO OLD BUSINESS AND ADD A ROUND TABLE TO THE VERY END IS PASSED 6-0.

N. Keane: Mr. Mayor, you have three items payment and appropriation for bills?

Mayor Bugg: Yes. Yes we have we have 9 and 11 on the back of your agenda.

Frances Westbrook: These are appropriations.

Mayor Bugg: Appropriations.

Frances Westbrook: I’ll move that we have these three appropriations to consider under new business.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion? All in favor. Opposed. That motion passes as well.

Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

N. Keane: You need to do a roll call vote for people on the phone.

Mayor Bugg: Good point. Let’s do a roll call vote and first let’s just start with Wayne’s motion to add the items previously discussed. Ms. Schaschek could you please state your vote.



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Roll Call Vote: Dudley Patteson Aye
 Bonnie Schaschek Aye
 Wayne Nunnally Aye
 Jackie Brown Aye
 Frances Westbrook Aye
 Anthony Marchetti Aye (via phone)

Mayor Bugg: Excellent the next one will be on the items which were proposed by Ms. Westbrook to be added to the agenda, 9, 10 and 11 at the end, that is appropriations. Let’s take a roll call vote on that as well. Start with you Bonnie again.

Roll Call Vote: Dudley Patteson Aye
 Bonnie Schaschek Aye
 Wayne Nunnally Aye
 Jackie Brown Aye
 Frances Westbrook Aye
 Anthony Marchetti Aye (via phone)

Mayor Bugg: Thanks, you for the roll call vote as well council.

F. APPROVAL OF MINUTES AND ACCEPTANCE OF TREASURER’S REPORTS

Mayor Bugg: Moving onto the next item which is the approval of minutes and acceptance of treasurer’s reports.

1. October 8, 2020 Meeting Minutes
2. October 15, 2020 Meeting Minutes
3. November 17, 2020 Meeting Minutes
4. November 18, 2020 Meeting Minutes
5. December 10, 2020 Meeting Minutes

Wayne Nunnally: Mr. Mayor.

Mayor Bugg: Yes.

Wayne Nunnally: Before we vote on that, I have to take the time to say this. I pointed out to this council over and over Section 31.23, it says order of business. The order of business as a town council’s regular meeting shall be as follows: Read the minutes of the last meeting, reports of offices of the meeting, unfinished business and D. new business. We have not had minutes I guess, the pile of minutes that we were given I think were October, November, December. We don’t have September, we, I got this package of minutes and quite frankly they are single spaced, way over 100 pages to read and my first inquiry is I’d like to know who typed them. My second comment would be after only reading a few pages I begin to find errors.

Mayor Bugg: Wayne.

Wayne Nunnally: All of that is to say there is no way in the world I can vote to approve these minutes.



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Mayor Bugg: Before we go further into that and I do not think this is the appropriate time to go further into the actual details of the minutes and things that you may believe are in there by error. I think we should not be discussing such errors at an open meeting right now.

Wayne Nunnally: Transparency is needed and the public needs to know some of the hardships that your town council members are having in staying current. It is impossible for us to do our job. We don't have the minutes from the last meeting. It would have nice to have those so we can review them and at least impress our electorate instead of sitting here like we're not doing anything. I am completely frustrated by us not having the minutes that we are supposed to have, and we are in violation of our own ordinances. So, I've said my piece.

Mayor Bugg: Anything further.

Bonnie Schaschek: I would like to say something. I do not have minutes from November 17th, that are supposed to be in this package.

Mayor Bugg: Are they not attached.

Frances Westbrook: I don't have them either.

Bonnie Schaschek: I don't know if anybody else has them, but I don't have them.

Mayor Bugg: You have them Wayne?

Wayne Nunnally: I have them.

Frances Westbrook: Mine go from October; I go from October to then November 18th.

Bonnie Schaschek: That's what mine do as well.

Wayne Nunnally: November 18th is what I have.

Frances Westbrook: Alright there should be some for the 17th, there is none for the 17th then, they're missing.

Mayor Bugg: Do you recall what that meeting was, that was obviously back.

Frances Westbrook: From November.

Mayor Bugg: Yeah, 17th of November.

Sharon Phillips: Budget.

Mayor Bugg: Okay, that was the budget meeting, budget and finance.

N. Keane: It was the budget and taxes. It was on the commons.

Frances Westbrook: Yeah, the only note I had was it was on the commons, I didn't write on my calendar what it was for.



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Bonnie Schaschek: Yeah, so I have those missing. I do have to say that I did review a lot of these minutes and we do have a lot of errors on who said what and what. I could only address where it has my name to it, I can't address anybody else, unless obviously I have the physical recording.

Mayor Bugg: My recommendation regarding that would be to take it up with outside council who is looking into this and who is, will be discussing this with council so, I'm glad you point that out now and again my recommendation would be to point that out to Charlie Meyer, when you talk to him so.

B. Schaschek: For the minutes.

Mayor Bugg: Any concerns you have.

Dudley Patteson: Mr. Mayor, I would also like to point out that human resources is concerned about the workflow at our office and would like to suggest at some appropriate time council address some of the issues that I have discovered at the town office and I think the[inaudible] slowness in the workflow is a function of the number of meetings that we have had and all the paperwork that has to go with that and I think that is something that we need to talk about, not now but at another time.

Mayor Bugg: Welcome as well and I'm sure council will so.

Wayne Nunnally: Well I don't know when that time will be.

Frances Westbrook: Is someone trying to call you?

B. Schaschek: Yes.

Mayor Bugg: Are you there Anthony.

Anthony Marchetti: Yes.

Mayor Bugg: Okay, just making sure you're still there.

Bonnie Schaschek: Do you have Charles' number that I could call him.

Mayor Bugg: No, but I'll certainly, absolutely.

Frances Westbrook: I'd like to say that, because of some budget and finance questions that I've had I have called Patrick and left three messages, I have left one message for Charlie, I have left three messages for Eileen who is the accountant that is dealing with the accounting aspect, off site and now Eileen and I have left messages back and forth on two rounds, but the other two gentlemen have not returned by phone call.

Mayor Bugg: Okay.

Jackie Brown: I had the same experience.



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Frances Westbrook: It's very disheartening because we are right now getting ready to do budget, we are behind the eight-ball and I need a couple of questions answered.

Mayor Bugg: Yeah.

Frances Westbrook: I don't have the time to wait and they are not returning my phone calls yet both of them told us if you have any questions or need anything call us. So...

Wayne Nunnally: I would like to echo what Ms. Westbrook is saying, I've called and left detailed messages on points that I have requested answers to and have not gotten a return call.

Mayor Bugg: Okay, that's something I will run up the flagpole for all of you.

Frances Westbrook: Yeah, I think you really should, tomorrow if you have the time, because I don't, I'm up against, I'm in the corner, I'm backed up....

Mayor Bugg: I wasn't aware of it, so thank you for mentioning it.

Frances Westbrook: Yes, yes.

Mayor Bugg: And I will do all I can to run your concerns up the flagpole with that, let them know.

Bonnie Schaschek: Jackie has the same....

Mayor Bugg: Okay.

Jackie Brown: You heard me say..

Mayor Bugg: You have the same concern.

Mayor Bugg: Okay.

Frances Westbrook: So I'd like to move that we table these minutes if we will.

Mayor Bugg: Is there a second.

Wayne Nunnally: I don't think there is anything else that we can do.

Bonnie Schaschek: I'll second that. You can't...

Wayne Nunnally: We can't approve them.

Frances Westbrook: No.

Mayor Bugg: Any further discussion? All in favor of tabling these minutes? Opposed. And let me do a roll call vote since Anthony is on the phone.



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Roll Call Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

THE MOTION TO TABLE THESE MINUTES IS PASSED 6-0.

B. Schaschek: Okay, then I have a question about it.

Mayor Bugg: Go ahead.

B. Schaschek: Can I ask the question first.

Mayor Bugg: Why not.

Bonnie Schaschek: In the agenda you said that there is additional minutes had been drafted however, you guys didn't see fit to send them to us and you were going to wait until March. Based upon the volume of this, I would not wait until the March meeting, I would get them in the mail to us either email or have us pick them up as soon as possible because reading these things and like I said I may have to request the recordings to take and go through a lot of this stuff.

Mayor Bugg: Okay.

Bonnie Schaschek: So I would like these like tomorrow.

Frances Westbrook: Well, I was under the impression that they weren't ready when the two of us talked about them is why we decided to do the October through December.

Mayor Bugg: Mrs. Westbrook and I have already discussed this today and certainly back to checking the status of these minutes so we can get them to you as soon as possible so.

Bonnie Schaschek: Okay.

Wayne Nunnally: Well, are they ready or not, I'd like to know that. If they are ready, I want to pick them up. If they are not ready, why did we say they are ready. So, are they ready for us to pick up?

Mayor Bugg: They are not ready, are they ready?

N. Keane: They haven't been copied.

Mayor Bugg: You want to check in tomorrow.

Wayne Nunnally: I will.

Mayor Bugg: Sounds good. Alright roll call vote.

Bonnie Schaschek: Excuse me, what are we voting on now?



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Mayor Bugg: Tabling the minutes.

Bonnie Schaschek: Okay.

Roll Call Vote:	Dudley Patteson	Aye
	Bonnie Schaschek	Aye
	Wayne Nunnally	Aye
	Jackie Brown	Aye
	Frances Westbrook	Aye
	Anthony Marchetti	Aye (via phone)

Mayor Bugg: **THE MOTION PASSES THE MINUTES WILL BE TABLED.**

6. Treasurer’s Reports (4)

Mayor Bugg: Treasurer’s report will be next on the agenda.

Wayne Nunnally: I’m gonna rely on you Fran.

Frances Westbrook: I’m going to ask that we table simply because the audit has not been completed. The errors that were discussed from the beginning of this that led to the audit are still reflected in here and I suspect they can’t do anything until after the audit and then they’ll recommend whatever changes need to happen. I am glad to have them particularly for the check detail because at least now we know what’s being paid and where the money is being spent so that’s a step in the right direction but until we have the audit and we know those changes and corrections have been made I think we just consider this as informational purposes and let it go at that.

Mayor Bugg: Any further comments about what Ms. Westbrook is proposing.

Wayne Nunnally: You are talking about tabling, what did you say?

Frances Westbrook: We don’t accept them, I’m just saying that right now, they are just for informational purposes until we hear back from audit. I don’t think we can do anything else personally.

J. Brown: Do we know when we’re going to hear back? It’s a long 2 weeks.

Frances Westbrook: Do we have any idea.

Mayor Bugg: Hopefully within the next few weeks. Any further.

Wayne Nunnally: They told us it was going to be a month.

Bonnie Schaschek: Long past a month now.

Frances Westbrook: Well maybe when you run that flag up you can...

Mayor Bugg: Yeah.

Frances Westbrook: ...run a second flag right underneath of it.



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Mayor Bugg: Status check.

Frances Westbrook: At least, it would be good for us to know. Thank you, Mr. Mayor.

Mayor Bugg: Thank you.

Bonnie Schaschek: I make a motion we table the treasurer reports.

Wayne Nunnally: Second.

Mayor Bugg: Any further discussion about the treasurer's report and tabling these reports. All in favor?

Wayne Nunnally: Aye.

Mayor Bugg: Let me do a roll call vote.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes (via phone)

THE MOTION TO TABLE THE TREASURERS REPORTS IS PASSED 6-0.

Mayor Bugg: Treasurer's report 4 of them are tabled.

G. PUBLIC COMMENT

Mayor Bugg: Next item on the agenda is public comment. Does the public have any comments these evening. Yes Mr. Ewing.

Jeff Ewing: My name is Jeff Ewing, [inaudible] Chesapeake, just two quick items. As we get into budget season and you are thinking about new expenses we have a lot coming up in the next fiscal year. The first is a prepared food tax. Everyone else in the region has one, we do not. I think that is a lot of revenue we are leaving out uncollected. We could implement that 2.5% and match Kilmarnock and White Stone. We could bring in probably \$50,000 to the town a year with no resident really being impacted beyond what you're going out and going to eat like anybody else. I don't think that anyone, is, I moved to Irvington because we don't have this tax and was looking for a price discount coming to Irvington, I just really think that it would be a valuable stream of revenue as we, as the town grows and changes. The second item is the short-term rentals, if that was issued under a license or there was some sort of mandatory registration with the town when you are going to rent your home for more than 15 days a year, that would at least let the town know and check in with these people and make sure that they are paying their share of the occupancy tax that is already on the books. So, there is another stream of revenue that we may or may not be collecting because we don't know who's actually doing the Air B&B right now. I just think that as we budget having this extra revenue would be helpful and hopefully reduce the amount or stopping the amount of the property tax increase. Thank you very much.



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Mayor Bugg: Thank you.

Wayne Nunnally: Mr. Ewing, I'm so glad you are here, I wish you had of been here 8 years ago when I proposed the same thing, and could not get it through, so maybe with your help we'll get some of that done this time.

Jeff Ewing: Now is [inaudible]

Mayor Bugg: Anyone else from the public that would like to comment. Alright if nothing further from the public that would bring us to my mayor's report.

H. MAYOR'S REPORT

1. Discussion of town survey/planning topic from J. Brown

Mayor Bugg: As we heard early on the discussion concerning the town survey and planning topic has been moved. Ms. Brown, I'll just turn to you when we get to that so, we won't be speaking about that right now. That will bring me to the next item on my report.

2. North Commons Development

Mayor Bugg: This was originally from the February 18, 2021, report which was adjourned to February 25, 2021, the first item to speak about is the North Commons Development. At the February 4th meeting I heard discussion about appropriation for Bay Design prep work at the North Commons. Council voted unanimously 6-0 to appropriate the funds and place special emphasis on the payment coming from CARES Funds. At the same time during that discussion a couple of council members stated that COVID is not the reason for the expense. This is the first time that I have heard that any statement that cause is not due to COVID. As you are aware.

Wayne Nunnally: Excuse me, I didn't hear what you just said that what?

Mayor Bugg: That was the first time I have heard any statement that the cause is not related to COVID. As you are aware qualifying expenses under CARES requires certain items, namely they are necessary expenditures incurred due to COVID not budgeted as of March 27, 2020, and thirdly incurred March 1, 2020 through December 31, 2021. Because of the statements made at the last meeting while voting in favor of the appropriation, we need to clarify whether there is agreement of council that the prep sitework expense for a new town office on the North Commons is a necessary expenditure due to COVID. Council must weigh in to determine this question of fact. Council must go on record about this issue. This is not something that can be determined by accountants or lawyers, we determine this. Now I would like to go around the table and get input from each council member about the question of whether the site prep work is a necessary expenditure due to COVID.

Wayne Nunnally: Mayor, before we do that. I'd like to make a quick opening statement regarding that.

Mayor Bugg: We will start with you then.



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Wayne Nunnally: We have relied on the advice of the town attorney. I specifically asked her if this was covered by COVID. I particularly don't think it does, but our attorney has assured us it did. With that assurance I made the motion for the expense on Bay Design, but I only did that, and I want the record to clearly show that I only did that on advice of counsel. So, that is what we are paying her for, and we have to listen to what we've been told. So, that's why I made that motion, but I will go on record to say, is I don't think a town office, a new town office is in anyway a result of COVID. I'm only relying on the attorney's opinion that told us it was, and I think I have put the attorney on notice of that fact. So, if that \$45,000 that we've committed to is not going to come out of COVID money and it is going to come out of their money, then I'm going to be seeking redress in the appropriate form.

Mayor Bugg: Anything else?

Wayne Nunnally: No sir.

Bonnie Schaschek: I can go next.

Mayor Bugg: Bonnie.

Bonnie Schaschek: I'll go next. I also do not feel the funds came come out of COVID-19 and quite honestly, I'm a little bit shocked to hear you say that this is the first time you've heard it, because at many meetings we've said and asked the same question, in fact, at one of the meetings I even asked the lawyer to put it in writing that we could use the COVID funds for building the new town office. This has been on the books, it has been in the capital budget for the last 2 years, it's been talked about for the last 4 to 6 years, so it, this is not something new, it has nothing to do with COVID. I did take and print out from the Federal Register as of January 15, 2021, where it says if capital improvement projects are not necessary expenditures incurred due to COVID-19 public health emergency then funds may not be used for such projects. It goes on to say if you are building a hospital that's something different. We are not building a hospital. We are building a town office which we've talked about over and over for many years now. It's not something new. So, I'm not in favor because I think it is going to come back and bite us. You know, we were relying on the lawyer's advice and I can't agree with it.

Dudley Patteson: I have a question.

Mayor Bugg: Yes.

Dudley Patteson: If COVID is not the reason, what is the reason.

Wayne Nunnally: Well, let's look at our October 8th minutes where it says that our damages were caused by the storm, had nothing to do with COVID. Let's see I think that's page 9 of the minutes I did get through, no, that's another area....

Mayor Bugg: The storm was in August and I believe...



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Wayne Nunnally: It was the result, the damages were the result of hurricane I-S-A-I-A-S. Nothing to do with COVID. So, we cannot say that our damages were caused by this disease.

Mayor Bugg: Let me challenge you with this. What about the inability to use the office because it's so small.

Anthony Marchetti: Hey Tripp...

Mayor Bugg: Yeah.

Anthony Marchetti: ...Just let me know when I can have a turn please.

Mayor Bugg: Okay.

Dudley Patteson: I question the fact that the town office, there is virtually no way anyone on council or anyone from the town attending our meetings could properly submit to you which is a requirement of our protocol and in this pandemic and you don't know how long the pandemic will last, whether another one will occur, and it became very clear to me that since we cannot socially distance in that office it was unacceptable to have the meetings there at all and that is why I believe, one of the reasons why I believe COVID was the cause for us to relocate because we could not comply with COVID protocol in that office. It's great that we can evolve, we can have damage from the storm, those are not good reasons. But COVID protocol is the reason why we need to move and have a new town office.

Bonnie Schaschek: COVID is the reason we moved out of the town office, and why we're renting someplace for the staff. We have always for public hearings have had access to the church whenever we know, well, that we were going to have more than 25 people, we always made a point of moving here. We always knew that that office was not geared for that type of thing and shouldn't have been used for it. But, it was never a new discussion, we've known that it was not capable for a long time.

Dudley Patteson: Well, there was no...

Bonnie Schaschek: And we are using the rent that we are paying to this other place out of COVID funds and that's for 2 years and we have an option for a 3rd year after that, that's being paid out of COVID.

Dudley Patteson: I'm not denying that there is a good use of the COVID money in terms of the rent we pay. What I'm saying is it would have been impossible for us to relocate, move back into that building and to feel safe. I would not attend a town council meeting or any meeting for that matter in that building. We had to find an alternative use and we have traveled from the Baptist church to a corporate warehouse to a variety of places all because we needed to find a place that we could comply with the COVID protocol, period, end, finished.

Mayor Bugg: But for COVID would we have moved out of that office this summer or whenever we did.



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Wayne Nunnally: My answer is no we wouldn't have moved. We moved because of the mold, we moved because of the water damage and then COVID came along. To give us an alleged excuse to spend this free money and so everybody is all excited about getting free money and now we got maybe a way if we stretch the truth that we can use it. The office has been inadequate since it's been there. It is not handicapped accessible. The bathrooms are not even, you can't even get to them. But as far as social distancing goes, the town council could meet there. The staff could easily be 6-feet apart. We put the sign on the door, you can't come in anyway. Now what furthers my argument is we are not meeting in the one we are renting. We are still meeting here at the church which has been available to us for at least 10 years I know that we've been coming here. If we have anybody, any kind of crowd at all. It used to be that nobody came. People started coming after we began to tax them. Then they started taking an interest in coming there. But we never had a bunch of crowd and you know that. So, it was perfectly sound for the staff and the council itself, so to say that it wasn't socially distanced there is error in my opinion and it's a ruse to take money from the government.

Dudley Patteson: Excuse me, I object to your remarks saying that those who feel that COVID was the reason are presenting to this council a stretch of the truth are ruse.

Wayne Nunnally: Well, I think that's exactly what it is.

Dudley Patteson: That is uncalled for, I believe....

Wayne Nunnally: You've told me that before but I'm telling you I don't think it is a stretch of the truth at all, and I think it is time for us to be totally transparent and stop all this hiding stuff.

Dudley Patteson: I agree, and as will hopefully other members of council be transparent, but as I said, there is just no way I could go into that building again because of COVID, period, end, finish.

Wayne Nunnally: Would you go in there because of the mold?

Dudley Patteson: I would go in, the mold is not a reason for me not to attend.

Mayor Bugg: Wonder what the county is doing. Ms. Westbrook do you have any information obtained with what the county is doing with these funds.

Frances Westbrook: I know they just recently renovated the old courthouse building which is where the board of supervisors meet and where other groups and communities and commissions meet. They used some COVID funds particularly for the audiovisual aspect, and a couple other items and then they also had to put their own funds in to do a lot of the structural stuff that had to be redone, so, I don't know how the percentage was split. They used some COVID funds for the things that they felt like qualified and used the county's funds for the other things.

Wayne Nunnally: They used the county funds to do the buildout. They used the COVID funds to purchase and install and do whatever repairs were needed for that, for their video equipment and what have you so that they could broadcast video, but they did not use COVID funds for building,



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and we could use the money for the video stuff, and we talked about that, so. That would have been a legitimate purpose.

Mayor Bugg: Anthony, you there?

Anthony Marchetti: I am.

Mayor Bugg: You're up.

Anthony Marchetti: Thank you. Couple things, couple points, bear with me while I get through it all. I will say that I do believe the reason that we are not currently in that office is because of COVID. Give me a second to support my stance there. I would like to point out that I'm looking at a March 16th, that was posted on the Town of Irvington website and the door that said, "Considering the growing concerns surrounding the potential spread of the Corona virus, known as COVID-19, Mayor Ransone has determined that the stated goal of social distancing is impossible to attain given the size of the town office if it remains open." COVID is absolutely a reason we moved out. I mean we are in a state of emergency because of COVID. We declared a state of emergency, emergency ordinance because of COVID. So, you know I understand and respect what Wayne is saying and some of the others are saying, but, if you say, if you think I'm just saying this because of COVID because of free money, that is an attack on my integrity and I'm not okay with that. However, in the grand scheme of the expenses, the amount of money we have from COVID potentially to use towards this project over 20 or 30 years, honestly it is not that much money. Do I think it is a potentially missed opportunity if we don't do it, I do. It is not Nancyellen's job to decide the reason why we moved out. That was never asked of her. We decided to move out. Her advice that was given, Nancyellen correct me if I'm wrong was, if you moved out of the office because of COVID, then and I trust that she has legitimate sources that she did her homework, if the reason we moved out of the office and can no longer move back into our old office was because of COVID, I mean we could have fixed the mold in 2 weeks, and moved back in, but we knew that COVID still existed, we couldn't move back in even if the mold wasn't there. The office was closed before the mold was there. Again, all things to me that point to the fact that COVID was the cause of us moving out and not being able to have, that office wasn't functioning, it couldn't serve the town if the public couldn't come in. The staff couldn't socially distance. Nancyellen's advice was if the reason we had to move out and find another place for the office for the town to operate out of was because of COVID then in her opinion funds could be used, so, how can funds be used to rent Steamboat, I mean how can funds be used to pay rent for our current town office if it wasn't because of COVID. If we use those funds to pay rent for the current town office, then the same logic would apply they could be used for a build out for a new building. What if we went out and bought a new building, what if we bought the building across the street? That's the same thing as having to rent and spend money because COVID forced us to do that. That's how I feel, that's my logic behind it, again, I'm not trying to do anything unethical, I'm taking the advice of our counsel that if we moved out because of COVID which I think we did then those funds can be used for that project. It seems like the worst case in however long they say, hey you know what you couldn't do it, we owe the money, we are in no different in a position than we are now if we put the money, not trying to do anything unethical

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or shady, but I'm acting on advice of counsel. I believe that we moved out because of COVID, she says we can use the funds for that project so I'm following that advice that it can be done. If we choose not to, again, I think it's a missed opportunity, but in the grand scheme of things, \$30,000 over 30 years, you know is, it's not that big a deal, so, again, I think it's a missed opportunity, but everybody is entitled to their opinion, but that's my opinion and please don't say that I'm saying that just for free money, that to be quite frank, I'm not okay with that. It attacks my integrity, and I won't stand for it.

Wayne Nunnally: Anthony the one error in your argument was that they closed the office, they closed the office to the public. The staff continued to meet there and the public met here at the church when we had those meetings. But the staff did not move out of that office until we rented the new house. So, it was not closed in that regard.

Mayor Bugg: Jackie, what are your thoughts, hate to put you all on the spot, but this is important, but this is an important item, so I don't think we've heard from you yet.

Jackie Brown: No, it's fine, I think it's a difficult question, I'm uncomfortable with saying that we moved out of the office because of COVID because we actually moved out of it because of the mold from the storm and if we were going to build an office big enough to accommodate all the possibilities of the virus then to me that would be a legitimate use, but we're not, I don't think we're going to build an office this big so that everybody can social distance in any event, so we're not building it because of the COVID. If we do build a small office, it doesn't qualify under expenses due to COVID from my point of view. I listened to the advice of the attorney but then after we voted on this motion, I researched it some myself and it clearly says COVID money can't be used for capital expenditures, so I'm very uncomfortable with saying that the expenses are necessary due to COVID for that reason.

Mayor Bugg: Any further comments council.

Frances Westbrook: I'm waiting my turn.

Mayor Bugg: Oh, I just put you on for Lancaster, sorry, Fran.

Frances Westbrook: That's alright. Well, I do sincerely believe that we had to vacate the old office because of COVID. I know that due to protocol, COVID protocol that our staff which two could be in that office because they could social distance, however, if a town citizen walked in there, one of them went out on the sidewalk because we didn't have the proper square footage protocol for three people to be in that office at the same time. It wasn't until after Mayor Ransone decided that we needed to close it and have it by appointment only and that also was due to COVID. But still based on COVID protocol three people were not supposed to be in that building at the same time. That was the big issue there, so, yes we discovered mold a little bit further down the road and that was happening because of the storm we had and we did remediate that and I agree, we probably could have moved back in after, but we still could not have met the COVID protocol. So, we had to find someplace else for the staff to be. Unfortunately, even though it is a much larger building it is still



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not big enough for us to do the COVID protocol and have meetings there except for maybe you know some small committee meetings but that's only if we don't have hardly anyone show up from the town. So, we're still in a little bit in that same boat. But I do agree that the rent is a COVID expenditure and will continue to be. My problem is with building the new town office. I'm sitting the fence on that to some extent.

Dudley Patteson: Fran, can I ask you if there is any other alternative within Irvington that would qualify by COVID protocol that we....

Frances Westbrook: Well, let me tell you what my fence sitting is all about. There is some language in the Federal piece that tells us what we may and may not use COVID funds for and I think it was just recently updated, but it talks about any kind of capital expenditure that has been either in our budget or our comprehensive plan would not be, we could not use it for that and we have had on the comprehensive plan for years the idea of building a new office and in addition to that we have also, we started doing the capital budget as it is, 2 or 3 years ago and a new town office has been on that capital budget each and every time so if for no other reason I feel like those two reasons disqualify us using COVID funds to build a new town office. Now it's unfortunate we only have 2 years, and we can extend it for a third year where we are and if we build that's barely going to give us enough time to get an office built and into it. I don't think we have much other choice, I mean the property here in Irvington is going faster than anybody can possibly list it, we are probably going to have to build a new town office. I think if we could get it done fast enough I think COVID could be used just like the county did for the audiovisual equipment they put in there. That ain't gonna happen, we don't have that kind of time. So, I mean yes we do have access to the church anytime we want to, thankfully and we are very appreciative of that, I do feel like the worst possible thing that could happen if we spent money that wasn't COVID related, they'd just make us pay it back, I mean they aren't going to haul us off to jail because we spent money that we shouldn't have.

Mayor Bugg: That's a good point.

Frances Westbrook: But, I'm, yeah, I can't say with a degree of confidence that building a new town office as a capital asset would be a legitimate COVID expenditure.

Dudley Patteson: Well, take one of your points, I wasn't trying to be insensitive to the mold question, but mold is something that could be remediated as it was and should the building have qualified for COVID protocol we could have moved back in but that is not.

Frances Westbrook: But it was never COVID, it never fit that protocol.

Dudley Patteson: That's the reason why we moved out of the office is because of COVID.

Frances Westbrook: I sincerely believe that yes.

Dudley Patteson: Do you believe that?

Frances Westbrook: Absolutely.



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Dudley Patteson: Because of COVID we moved out.

Frances Westbrook: Absolutely.

Dudley Patteson: I agree.

Anthony Marchetti: And whether we use the COVID money or not doesn't change my opinion on why we did that at the office. Like I said, is it a missed opportunity, probably, but in the grand scheme of things, the money, it's not that much money so, I'd rather see us be productive and figure out what the plan is for the town office whatever that's gonna be then spend so much more time you know what I mean. A lot of conversations, not a lot of action. Get some of these things moving forward than conversations about..

Mayor Bugg: Absolutely.

Wayne Nunnally: Anthony I think one other thing that needs to be pointed out why we moved, we got an offer for this building to be bought and it was a very good offer and all of us knew it was a good offer, all of us knew that the office was not satisfactory and when this offer came along, we jumped on it and that's probably the real reason we moved.

Frances Westbrook: That was after the fact though Wayne.

Mayor Bugg: Yeah.

Frances Westbrook: I do believe.

Wayne Nunnally: Right after the mold because we had to clean the mold up for them. That was one of the conditions of the sale.

N. Keane: We listed it, we had votes on listing it.

Frances Westbrook: We voted to list it. So no one really came along and offered, we listed it and then....

Wayne Nunnally: So what, the first week....

Frances Westbrook: ...but I think that was after the COVID stuff started I do think that was after the fact.

Wayne Nunnally: That to me was one of the motivating reasons to move was the very generous offer that we got for the building.

Mayor Bugg: Bonnie, I think you had some follow-up.

Wayne Nunnally: I need to follow-up Anthony one other thing. Anthony, I never ever had the attorney ask me if I thought the expenditure was due to COVID. I asked the attorney, can we do this, and use COVID funds and the only answer I got was yes you can. I had no discussion



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whatsoever that she asked me well do you think it's this, do you think it's that, that did not happen and it didn't happen with Bonnie and it didn't happen with Jackie.

Anthony Marchetti: The answer was yes because, the answer was yes if we thought the reason was because of COVID. If the reason is not because of COVID then the answer is obviously no.

Wayne Nunnally: But I never got that question asked me.

Mayor Bugg: Bonnie did you have some follow-up?

Bonnie Schaschek: You know what happens when you get old you forgot what you were thinking about 15 minutes ago. I do have a comment to make, yes we moved out, we could no longer meet at the office. COVID was a driving force. The mold was really the issue with the place. We needed to take and clean that up, then as somebody commented we did put it on the market because Irvington, the properties were going and we knew we could never get a good price for it so might as well list it and see what we can do. Our problem was we never had a contractor come in and give a true estimate. We had had ballparks with residents saying well you could do this, you could do that, but we never had a contractor come in and say what kind of renovation they could do to that building to make it acceptable for the staff to be there.

Frances Westbrook: I think we did find out that we didn't own as much property behind it as we thought we did.

Bonnie Schaschek: Uh huh.

Mayor Bugg: Yeah.

Frances Westbrook: And because of the situation with the septic which is shared, that nixed everything right then and there. That killed it all. So, we were left.....

Bonnie Schaschek: But that wasn't COVID that was the septic and stuff....

Frances Westbrook: No, no,no, it addresses any kind of addition or renovation or whatever we thought at one time that we might would do. We did look at that you're right. But I think we got nixed because of those two reasons.

Mayor Bugg: Anyone else. Anything further Anthony.

Anthony Marchetti: No I say let's.....

Bonnie Schaschek: Move on.

Anthony Marchetti:everybody said their piece and let's, at the end of the day we still have to find a place for the town office to live for the next 30 to 50 years, so I'd love to focus all this time and energy towards that and move forward like I said, I think it might be a missed opportunity, but if the rest of council is not comfortable with it, then so be it and let's, we still have to figure out where the town is going to operate from.



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Mayor Bugg: Yeah, and I'm going to simplify things....

Anthony Marchetti:focus on...

Mayor Bugg: I'm going to simplify things in terms of our vote tonight, but a few comments that I wanted to say for the end after hearing from all of you. First, thank you for all of your comments tonight. It is a very important thing for the town. One of the most important endeavors of this town is engaged in so, I definitely want to keep the dialog wide open and keep things going in that regard. In terms of free money, I do not believe, and this includes all of you, I do not believe anyone at this table or anyone in this room was seeking free money in terms of building this office. That is not what I have seen here and I have not seen any evidence to suggest otherwise so I believe that was a mischaracterization, and on behalf of myself and all those who have concerns which would be all of you, I just want to clarify that. Second, I have reviewed the advice of counsel, town counsel I believe it is very sound, I have no concerns about that but for tonight's purposes council has advised I believe the first thing we need to decide is whether or not we believe that COVID was a cause of us moving out. I was going to go a little bit further in the weeds with potential motion tonight regarding the COVID funds but I think that is the appropriate starting point. Simply do we believe that COVID was the cause that we moved out of that office. I believe it was, I believe other council members agree and I believe other council members have expressed their disagreement so all that said, yes....

Frances Westbrook: Well, with all due respect, I feel like that's a moot point, I mean we agreed to move out of there, and we agreed that we would use COVID funds to pay the rent where we are now, so, by virtue of the fact in my opinion that we agreed to use the COVID funds to pay the rent we basically agreed by default that we moved out of there because of COVID.

Mayor Bugg: Uh huh.

Frances Westbrook: How else could we have voted to use money to pay the rent.

Mayor Bugg: For the rent....

Frances Westbrook: So....

Mayor Bugg: That was my next comment.

Anthony Marchetti: That's what I said earlier, how are we using COVID funds for the rent if we didn't move out because of COVID, like we can, to me it seems like it is all or none, we moved out because of COVID or we didn't. If we moved out because of COVID then the rent can be used, COVID funds can be used for rent. If we didn't move out because of COVID we can't use COVID funds to pay rent because we didn't move out because of COVID.

Mayor Bugg: And you brought me right back yeah, you brought Fran and me, brought me right to where I was heading, we need to have a vote on whether or not we feel that COVID was the cause for leaving the old town office.



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Wayne Nunnally: That and, I just want to make my position absolutely clear. I don't want us to spend any money if the Federal government can come back and say give it back to us and we may not have it. If they audit us and all this stuff that we've said tonight comes up, I, they will be knocking on our door for money. So that's why we have to be so careful with this thing.

Mayor Bugg: Okay.

Wayne Nunnally: And I'm telling you, we agreed to pay the rent again because we were told we could spend it out of the COVID funds, we didn't say we moved out, we didn't make that decision, we didn't have that discussion that we are doing this because we moved out. The discussion was simply this, oh, you can pay the rent with COVID money period. Nothing was a predicate to it. Now this is very slick to come in with a motion now to say oh we did it because we moved. We didn't. We agreed to pay the rent because we were told we could pay it out of the COVID funds. Not because we all sit around here and say we're moving because of COVID, so, that's the real truth of the matter. This slick discussion that we are having now about let's make it clear why we moved out, is to cover....

Mayor Bugg: We need to have that vote, you are correct, we need to take that vote.

Wayne Nunnally: I think the way this thing needs to be looked at is can we spend money on a town office and capital expenditures for COVID and is that a legitimate expense. That's the reason question.

Anthony Marchetti: If we got relocated because of COVID then yes, but if we say we didn't get relocated because of COVID then the answer is no.

Wayne Nunnally: That's the discussion we should have had first, not to come in now and say oh, this is what we should have said that we are moving out because of COVID. We didn't say that. We just spent the money.

Anthony Marchetti: Maybe you're right but that's our decision. That's not Nancyellen's decision.

Wayne Nunnally: We have a right to depend on counsel believe me. To rely on counsel.

Anthony Marchetti: So, you're saying you want her to make decisions for us?

Wayne Nunnally: Well, she's doing a lot of it now isn't she?

Mayor Bugg: Jackie.

Jackie Brown: Are you all saying...

Anthony Marchetti: I don't believe Nancyellen has a vote the last time I checked.

Mayor Bugg: Anthony Jackie is about to say something.

Jackie Brown: I just want to, are we visualizing building a town office that is big enough to accommodate these kinds of meeting with social distancing if this ever happens in the future, is that



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what we're talking about now, because I can't imagine that the town wants to build a building that big and spend that kind of money.

Mayor Bugg: I mean, right, I think we need to weigh every option.

Jackie Brown: Yeah, it concerns me because now we are talking about having to meet all these COVID requirements because we are using COVID money and I never visualized that we would build anything that big. I mean are we going to go into millions of dollars into debt over an office because....

Dudley Patteson: No, I don't think so.

Jackie Brown: Realistically what are we doing then.

Dudley Patteson: We will at the time when its right a building will be built to be COVID sensitive if possible and at the same time we need to show financial responsibility to those that live here and we may need to adjust to accommodate larger groups like that. We are not building a building to how do you want to say, having a large gathering of people.

Jackie Brown: Even this large....

Dudley Patteson: Pardon?

Jackie Brown: ...even this large of a gathering is a small gathering for most of our meetings, so are we really thing about building a building that is big enough for everybody....

Dudley Patteson:I don't think anybody has, no one has really gone that far yet, second from a person standpoint I don't think it would responsible for us....

Jackie Brown: I don't either.

Dudley Patteson:so large that it may be COVID compliant but at the same time it would be fiscally irresponsible.

Jackie Brown: I absolutely agree.

Dudley Patteson: There you go.

Jackie Brown: That's why I think that.

Wayne Nunnally: Well the motion is this, I'll read what the motion is. Motion that expenses for North Commons development for a new town office are necessary expenses due to COVID. That's the motion. It's not whether we moved out or what we did. The motion is that expenses for North Commons development for a new town office are necessary expenses due to COVID. The clear answer is no. So now there is discussion to try to change that into well we moved out of the office for COVID and we're paying rent for COVID. That's not the motion that is on the floor. We are being asked to say all the expenses for the North Commons and the new office are a result of COVID. That's the motion and I call to question on it.



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Frances Westbrook: Mr. Mayor, I'd like to call the question on it also please. I do think we need to move on.

Mayor Bugg: I do too. The first motion I'll propose is one on calls.

Wayne Nunnally: Well I made the motion Mr. Mayor.

Frances Westbrook: He already, we didn't have another one, I'm sorry, I beg your pardon.

Wayne Nunnally: I made the motion that is on the agenda and I've called the question.

Mayor Bugg: And you've made that now correct?

Wayne Nunnally: Yes.

Mayor Bugg: Okay is there a second.

Jackie Brown: Second.

Mayor Bugg: Further discussion. All in favor and we will do a roll call vote.

Roll Call Vote: Bonnie Schaschek no.

Wayne Nunnally no.

Dudley Patteson yes.

Jackie Brown no.

Frances Westbrook: It's not often I hate voting but I'm gonna tell you, because of the capital budget and the comprehensive plan I'm going to have to vote no.

Mayor Bugg: Anthony ?.

Frances Westbrook: I think we may have just lost him. [beeping sounds].

Mayor Bugg: You there Anthony.

Frances Westbrook: I guess he's wondering what in the world. You there. {attempts to get Anthony back online, keeps going into voicemail}. Oh dear.

Bonnie Schaschek: I agree with Fran, we've had it in the capital budget.

Frances Westbrook: Too long, yeah. You think his phone may have died.

B. Schaschek: Do you think that's what that beep-beep-beep was?

Mayor Bugg: I think it may have been.

Frances Westbrook: Well at least we do have a quorum present so.

[Tried to get Anthony Marchetti back online and it goes to voicemail].

Frances Westbrook: Okay, let's move on.



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THE MOTION THAT EXPENSES FOR NORTH COMMONS DEVELOPMENT FOR A NEW TOWN OFFICE ARE NECESSARY EXPENDITURES DUE TO COVID IS DEFEATED 3-2.

Mayor Bugg: Alright, the motion does not pass.

Mayor Bugg: The next motion I would like to propose is having someone make would be whether or not COVID was the reason we moved out of the town office. Would someone like to make that motion?

Frances Westbrook: So moved.

Mayor Bugg: Is there a second?

Dudley Patteson: Repeat the motion.

Mayor Bugg: Whether or not COVID was the cause, the motion would be.

Dudley Patteson: Second.

Mayor Bugg: We don't have Anthony here so.

Frances Westbrook: Did you second?

Dudley Patteson: Yes.

Frances Westbrook: Oh, okay,

Mayor Bugg: Actually Fran I said whether or not, I think the motion should be that COVID was the cause and take a vote.

Frances Westbrook: Yes.

Mayor Bugg: Okay, that will be the motion then?

Frances Westbrook: Yes, that's fine.

Mayor Bugg: Second, Dudley, okay. Roll call vote.

Roll Call Vote: Wayne Nunnally no.

Dudley Patteson yes.

Jackie Brown: I recall it, I'm sorry, I don't think.

Mayor Bugg: Don't be sorry.

Wayne Nunnally: No reason to be sorry.

Frances Westbrook: So that's a no for you.

Jackie Brown: Yeah.

Frances Westbrook: I'm gonna say yes.

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Bonnie Schaschek: So it comes down to me.

Mayor Bugg: And Anthony.

Bonnie Schaschek: If you can get him. I'm going to say it's a combination of things, it wasn't totally up to COVID but had to do with the mold, it had to do with the real estate market, for me to sit here and say the only reason that we moved out of that office was COVID that's not true, we moved out because of several other circumstances surrounding it, so.

Mayor Bugg: So, you're going to be a no it sounds like, is that.

Bonnie Schaschek: Is that, then it's a no. I know it was one but it was not the sole reason that we moved out.

[trying to reach Anthony Marchetti's phone again, going to voicemail].

Bonnie Schaschek: Okay then, move on.

Mayor Bugg: Return to the vote on this once we have Anthony.

Frances Westbrook: We do have a quorum here.

C. Bradley: Can I ask, can I make just a random suggestion.

Mayor Bugg: Yes.

C. Bradley: Do you have Anthony's [inaudible].

L. Brown:[inaudible].....not yet done.

Mayor Bugg: Joanna.

Frances Westbrook: You're talking about landline or cell phone.

C. Bradley: I'm just thinking if there's a landline she could hopefully get Anthony. So, it was just another way to try to reach Anthony is what you're trying to do I think.

Wayne Nunnally: Getting close to my bedtime Mr. Mayor.

L. Brown: Could Anthony's phone, we are trying to call him back for the town council meeting and thought maybe.....[inaudible....appears to be talking to someone on the phone]. Okay, thank you.

Frances Westbrook: He might be at the office while everybody else is gone.

Mayor Bugg: He may be.

Wayne Nunnally: Mr. Mayor we have a quorum, a vote has been taken.



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L. Brown: [still appears to be talking on the phone]. Okay thank you, I'm sorry to bother you. He was at the office...

Mayor Bugg: Okay.

Wayne Nunnally: I think the motion has been defeated and ask you to declare it and to go ahead and let's move on.

Mayor Bugg: Hold on one second, I have one more.

Frances Westbrook: Is that the office number?

Mayor Bugg: You are there. Council do we want to revisit this vote once Mr. Marchetti can participate so we can have a full deck of council members participating.

Frances Westbrook: I don't know that we can.

Bonnie Schaschek: We need to move on.

Wayne Nunnally: It's been voted on so.

Frances Westbrook: We have to have a quorum for someone to call in and that's most unfortunate, but I don't know that we can hold the vote when there is a quorum present.

Wayne Nunnally: We've made a vote, so.

Frances Westbrook: I don't know, I've never seen this situation before.

Mayor Bugg: It's unique.

Dudley Patteson: If we know Anthony's position, consideration if it is possible to be made...

Frances Westbrook: There is nothing that says we can't have this vote again.

Wayne Nunnally: Let me tell you what we are talking about. We have 3 votes, you have 3 votes, the mayor has to break and that's what we're fighting over. So, right now the 3 votes win and you are trying to continue this thing so that the mayor can break a tie vote. That's what's happening here, and I want the public to know it so, we made the vote, I've called the question, the motion has failed, now that's how we do it parliamentary procedure. If we do it any other way we are not following the law and parliamentary procedure.

Frances Westbrook: And Wayne you are absolutely correct in that, but also the town council anytime it wants to, it can undo a vote at another meeting and redo it.

Wayne Nunnally: That's right, well let's do it at another meeting.

Frances Westbrook: But right now I think you're right, it stands.

Mayor Bugg: You have him.



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N. Keane: Okay, now he has his charger.

Wayne Nunnally: This will happen as I predicted.

Anthony Marchetti: I'm sorry can you hear me.

S. Phillips: I am going to bring you up to speed. It is your turn to vote.

Mayor Bugg: I don't even know if you heard the motion Anthony, you may have....

Anthony Marchetti: No, I'm sitting in my office and my phone died and my wall charger is at home, so I had to go sit in my car to have enough battery to turn back on, sorry.

Mayor Bugg: The motion proposed by Mrs. Westbrook was that COVID was the reason that we vacated the old town office. You are the last person to vote. What is your vote.

Anthony Marchetti: The motion is the reason we vacated Steamboat was because of COVID.

Mayor Bugg: Yes.

Anthony Marchetti: I vote yes, I agree with that.

Mayor Bugg: Okay, with that we have a tie, and my vote would be as Mr. Nunnally called yes, COVID was the reason we vacated the old town office.

THE MOTION THAT WE VOCATED THE OLD TOWN OFFICE WAS FOR COVID IS PASSED 4-3.

Frances Westbrook: We had it for a few minutes Wayne.

Mayor Bugg: Yes.

N. Keane: What about the rent and....

Wayne Nunnally: Okay we can get onto something else now.

Mayor Bugg: Yes, yes. Second motion we need to get is that COVID was a reason for the need to rent the new town office and pay the rent. Could I get that motion.

Dudley Patteson: So moved.

Bonnie Schaschek: Didn't we do that back a couple of months ago saying that it was okay to use COVID funds for the rent and we did a motion on it, so why are we doing it again.

N. Keane: There was a motion but there was no vote.

Mayor Bugg: We are cleaning up the record to make sure we....

Wayne Nunnally: We don't know because we haven't seen the minutes.

Mayor Bugg: Motion was put on the table, was there a second?



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Anthony Marchetti: Second.

Mayor Bugg: Any further discussion. All in favor.

Dudley Patteson: Aye.

Mayor Bugg: Roll call vote actually.

Jackie Brown: Mayor, could you repeat the motion.

Mayor Bugg: Motion was that a motion was made that COVID was the reason for renting the new town office and paying rent on that new town office. Any further discussion, and that takes me to the vote. Ms. Schaschek.

Bonnie Schaschek: Well, yes and no. We moved out of the office because of the mold and other circumstances and COVID was one of the reasons, but there were other underlying reasons that we moved out of the office when we did.

Frances Westbrook: But it was one of the reasons.

Bonnie Schaschek: It was one of the reasons. It was not the sole reason, it was one of the reasons. So if you want to sit here and say it was the sole reason, I'm going to say no, it wasn't.

N. Keane: It doesn't have to be the sole reason. It has to be a reason.

Mayor Bugg: Do you want to amend your motion to be....

Dudley Patteson: A reason.

Mayor Bugg: ...a reason. All in favor of amending the motion to a reason. Alright, now we'll take the vote on the amended motion.

Wayne Nunnally: Can we stick to one of the reasons, then I can vote for that.

Frances Westbrook: By all means, amend it again.

Mayor Bugg: Can you amend that Dudley.

Dudley Patteson: ...difference, one of the reasons...

Mayor Bugg: One of the reasons.

Dudley Patteson:one of the reasons.

S. Phillips: COVID was one of the reasons for renting the new office and paying rent.

Frances Westbrook: Out of COVID funds. Okay.

Mayor Bugg: Now let's do roll call on that amended motion.



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Roll Call Vote: Bonnie Shaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

3. Discussion of draft ordinance regarding CUP's for docks

Mayor Bugg: Moving on. Alright CUPS for docks, ordinance clarifying CUPS for docks. The last council authorized the town attorney in April 2020 to draft amendments to existing town code to clarify with consistency the language requiring CUPS for all docks built in the town. Early in my tenure I asked to delay this until after new council members and I had experienced a few CUP applications so that we would be familiar with the process. The last council directed that all docks require a CUP. Over the last few months, I have been contacted of whether CUPS are needed for every dock and other issues concerning CUPS. These are diametrically opposed concepts. I had hoped to address this tonight, but I discussed this with the vice mayor and we suggest that the topic be covered in a separate meeting possibly the 5:30 hour on March 11, 2021 as a workshop on the subject of CUPS for docks along with related CUP issues. It is simply too much to discuss in a regular meeting. If there is no objection we will place this on the agenda for March 11th at 5:30 p.m. The next item is the revised CUP schedule. Council adopted a CUP schedule on January 14th which called for a joint public hearing of six CUPS and one rezoning on Tuesday, February 16th. Since council did not have a quorum for the joint public hearing on Tuesday, February 16, the planning commission went ahead with the scheduled public hearing. In order to complete the CUP schedule on the original date of March 11, we have added a separate public hearing on March 9, for council to hear public comments on these applications. Staff has contacted members of council about their availability on March 9 at 6:00 p.m. and there is a consensus. Hopefully all of you have had a chance to review that revised CUP schedule. Now because questions were raised during the Tuesday, February 16 meeting about the need to reschedule the public hearing for council, I want to clarify for everyone the reasons why rescheduling the public hearing for council was the proper decision. Council adopted a policy in June 2020 which allows a council member to attend a meeting remotely provided there are four council members physically present in the main meeting location. There were only three council members physically present on that Tuesday. That is a FOIA issue. An electronic meeting may be held during an emergency called by the Governor provided the meeting is held to discuss the emergency. This meeting was not going to discuss the emergency. Council adopted the continuity of government legislation last spring, that's ordinance 2020-001 and later renewed it in ordinance 2020-006 which allows for electronic meetings specifically during the COVID-19 emergency. These ordinances have sunset provision the last one terminated in October 2020. Had this been in effect it would not have been useful on Tuesday, February 16th because that meeting was called and advertised as an in-person meeting. A public hearing for a CUP or rezoning parcel is a legal requirement which provides due



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process to an applicant seeking a permission from the governing body. Even though a vote is not taken during the public hearing for a CUP or rezoning this is not the point. The law requires this take place as part of a process conditional to producing a valid decision on an application. Similarly, there are other laws that require public hearing for public purposes, for example, budget, tax, levies, sale of property, and comprehensive plans. None of these cases would it be acceptable for less than a quorum of the council to hear the public comments associated with the process involved. A public hearing of the council is really a special called meeting of council. A special called meeting requires a quorum to hold the meeting to conduct business which in this case was to hold the public hearing. Lastly, as Mr. Patteson mentioned earlier.

N. Keane: Mr. Mayor

Mayor Bugg: Yes.

N. Keane: I think you were going to get them to vote on this before you went to the next topic....

Mayor Bugg: On the....

N. Keane: The CUP schedule. Actually ask them to vote to accept it.

Mayor Bugg: Did I jump ahead. I did, I was trying to get us moving along. I'm backing up to the revised CUP schedule that I mentioned that has been circulated. Is there a motion to approve that revised.

Wayne Nunnally: So moved.

Mayor Bugg: Is there a second.

F. Westbrook: Second.

Mayor Bugg: All in favor.

Group: Aye.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

Mayor Bugg: Excellent.

Wayne Nunnally: [inaudible]

THE MOTION TO PASS THE REVISED CUP SCHEDULE IS PASSED 6-0.

Mayor Bugg: The revised CUP schedule is approved. Again, Dudley Patteson spoke about this, again I want to encourage discussion of topics in advance of meetings. Mr. Patteson asked me to



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mention tonight the suggestion that we encourage members to place items on the agenda for discussion where the expectation is not to vote on the matter at the same meeting. Council members have said regretfully that they do not discuss issues of the day and wish to do so. This comment is to encourage such discussion with the understanding that there will not be a vote at the same meeting where a topic is introduced for the first time. All of us have chimed in on this regard and I thank you all for all your participation and your comments tonight so. As Mr. Patteson mentioned earlier and I just mentioned please keep that in mind and just bring everything to the table enough in advance so we can have the most productive discussion we can about all this. With that, that concludes my mayor's report.

I. REPORT FROM THE TOWN ATTORNEY – Nancyellen Keane

Mayor Bugg: Nancyellen.

N. Keane: I have a really quick report. On February 4th a discussion was held at that meeting to change the date, time and place of a regular meeting, we did do the research on that the next day. Virginia Code 15.2-1416B governs the requirements to change the regular meeting. We went through and we complied with each of these requirements. One was passing a resolution or motion to change the date, time or place, the second was posting a notice of the new date, time or place, and the third was advertising in a newspaper at least 7 days prior to the meeting. We were lucky with the February 4th meeting that the actual next meeting was February 18th, because it allowed us the time to advertise in the newspaper. The second item I have I just want to remind you all that on October 15th council authorized me to perform research on land disturbance issues and to draft an ordinance if necessary. I did the research. After further review, it appears there's no need for any additional ordinance as the current town code contains the process necessary for exceptions and exclusions which were the topics that related to land disturbance that I was concerned about at the time, so I don't need to do anything there. I just wanted to close the loop on that and make sure you all were aware not to expect anything on that. On May 14th of 2020, I was authorized by a vote of 6-0 in favor to draft an ordinance to make a CUP required in all zones for docks and piers. That was an excerpt from the minutes. This topic will be considered along with the other zoning issues that the mayor described for March 11, 2021, there was some discussion that I would present it tonight, but because the vice mayor and the mayor decided it was too much to deal with tonight, now the mayor is suggesting this be on March 11th so, that's the end of my report.

Mayor Bugg: Thank you. Ms. Brown. Report from the zoning administrator.

J. REPORT FROM THE ZONING ADMINISTRATOR – Lara Brown

Jackie Brown: Thank you. There were four zoning permits issued this year so far. On the second zoning permit I inadvertently left off the name of the applicant, Finley White, was left off. No commons update. I don't know what to say. Probably if you have an update when we discuss further old business. I had some recommendations for you mayor to maybe consider at the next meeting possibly coming up with a committee to look at the North Commons development but we can discuss that if council deems



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appropriate under old business. I will say that I spoke to Ben Burton today from Bay Design Group and the preliminary boundary and demographics survey work has been completed. You may notice the markers out over in the field at North Commons. Soil samples have been sent away and he should find out next week whether or not the soil is conducive for the drain field and how water drains. We will get that next week. Also, be aware due to rescheduling of our public hearing for town council, we are incurring some cost so that the applicants do not have to bear that since it wasn't due to their reasons that we had to reschedule, the cost for rescheduling the meeting will total \$990.28, and that is for the certified mailings to the 37 parcels and for the Rappahannock Record as to run for 2 weeks for 3 notices. I just didn't want anyone to be...to that. Anyone have questions.

[Female]: What was that figure.

L. Brown: \$990.28.

[Female]: Thank you.

Mayor Bugg: Thank you.

Jackie Brown: That's it. Thank you.

K. REPORT FROM THE BUDGET & FINANCE COMMITTEE – Frances Westbrook

Mayor Bugg: The next item I have on the agenda is the report from the budget and finance committee.

Frances Westbrook: Thank you Mr. Mayor I think you have before you a copy of the proposed schedule for adopting the budget. We are in a major time crunch partly because we have not been able to get started on this typically as soon as we do with an audit in process. So, Anthony and I have talked about this, we are having a hard time getting dates in place where everyone can be present. We are going to be meeting this coming Tuesday, at 4:30 here at the church. It will be a workshop, you're shaking your head no, what....

S. Phillips: 3:30.

Frances Westbrook: Yes, I'm sorry for 3:30, Tuesday, next Tuesday here at the church. It will be a workshop which means anyone can attend and we encourage you to do so. It's just that you won't be allowed to participate. Anthony and I are still working out the details for the other meeting dates. We will be, according to the schedule we will be having a March 18th, town council and budget and finance workshop. This is going to be a very, very important meeting and it is absolutely essential that all town council members be there. This will be the only opportunity that we've built into the schedule for us to come together and discuss the budget that Anthony and I will prepare the worksheets and bring that forward for you to consider. The 18th is important because on the 25th, the figures at the 18th will determine the composite ad that has to go into the Rappahannock Record and that has to occur on March 25th in order to meet the state mandated deadlines, so once again the 18th is a very important time for you to be at that meeting. Also, that workshop that we are going to have on the 18th may determine



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any tax increases or new taxes we may have to consider or contemplate in order to meet the budget that we decide on. Of course, April 8th will be the public hearing and we're hopeful that we'll be able to adopt the budget on the 13th of May. We can have a fallback position for the June town council meeting if we need the extra time. I am hoping that we don't need the extra time. Anthony and I are going to do everything we can so we can get this pushed along so that we can stay with this proposed schedule. A reminder that we need budgetary requests from a number of people. I'd like to have those by March 12th that would be HR, Dudley, zoning/planning commission, the mayor, legal, anything that you see coming up that need to be apprised of monetarily, certainly town council members anything that you may have that you think Anthony and I should consider and staff. And once again if we could have those figures from you by the 12th certainly feel free to give either of us a call, if you have any questions or anything. Anthony is there anything that you need to add to this that I might have forgotten.

Anthony Marchetti: No, I think that's pretty good. I certainly you know, a lot of the budget is more or less can be copy and pasted from previous years so, especially for town council, I'd ask for requests you know if there are several items that you in particular want to discuss, change, remove, you know, let us know, let's talk about it early instead of later. Especially by that March 18th, you know we need the 11th as well if there is any budgetary items we can set aside on the agenda a time to discuss just makes sense to do it on the front end so, you know, let us know what you're thinking, what you want to see changed, you know obviously it will be a working document, but the more you put in the beginning, the easier and better for everybody so. Thanks.

Wayne Nunnally: At that meeting will it be appropriate to talk about the [inaudible] tax and meal tax?

Frances Westbrook: Not at this time no. I mean that is a consideration we may want to discuss at the workshop I think would be the more appropriate time.

Dudley Patteson: Which workshop?

Frances Westbrook: The one I just told you about that is absolutely essential you attend.

Wayne Nunnally: March 18th.

Frances Westbrook: March 18th, 3:30.

Dudley Patteson: I circled it.

Frances Westbrook: Okay, that's the very first one on the proposed schedule.

Bonnie Schaschek: There's one on Tuesday.

Frances Westbrook: Anthony and I are having a budget and finance committee workshop this coming Tuesday, 3:30 here. That's for us to start getting these figures together so that we can come up with the worksheets to present to you all on the 18th.

Mayor Bugg: Yes.



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Nancyellen Keane: Do you want to put your list, it says TBD, do you want to put your list of meeting.

Frances Westbrook: So far the only one we have scheduled is next Tuesday which is March 2nd.

Nancyellen Keane: So you can put March 2nd.

Frances Westbrook: So you can put March 2nd up there 3:30. I don't know why I want it to be 4:30.

S. Phillips: You don't want to move forward with the 4th.

Frances Westbrook: Anthony has come conflicts. He is going to be out of town one of those dates and he had forgotten about that when he and I first came up with these dates, so we are just waiting and seeing.

Nancyellen Keane:2nd....

Frances Westbrook: We are going to have to regroup.

Nancyellen Keane: March 2nd on here, but you don't have anymore.

Frances Westbrook: Don't have anymore March 2nd 3:30, workshop here. March 18th is the biggie for town council. Alright.

Nancyellen Keane: So are you going to vote on it as amended.

Frances Westbrook: We will vote on, well we are going to amend it.

Nancyellen Keane: Vote on it.

Frances Westbrook: Well that was to be determined. Yes, if you want, as amended then, we added March 2nd, so we do need to vote on this proposed schedule.

Wayne Nunnally: Move we accept this schedule as amended.

Bonnie Schaschek: Second.

Mayor Bugg: All in favor. Roll call.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

THE MOTION TO PASS THE AMENDED BUDGET SCHEDULE IS PASSED 6-0.

Mayor Bugg: Schedule passes.

Dudley Patteson: Mr. Mayor.



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Mayor Bugg: Yes.

Dudley Patteson: I would like to make council aware that we are certainly meeting more often than we have ever met before...

Bonnie Schaschek: Not really

Dudley Patteson: ...in fact in the next 21 days we are going to have about 10 meetings scheduled, all of us are not going to attend all 10 but some of us are and I think when we look at the situation that Mr. Nunnally brought up earlier about the delay in minutes, our staff is being taxed with an enormous amount of work that has never been seen until recently inclusive of last year. So I think that as we look at meetings in the future, I would hope that we all try to consolidate the meetings and try to settle things at council meetings, try to settle and have meetings during staff hours so that we are not causing them the boat load of work that they've got right now. Thank you.

Mayor Bugg: Thank you.

Frances Westbrook: Thank you Mr. Mayor.

Mayor Bugg: Thank you. Wayne I have several lines, I wasn't sure, I just want a refresher from council as to where you want, you put the alternative for town office. Did we put that under new business or after the budget and finance that we had.

Frances Westbrook: That was the committee report.

Bonnie Schaschek: Old business.

S. Phillips: Committee report from.....

Frances Westbrook: Committee report for the town office.

Mayor Bugg: Yeah, yeah, it should be right now.

Wayne Nunnally: Okay.

Mayor Bugg: Wayne.

Wayne Nunnally: What I did, I guess without the mayor's approval was to go around town and see if there was any other places that might serve as an office that we could move into and buy. One of the places I looked at was the house on Irvington Road. I think it green now, it used to be yellow. The address, it's under contract, but what I think we need to do before we rush into forming committees to develop the North Commons, is to see if there is an existing structure that we should buy and I think that I just quickly went online and there was a lovely little dwelling on Chesapeake Drive that is there for sale that would certainly is much better than the rental office. I'd also like for us to explore at least the possibility of renting as opposed to buying and owning a structure. There are advantages to that. Before we go head long into spending money that surveys has said that they don't want, I would certainly like to look at alternatives before we go moving ahead with committees on developing the



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North Commons. That's the end of my report. The other, you want me to go ahead into the other one now.

Mayor Bugg: Actually yeah, that's fine. Years ago it seems like now, I went out on a limb and I drew a town ordinance, I don't think town attorney liked me drawing an ordinance but I drew it with the hope that we could get something going on this short-term rental, I never think the one that I've drawn would pass, but it was something to generate a discussion on the short term rental. Everybody here has a copy of this motion, except you mayor, you may have looked at my motion, I mean the ordinance.

Mayor Bugg: You might as well give me a fresh copy.

Bonnie Schaschek: I don't think I have one.

Wayne Nunnally: Except maybe. What I would like to do Mr. Mayor is have my draft ordinance referred to the planning commission for tweaking and revision, but we need to get something going on the short-term rental. We can't just keep ignoring it. It's been put under the table now well since Mayor Ransone was here, I proposed this, so I would like to submit this to the planning commission for review and tweaking.

Dudley Patteson:copy, that's alright I'll get a copy.

Mayor Bugg: Wayne could I suggest that maybe we circulate to all council members and bring it up at the.

S. Phillips: FOIA

Wayne Nunnally: FOIA was given. This was even given to Cay Bradley I think years ago, so I know it has been circulated.

Frances Westbrook: Well, we are going to have to send it to everybody, FOIA.

Mayor Bugg: Yeah.

Wayne Nunnally: Well I think...

Frances Westbrook: But since you've got it at tonight's meeting, everybody is supposed to have a copy according to FOIA, so.

Wayne Nunnally: Yes.

Mayor Bugg: And what I'm suggesting is....

Wayne Nunnally: To give it to Sharon to make copies again.

Mayor Bugg: What Dudley was eluding to was give it to members and we can talk about it at the next meeting because everyone will have had a chance, you know.



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Wayne Nunnally: We're putting it off for another 30 days again and that's the way we run in this council, when we could easily just give it to the planning commission and let them get going on it.

Dudley Patteson: Mr. Mayor, due to circumstances, I was on the short term committee with Mr. Nunnally at the time I was not a council member, there were a number of us on the committee, we were unfortunately not given a copy of this, nor have we had a chance to evaluate the good work of Mr. Nunnally.

Wayne Nunnally: Dudley that is not true, I personally brought you one of these and gave it to you.

Dudley Patteson: You did, but...

Wayne Nunnally: So don't tell me you didn't get it.

Dudley Patteson: I'm not talking about me personally. I'm talking about a committee that you formed and....

Wayne Nunnally: I wrote a letter to the committee and asked that my letter be given to them, that the thing be given to them and evidently it was overruled.

Mayor Bugg: Wayne, I'm offering a sort of framework for you to move forward with this as we do have new council members since this was circulated or whatever happened with this. If not, I'm suggesting that it be circulated to council members to review between now and the next meeting and if council is in favor of sending to planning commission, then we can take that action then as you have proposed.

Wayne Nunnally: I guess that's how it's gonna be, I again want to say, keep postponing things we are not getting anything done and I'm very frustrated. So, okay, I move that we give it to the, you bring it up at the next meeting.

Mayor Bugg: Okay.

Dudley Patteson: Mr. Mayor.

Mayor Bugg: Yes.

Dudley Patteson: In Mr. Nunnally's first discussion brought up something that I think is worthy. I think that I would like, yeah, you heard me, I think council should designate Mr. Nunnally as one that can evaluate other considerations for a town office so that we as a council are not tripping ourselves into spending a lot of money, but if there is an alternative is worthy, I would like our council to designate him as the person to represent us in the search for other alternatives so that when we come to evaluating whether the North Commons is the place we have a better understanding of what other opportunities may be there.

Wayne Nunnally: I accept the assignment if you'll let me have a couple of other committee members to help.



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Mayor Bugg: Yeah, yeah, that certainly sounds like a prudent thing to do.

Dudley Patteson: Designate the town council person to do that.

S. Phillips: Who are the other committee members?

Wayne Nunnally: I don't know at this time.

Mayor Bugg: I think you have Jackie correct.

Jackie Brown: Wayne and I are on the building and infrastructure committee.

S. Phillips: Are you creating a new committee, scope of work....

Mayor Bugg: Yeah.

Wayne Nunnally: Just give me the assignment that I have accepted.

Frances Westbrook: So is the building and grounds committee that can....

Mayor Bugg: Yes and Wayne.

Frances Westbrook: Function under that....

Dudley Patteson: It is a step in the right direction because you know every one of us and I've been guilty of this, you know, I just can't go out and say that we represent our council, we came out as individuals we need to have, on town issues we need to have this council approve it and that is just what we did for a good suggestion by Mr. Nunnally to make certain we are not overlooking something.

Wayne Nunnally: I would really like these minutes, since you did that.

Mayor Bugg: Motion is on the table, is there a second.

B. Schaschek: Second.

Mayor Bugg: All in favor.

Mayor Bugg: Roll call vote.

Roll Call Vote: Bonnie Schachek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

Mayor Bugg: Wayne you are the point person.

N. Keane: I have one comment I just wanted...



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Mayor Bugg: Yes.

N. Keane: On October 15th, the council voted in favor of designating North Commons as the site of the new town office, on December 31st, 2020, the mayor signed a contract or proposal with Bay Design to do site prep work over at the North Commons, and they are currently doing that work. If you all are thinking that you are not going to be doing that, maybe, I mean, I'm just calling for you all to advise Lara as to how she should proceed with Bay Design, you know, are they to continue the work, should they stop work, what's the issue there.

Wayne Nunnally: Can they stop it legally? Haven't we signed a contract with them for X number of dollars.

Nancyellen Keane: It's a...

Frances Westbrook: We did some sort of a contract.

Bonnie Schaschek: But it was for a site plan and main overall plan, it wasn't for specifically building the....

Frances Westbrook: No it wasn't, and I think we should move ahead with that.

Bonnie Schaschek: We should continue with it.

Frances Westbrook: We should move ahead with that.

Nancyellen Keane: Per hour rate, it is like pay for services.

Bonnie Schaschek: That's fine.

Frances Westbrook: That's fine, but I think we should move ahead and not stymie that because I mean if they find something and we are in agreement, great, if they don't it will not have cost us any time on this.

Bonnie Schaschek: We still want to know all of our capabilities on the North Commons.

Frances Westbrook: We want to know options and certainly a month, well no actually we meet in 2 weeks so you need to get in gear there babe.

Mayor Bugg: There you go. Alright, thank you Wayne.

L. OLD BUSINESS

1. Discussion of use of tennis courts to teach tennis - Frédéric Cabocel

Mayor Bugg: The next on the agenda is old business, discussion of the use of tennis courts to teach tennis. Madam Clerk any developments in that regard, have you heard anything further.

Sharon Phillips: No sir.



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Mayor Bugg: Okay. Then I think that should be tabled.

Frances Westbrook: Tabled until next time, 2 weeks. So...

Mayor Bugg: We can table that for 2 weeks.

Nancyellen Keane: The one issue that keeps coming up on this every time it comes up is are we going to charge the man a fee and what's the town's policy, you still have to decide that at some point.

Frances Westbrook: I think it may have been the one that is consistently brought up, the idea of charging them, I mean we certainly let Chesapeake Academy do it at no charge and I hope that we would continue to do that, but we just recently put some money into resurfacing or whatever it is that we did, I know there's a technical term for the tennis courts, but we just put some money into it and if we are going to allow someone to be teaching lessons over there and they are making money doing that, I think it would be nice if we charged them and they help defray out cost and the use of the courts, maintenance.

Nancyellen Keane: So, when you come back to this item next month, or whenever, that's one of the terms that will be needed to....

Frances Westbrook: We also are waiting to see the schedule for Chesapeake Academy, I think.

Wayne Nunnally: You definitely need a schedule from him.

Frances Westbrook: From Dudley?

Wayne Nunnally: No from Cabocel, that the....

Frances Westbrook: Oh yes, I thought you said Dudley.

Dudley Patteson: I can teach tennis.

Frances Westbrook: I'm getting tired.

Bonnie Schaschek: That makes two of us. We're running....

Frances Westbrook: We tabled it so.

Mayor Bugg: Moving on to the last item on the agenda under old business would be Jackie.

Jackie Brown: I want to discuss the town survey that I brought up in November and I'm going to pass out the sheets about the statistics for the comprehensive plan 2017, the comprehensive plan 2017 to refresh your memories.

Frances Westbrook: We'll need to give a copy to Sharon because this is also FOIA and she'll have to send this out to everybody too.

Jackie Brown: The survey showed that a very small percentage of the community supported most of the goals that were put forth in the 2017 comprehensive plan. In fact, none of them got higher than 32%, so it seems to me that we need to look strongly at our comprehensive plan. There was a strong



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bias for Irvington remaining a residential community of single-family homes as opposed to other kinds of housing. There was no support for a town hall, or very little support for a town hall or playground or police protection. The only thing that got any level of support was public sewer service and that was only 32%. The leadership of planning commission basically wrote and endorsed goals which were in direct conflict with expressed opinions of the residents. I don't think that's where we should be, I think we need to look at what our community wants and due to the hot real estate market they are having right now, our community has changed quite a bit, so the survey might show different results. I think for us to be responsible about planning for our community and for the planning commission to have the information it needs we have to have a new survey, so I am proposing tonight that we go ahead and have a motion to create, to have the planning commission do a new survey, so that we have good information to work from.

Frances Westbrook: When are we do for the next comprehensive plan review.

Jackie Brown: Well actually the state says that we shall look at a comprehensive plan every 5 years. We did make an amendment to it in 2019, but the whole comprehensive plan was not looked at. I think that the planning commission really needs to review that.

Frances Westbrook: But when did we do it?

Jackie Brown: 2019.

Frances Westbrook: It's one thing to amend it, but the actual comprehensive plan.

Jackie Brown: 2017, so next year it is time for the review to be completed. So anyway I think that we really need to have the survey done, I think that maybe town council members may want to submit questions to the planning commission to include in the survey if you think they might leave something out, but I think we need to make sure that it is comprehensive and that it actually reflects what the community wants so that we can do a better job.

Wayne Nunnally: I think it is a great idea.

Frances Westbrook: We are going to have to hire somebody to do it.

Jackie Brown: I think the planning commission is capable of making...

Frances Westbrook: I don't...

Dudley Patteson: A survey has to be done right.

Frances Westbrook: I think it has to be done professionally.

Dudley Patteson: There are too many ways to craft questions or answers.

Frances Westbrook: The way you work it will often dictate the answer you get.

Jackie Brown: We can't ask just yes/no questions.



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Frances Westbrook: I don't think so.

Dudley Patteson: Fran, since you are budget and finance and this is something that might align for the budget for the next year or two, find a firm to conduct such a survey on behalf of the town.

Frances Westbrook: I think that'd be a good idea, let's find out what it would cost and also thinking if we are this close to a comprehensive plan, then I mean our budget is going to run through July of 2022, we need to be thinking and talking in conjunction with that.

Jackie Brown: You are going to need updated maps and there is an expense for that.

Frances Westbrook: And we've known that for quite some time. Those are the costs that we've not been able to get and that is something that the planning commission needs to bring back to Anthony and I, so maybe that is something that you can talk with.

Dudley Patteson: In the spirit of keeping the trend continuing on having council organize members of council to perform certain functions with outside folks, I would like to suggest if Jackie is willing, that council appoint Jackie to do research on survey firms and come back with a defining statement of what it would cost to have a survey done for our town. Would you accept that.

Jackie Brown: Yeah.

Dudley Patteson: You've got the interest so...

Mayor Bugg: That's a great idea.

Dudley Patteson: We endorse Jackie.

Mayor Bugg: Is there a second?

[Inaudible] Female: Second.

Mayor Bugg: All in favor.

Group: Aye.

Mayor Bugg: Rolle call vote.

Roll Call vote: Bonnie Schachek yes.

Wayne Nunnally yes.

Dudley Patteson yes.

Jackie Brown: Do I vote on this.

Frances Westbrook: Yes.

Jackie Brown yes.

Frances Westbrook yes.

Mayor Bugg: You Anthony.



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Anthony Marchetti: Could you repeat the motion, I'm sorry.

Mayor Bugg: The motion was to make Jackie the point person to track down the cost of having a town survey conducted in related to things Jackie may discover.

Anthony Marchetti yes. (via phone)

THE MOTION TO MAKE JACKIE THE POINT PERSON TO TRACK DOWN THE COST OF HAVING A TOWN SURVEY CONDUCTED IN RELATED TO THINGS JACKIE MAY DISCOVER IS PASSED 6-0.

Frances Westbrook: Could we take about a 5-minute stretch break.

Mayor Bugg: That's fine. Motion passes. Jackie this is a great idea. Thank you for your efforts and your future efforts as well. There has been a request for a brief 5-minute break so with that we pause the recorder.

Mayor Bugg: We have reconvened. Next item on the agenda would be new business.

M. NEW BUSINESS

1. First Reading Resolution 2021-01 TC Rezoning Application – Rezone Parcel from R-1 to B-1 or B-2, Tax Map 33-422

Mayor Bugg: We have the first reading or resolution 2021-01 TC Rezoning Application, I will turn it over to Madam Clerk.

B. Schaschek: Does she have to read this whole thing or just the first part of it.

S. Phillips: Item 2021-01 TC Rezoning Application – Rezone Parcel from R-1 to B-1, Tax Map 33-422 whereas The Irvington Town Council ? the reasoning application 2021- to rezone tax parcel to rezone parcel tax map 33-422 from R1 to B1 or B2 to enable the use of the town office at 4302 Irvington Road and whereas a joint public hearing on the application was advertised in the Rappahannock Record on February 4th and February 11th, whereas the planning commission held a joint public hearing on February 16th to hear the public views and the town council will hold a joint town public hearing on March 9th whereas the planning commission considered the application at its meetings on February 16th, 2021 and March 9th, 2021 and whereas the town council considered the application at it's meeting held on February 25th and March 11th.

Resolution 2021-01 TC Rezoning Application Attached and incorporated within

Mayor Bugg: Thank you. The next item will be first reading Resolution 2021-02 TC Conditional Use Permit Application.

L. Brown: Mr. Mayor.

Mayor Bugg: Yes.



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L. Brown: Do you want to take questions after each reading from town council or if there is any pertinent information you want to ask me or....

Mayor Bugg: Yeah, we can certainly do that.

L. Brown: Is that appropriate.

Mayor Bugg: Do you have any questions for.

L. Brown: This application request from ICN Enterprises to rezone from 4203 Irvington Road from R1 to B1 or B2, the applicant sent by certified mail notices on 01/25/2021 and the town received the notification of listing on 02/02/201. Final letters and responses have been received stating no objections and one stated objection to B1 but not to B2. Are there are any questions that you'd like me to put in my staff report before we have the second reading of the, hear the recommendations from the planning commission.

Bonnie Schaschek: Why are we changing the zoning, what is it they want to do with it. Do we have a reason for changing it?

L. Brown: They stated in the application a request to rezone from R1 to B1-B2 for the town office. We are not the applicant ICN Enterprises is the applicant.

Bonnie Schachek: So why do we need to change it to a B1 or B2, town office has always been in an R1 area.

Matt Terry: I think zoning ordinance requires B1 or B2 excuse me.

L. Brown: Either.

Bonnie Schaschek: Yeah but we are just renting for the time being so.

Matt Terry: ...I understand that.,,[inaudible].

Bonnie Schaschek: Then going forward after we move out.

Matt Terry: I don't know what the plans are, we want to make sure we have as many options as possible. I mean B2 does not allow residential, B1 does. So they want to make sure they have a broad range of uses and Conditional use permit. So this is not cart blanch hey want to use it as because it is not an ideal location for [inaudible].

Bonnie Schaschek: Well the other side is R2 isn't it.

Matt Terry: It's just a happy coincidence.

Bonnie Schaschek: Why didn't this come up when the office was over on Steamboat Road. We were lucky.

Matt Terry: I don't have an answer for that.

Bonnie Schaschek: So this is just because we are sitting right now, the town is renting it.

Matt Terry: No it's because we want to expand the uses that we have.



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Bonnie Schaschek: Okay.

Mayor Bugg: Thank you Mr. Terry.

L. Brown: Any questions from town council on the ordinance.

Wayne Nunnally: So it's from B1 to B2.

L. Brown: Yeah, preferred B1....

Matt Terry: B1 allows residential use, B2 does not.

2. First Reading Resolution 2021-02 TC Conditional Use Permit Application – Town Office in B-1 or B-2; Tax Map 33-422.

Mayor Bugg: First reading Resolution 2021-02 TC Conditional Use Permit Application.

S. Phillips: Conditional Use Permit Application town office in B1 or B2. Did I just, sorry. Tax map 33-422 whereas the Irvington Town Council reviewed proposed conditional use permit application CUP ...[inaudible]

Resolution 2021-02 TC Conditional Use Permit Application is attached and incorporated within.

Mayor Bugg: Thank you.

L. Brown: Any questions.

Mayor Bugg: Any questions.

L. Brown: The town has received three responses all no objections to this CUP for a town office.

3. First Reading Resolution 2021-03 TC Conditional Use Permit Application – Build Pool Inside RPA, R-1, Tax Map 33-361.

Mayor Bugg: First Reading Resolution 2021-03 TC Conditional Use Permit Application.

S. Phillips: Condition Use Permit Application – Build pool inside RPA, R-1, Tax Map 33-361 whereas the Irvington Town Council reviewed the proposed conditional use permit application TOI 2021-03 [inaudible]

Resolution 2021-03 TC Conditional Use Permit Application is attached and incorporated within.

L. Brown: The applicant Stephens sent 8 notices on January 22, 2021 and the town received notification of certifications on February 1, 2021 and 5 responses have been received. All five no objections. This is to construct the pool in the RPA for private use, not to encroach any further. The only difference is on this parcel there is a barn that sits 8 feet from the water and they are removing that structure from the property in exchange for this privilege. Are there any questions regarding this application that I may include in the staff report?



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Wayne Nunnally: Is that in conformity with the law that they can trade square footage?

L. Brown: Yes.

Mayor Bugg: Thank you Mrs. Brown.

4. First Reading Resolution 2021-04 TC Conditional Use Permit Application – Construct New Dock with Boat Lift for Private Use in M-1, Tax Map 33-252B

Mayor Bugg: The first reading of resolution 2021-04 TC Conditional Use Permit Application --

S. Phillips: Mr. Mayor and members of council in an effort to save a little bit of time, at your preference, I can read the following individually or because they are all the same applicant I'd like to consolidate them, the language remains the same across all four but they are independent so I suggest that Resolution 2021-04, 05, 06, and 07, all contain the same language. Would you like for me to read those individually or consolidate them.

Frances Westbrook: If we can consolidate that's be wonderful.

5. First Reading Resolution 2021-05 TC Conditional Use Permit Application – Construct New Dock with Boat Lift for Private Use in M-1/R-1, Tax Map 33-252A
6. First Reading Resolution 2021-06 TC Conditional Use Permit Application – Construct New Dock with Boat Lift for Private Use in M-1/R-1, Tax Map 33-252
7. First Reading Resolution 2021-07 TC Conditional Use Permit Application – Construct New Dock with Boat Lift for Private Use in M-1/R-1, Tax Map 33-253A

S. Phillips: Conditional Use Permit Application – Resolutions 2021-05, 06, 07 are attached and incorporated within.

Mayor Bugg: Thank you. Any questions.

L. Brown: This request is one pier on each of the four parcels. Mr. Robinson purchased this property from Mr. Sanders. The approval of these four proposed CUPS will terminate existing CUP's tax 33-252 specifically CUP 99- ? November 11, 1999 and tax map parcel 33-242A specifically CUP2000-16 dated September 19, 2000, these previous CUPS were for a marina and boat slips. These will terminate the existing ones. The applicant sent via certified mail 20 notices on February 1st, 2021 and the town has received three letters and responses all with no objection.

Mayor Bugg: Yes.

N. Keane: Do you want to say anything about.



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L. Brown: Yes, the applicant put on their application their request for pier and boat lift that's why [inaudible] public hearing and planning commission hearing to adjacent neighbors [inaudible] in our ordinance.

Frances Westbrook: I was going to ask that question.

Female: [inaudible]... in any of them.

Mayor Bugg: Thank you.

8. Discussion of use of Town Commons – Animal Welfare Leagues Dog Show

- **Motion to Authorize the use of the Town Commons October 9, 2021 (no rain date requested)**

Mayor Bugg: Next item on the agenda is use of Town Commons for the Animal Welfare....

Wayne Nunnally: Move to allow the use of....

Mayor Bugg: Doggone dog show. Is there a second.

Frances Westbrook: As long as they are.

Bonnie Schaschek: What about COVID is it going to be okay by then. Do we want to put a stipulation on it.

Frances Westbrook: They are going to have to follow the COVID, what is that we imposed on the Farmer's Market.

Mayor Bugg: We don't have protocol.

Bonnie Schaschek: We need to sign that whole thing again.

Frances Westbrook: So will we have a contract with them.

Mayor Bugg: Has anyone had any discussion about a contract offer.

Frances Westbrook: Not a monetary contract, just....

Bonnie Schaschek: Write up on what the regulations....

Frances Westbrook: The COVID protocol for them to acknowledge.

Mayor Bugg: Just mirror what we did.

N. Keane: The same thing we did for VIA.

Frances Westbrook: Yeah, that's what we were, what we did for Farmer's Market.



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Frances Westbrook: I think we should. After all the COVID discussion this is the least we can do.

Mayor Bugg: Wayne you want to add.

Wayne Nunnally: We are authorizing use with following COVID protocol.

Frances Westbrook: Yes.

Mayor Bugg: Yes, that's the amendment. Second.

Dudley Patteson: Second.

Mayor Bugg: All in favor.

Group: Aye.

Mayor Bugg: Roll call vote.

Roll Call Vote: Bonnie Schaschek yes.

Wayne Nunnally yes.

Dudley Patteson yes.

Jackie Brown yes.

Frances Westbrook yes.

Anthony Marchetti yes. (via phone)

MOTION TO AUTHORIZE THE USE OF THE TOWN COMMONS OCTOBER 9, 2021 FOR THE AWL FOLLOWING COVID PROTOCOL IS PASSED 6-0.

Mayor Bugg: Excellent.

9. Consideration of a motion to appropriate \$2,778 from Community Support and Tourism; FlackShack.

Mayor Bugg: Next to the last 3 items. Consider a motion to appropriate \$2,778 from Community Support and Tourism to FlackShack.

Frances Westbrook: So moved.

Dudley Patteson: Second. Wait, I have to abstain.

Frances Westbrook: Oh that's right you do.

Mayor Bugg: Can I get a second.

Anthony Marchetti: Second.

Mayor Bugg: All in favor, roll call vote.

Bonnie Schaschek: What is this for.



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Frances Westbrook: It is part of our contractual agreement with them as what we signed a contract for.

Mayor Bugg: Yeah, get them paid.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

Mayor Bugg: Motion passes.

THE MOTION TO APPROPRIATE \$2,778 FROM COMMUNITY SUPPORT AND TOURISM; FLACKSHACK IS PASSED 6-0.

10. Consideration of a motion to appropriate \$102.38 Town Council and Planning Commission Public Notices; Rappahannock Record from.

Mayor Bugg: Second to last, consideration of a motion to appropriate \$102.38 town council and planning commission public notices for the Rappahannock Record. Is a motion.

Wayne: Move we pay it.

Mayor Bugg: Is there a second.

Bonnie Schaschek: Second.

Mayor Bugg: Roll call vote.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally yes.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti yes. (via phone)

Mayor Bugg: Excellent motion passes.

11. Consideration of a motion to appropriate \$1,599 to Bay Design for their work

Mayor Bugg: Consideration of a motion to appropriate \$1,599 to Bay Design for their work. Is there a motion.

Wayne Nunnally: So moved.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, FEBRUARY 25, 2021 6:30 PM
IRVINGTON BAPTIST CHURCH**

Mayor Bugg: Is there a second.

Jackie Brown: Second.

Mayor Bugg: Roll call vote.

Roll Call Vote: Bonnie Schaschek yes.
Wayne Nunnally Abstain.
Dudley Patteson yes.
Jackie Brown yes.
Frances Westbrook yes.
Anthony Marchetti: yes. (via phone)

THE MOTION TO APPROPRIATE \$1,599 TO BAY DESIGN FOR THEIR WORK IS PASSED 5-0-1.

Mayor Bugg: Motion passes. Madam Clerk any announcements.

N. ANNOUNCEMENTS

S. Phillips: I ask council where is it going to come from?

Jackie Brown: I didn't hear that.

Frances Westbrook: That's a good question.

Bonnie Schaschek: What is it.

Frances Westbrook: Where is it going to come from? Well, we have, Anthony listen to me as I answer this question, you might need to chime in here. The question is where is the money coming from to pay Bay Design the \$1,599. We do have in the capital budget where we have a line item there for new office, I think it needs to come out of there.

Bonnie Schaschek: For site.

Frances Westbrook: For site planning exactly.

Bonnie Schaschek: There was \$10,000 in there.

Frances Westbrook: Was it \$10,000.

Wayne Nunnally: Why isn't it coming from the COVID money.

N. Keane: You defeated the motion.

Wayne Nunnally: The original motion to buy the stuff was dependent on COVID money.

Frances Westbrook: This doesn't have anything to do with COVID at this point. This is just, we need to pay Bay Design and it is coming out of the capital budget for site planning for.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, FEBRUARY 25, 2021 6:30 PM
IRVINGTON BAPTIST CHURCH**

Wayne Nunnally: The point I'm trying to make, if this is the second payment, we are making to them. Haven't we already paid them some money.

Frances Westbrook: I don't know.

L. Brown: \$1,182.50.

N. Keane: This is the second, the second.

Wayne Nunnally: Did that money come out of the COVID.

Frances Westbrook: It probably did. I don't know the answer off the top of my head.

N. Keane: The motion was to take it out of CARES. You voted tonight the reason for the north commons was not COVID.

Frances Westbrook: Right. So it will have to come out of the site planning line item of the capital budget. Is my thought, Anthony what do you think.

Anthony Marchetti: I agree.

Mayor Bugg: Okay.

Frances Westbrook: Anybody else any thoughts.

Bonnie Schaschek: No that's where it should be.

Frances Westbrook: Alright.

Anthony Marchetti: ...seems item 4 is correct.

S. Phillips: May I ask what is the dollar amount in that, in that line item.

Frances Westbrook: I don't know off the top of my head. You should have a copy of that whole budget, last year's budget though either on your computer or whatever.

Mayor Bugg: Alright, any announcements.

Wayne Nunnally: Move we adjourn.

Frances Westbrook: You wanted round table on here.

Mayor Bugg: That's why I have that.

Frances Westbrook: Jiminey crickets.

Mayor Bugg: I think we had a good round table.

Frances Westbrook: I have nothing for round table.

Mayor Bugg: I have nothing further.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
THURSDAY, FEBRUARY 25, 2021 6:30 PM
IRVINGTON BAPTIST CHURCH**

Bonnie Schaschek: \$30,000 in there.

Frances Westbrook: \$30,000, Bonnie has got a copy, Sharon, it's \$30,000 that is on site plan.

L. Brown: Hold on we were given an amount not to go over.

S. Phillips: The initial payment was?

Bonnie Schaschek: Don't you need to talk to the accountant about that.

Frances Westbrook: Yeah, we'll talk to the accountant about that.

Mayor Bugg: Okay. Anything further council.

Wayne Nunnally: I think the lawyer should pay that first payment.

O. ADJOURN

Frances Westbrook: Oh Wayne. Alright, let's, can we adjourn.

Mayor Bugg: Can we go to your motion to adjourn.

Wayne Nunnally: Adjourn.

Mayor Bugg: All in favor.

Frances Westbrook: Second and aye.

Mayor Bugg: Roll call vote. All in favor.

Roll Call Vote: Bonnie Schaschek yes.
 Wayne Nunnally Abstain.
 Dudley Patteson yes.
 Jackie Brown yes.
 Frances Westbrook yes.
 Anthony Marchetti: yes. (via phone)

Mayor Bugg: Adjourned.

Respectfully submitted,
Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor

COVER PAGE FOR ZONING ADMINISTRATOR REPORT

I will present a pending zoning permit (2021-08) during my zoning administrators' report that pertains to 90 Railway Road. The applicant's are requesting to construct a pool and terrace. A CUP already exists for this use (CUP 2002-20) to locate a pool within the approved building envelope. The applicant's have requested to modify the building envelope, not increase the envelope, to locate the pool in a desirable location. As the zoning administrator, I have the authority to approve the zoning permit, however, I will be asking you, The Council, if you want to approve the adjusted building envelope, as was done previously on March 9, 2017 (see my timeline) or allow me to approve the zoning permit and proposed adjusted building envelope.

Attached to this cover sheet, you have the timeline I have put together through a detailed file review of this property, the CUP approval letter, the BZA approval for variance and encroachment into the buffer, the approved plat locating the proposed construction envelope on the Tomlin & Keyser survey dated April 11, 2002, the amended zoning permit #2015-14 approved by TC via Public Hearing on 3-9-2017 with attached reason for modification and the construction prints for the new proposed building envelope showing the proposed pool and terrace.



Town of Irvington Zoning Administrator Report
Prepared for Planning Commission and Town Council
Prepared For: March 9 and 11, 2021 Meetings
Staff Contact: Lara M. Brown, Zoning Administrator

Zoning Permits

#2021-04, renewal permit for Sanders Yacht Yard for framed apartment over existing office, 3BR per Health Dept

#2021-05, renewal permit for Sanders Yacht Yard for travel lift, boat ramp, boat service platform, floating sheltered service slip, 111 boat slips

#2021-06, renewal permit for Sanders Yacht Yard for 1,223 LF of bulkhead replacement per VMRC permit #12-0733

#2021-07, Hope and Glory Inn for 20 x 40 concrete pad and 97' fence to match existing fence

Pending Zoning Permits

#2021-08, construction of swimming pool and terrace for Heather Sheehan and Phil Robinson at 90 Railway Rd. CUP for a swimming pool already exists. The applicant(s) are requesting a modification to the building envelope to incorporate the proposed swimming pool and terrace.

North Commons Update

No update at the time of drafting this report. I will update at meeting if any new information is obtained.

Railway Property Order of Events

- May 2002 Based on CBLAD's recommendation, in exchange for making the area referred to on the plat pervious, excluding the construction footprint, recommend approval of the 12,287 SF envelope as noted on Tomlin & Keyser survey 4/11/02. All property outside envelope to be seeded and planted with indigenous vegetation.
- 5-9-2002 Re-zoning approved by TC from M-1 to R-1
- 5-9-2002 CUP to construct in ground pool approved by TC
- 5-14-2002 BZA approved variance to construct a home and pool within the buffer zone and to encroach into the side setback along the hill (Sailboat Cove side) and into the 50' buffer. CBLAD personnel have approved the invasion of the buffer zone because they are making the property pervious from impervious. The motion, "that based on CBLAD's recommendation, in exchange for making the area referred to on the plat pervious with the exception of the proposed construction footprint, to grant the variance to allow the 12,287 sq. foot "envelope" to encroach into the setback on the hill side (bordered by Lewis and Sailboat cove properties) and into the 50 foot buffer zone on the water side of the property, and for decking to extend to the bulkhead." Motion passed 4-0.
- "Proposed Construction Footprint, 12,287 SF." As noted on survey by Tomlin & Keyser, April 11, 2002 as reviewed by CBLAD.
- 6-25-2004 Falkes' obtain zoning permit to construct new home on Railway within the 12,287 envelope. "All construction to be in accordance with conditions imposed by the BZA hearing (5-14-02) and TC hearing (5-9-2002).
- 6-25-2015 Zoning permit issued to Worthington to construct new home.
- 4-6-2016 Town ZA and VDOT met to discuss drainage issues at the end of Railway Road that occurred after the Worthington's constructed their driveway. The Town instructed the builder and architect to work with VDOT, the County and Bay Design Group to develop plans to keep the drainage off of adjacent property owner's property.
- 1-16-2017 Town notified Kipp of potential zoning issue re: 12,287 SF approved construction envelope. Some of the proposed driveway appears outside "envelope".
- 2-2-2017 Kipp contacted Matt Terry re: moving the building envelope to include the proposed drive. Kipp submitted a revised plan with the envelope shifted over towards J. Brown's property.
- 3-9-2017 TC held a public hearing to hear the request for an amended zoning permit #2015-14 to include shifting the building site envelope, specifically in regards to the parking area of

the property. The building plans were presented by Randall Kipp and reviewed by council members. A motion was made to approve the amended zoning permit as presented. Motion passed 4-2. (Yea – Pollard, Westbrook, Merrill, Bombay) (Nay – Nunnally, Latell)

3-16-2017 Final plans accepted by Bay Design Group that incorporated the acceptable solution to the drainage issues discussed with the Town, VDOT and adjacent property owner.

2-9-2021 Zoning has received a request to construct a swimming pool which would require a minor shift in the building envelope. Bay Design and Randall Kipp have kept the building envelope to the approved 12,287 SF by eliminating portions of the envelope shaded in blue as noted on the attached plans in order to incorporate the proposed swimming pool, which is shaded in red, along the side yard that was granted the variance to encroach into the side setback from the BZA on May 14, 2002. The proposed adjusted building envelope DOES NOT have any impact on site drainage according to principal engineer, Ben Burton of Bay Design Group.

Notes: Of the original 12,287 approved construction envelope, the existing house and driveway incorporate 7,599 SF of allowable impervious cover. Adding the proposed pool and terrace of 943 SF will increase the total impervious cover to 8,542 SF.

Town of Irvington

235 Steamboat Road
Post Office Box 174
Irvington, Virginia 22480

Telephone (804) 438-6230
Fax (804) 438-6865
e-mail: townofirvington@rivnet.net

Alexander McD. Fleet
Mayor

John C. Fitzpatrick
Town Manager
Zoning Administrator

Matson C. Terry, II
Town Attorney

Jacqueline H. Burrell
Clerk of Council
Treasurer

Doris D. Crockett
Librarian

COUNCIL MEMBERS

Jimmie Lee Crockett
Vice-Mayor

Edward H. Crockett
Garry J. Luckham
Norman G. Mosher
Robert A. Pittman
Ralph D. Ransone

May 10, 2002

William J. Kopcsak, Esq.
Hubbard, Breeden & Terry
293 Steamboat Road
Irvington, Virginia 22480

Re: Gloria Moncur Broaddus
Application Nos. 2002- 19 (Rezone); 2002-20 (CUP)
Map 33 Parcel 269A, Town of Irvington

Dear Mr. Kopcsak:

The rezoning and Conditional Use Permit (CUP-swimming pool) applications submitted by your above client, Mrs. Broaddus, were heard before the Town Council (Council) at a public hearing on the evening of May 9, 2002.

The application to rezone the above site from Industrial M-1 to Residential R-1 was approved by Council.

The CUP application that is required of all who intend to construct a swimming pool was also approved. However, a variance will be required in order for a main structure and pool to be located as intended due to the site's location on the Creek and its configuration. Mrs. Broaddus' request for a variance requiring a public hearing before the Board of Zoning Appeals is scheduled for the evening of May 14, 2002, Good Luck!

Sincerely,

John C. Fitzpatrick
Zoning Administrator

BOARD OF ZONING APPEALS

TOWN OF IRVINGTON

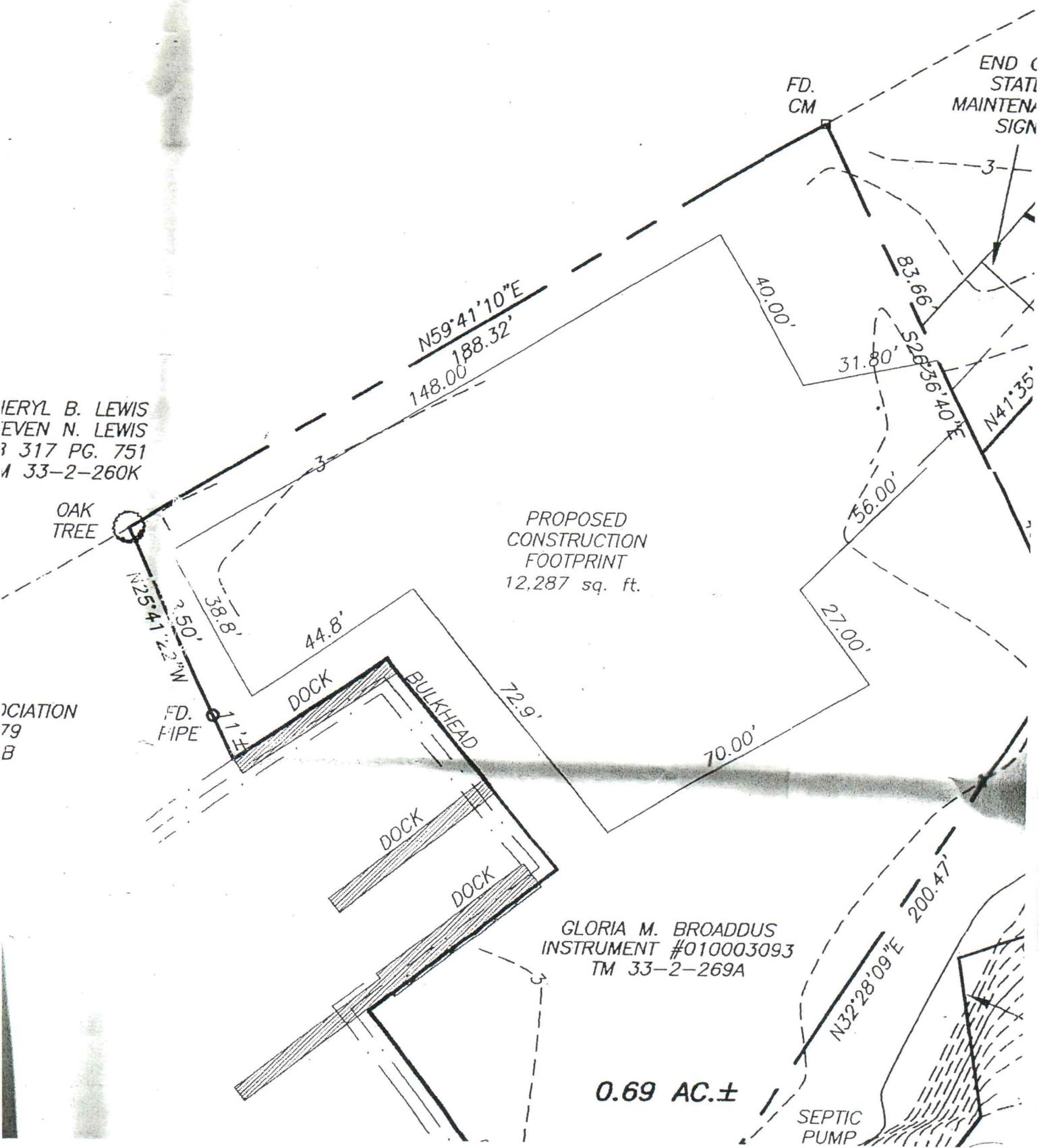
BE IT RESOLVED, that this 14th day of May 2002, we the Board of Zoning Appeals for the Town of Irvington do hereby approve the following requests to encroach into the buffer and setback areas as regulated by the Chesapeake Bay Act and the Town of Irvington Ordinances to Gloria Moncur Broaddus and her successors in title, the right to locate a main structure, swimming pool and accessory buildings into the area shown on the attached plat of survey as "Proposed Construction Footprint 12,287 sq. ft." on that certain plat of survey entitled "Tax Map 33-2, Parcels 268 and 269A" prepared by Tomlin & Keyser, Certified Land Surveyors, dated December 6, 2001 and revised April 11, 2002, a copy of which is hereby attached to this Approval and incorporated herein.

*in the manner C.B.Z.A. permits it, in such manner
as C.B.Z.A. rules
also in accordance with rezoning
from M-1 to R-1
set back*

Unanimous Approval

IRYL B. LEWIS
EVEN N. LEWIS
317 PG. 751
33-2-260K

OCIATION
79
B



PROPOSED
CONSTRUCTION
FOOTPRINT
12,287 sq. ft.

GLORIA M. BROADDUS
INSTRUMENT #010003093
TM 33-2-269A

0.69 AC.±

SEPTIC
PUMP

Falk File # 2007-36



REVISED APRIL 11, 2002 TO SHOW PARCEL A
AND PROPOSED CONSTRUCTION FOOTPRINT.

2002-23

DATE: DECEMBER 6, 2001 SCALE: 1" = 30'

TOMLIN & KEYSER

(804) 453-4100

P.O. BOX 99, V.S.H. 200
BURGESS, VIRGINIA 22432

DRAWN BY: 2000
CHECKED BY: PLK
SECT. NO. 33-2-268.269A
JOB NO. LS 611-1
FLD. BK. PG.

DRAWING NAME: NASHB

MS

Ralph D. Ransone
Mayor
Robert A. Hardesty
Zoning Administrator
Town Manager
Wesley M. Charlton
Town Attorney
Jacqueline H. Burrell
Clerk of Council
Treasurer

Town of Irvington

235 Steamboat Road
Post Office Box 174
Irvington, Virginia 22480
Telephone (804) 438-6230
Fax (804) 438-6865
e-mail: info@irvingtonva.org

COUNCIL MEMBERS
Kathleen F. Pollard
Vice Mayor
Gene H. Edmonds
Jerome S. Latell
Michael E. Merrill
R. Wayne Nunnally
Frances E. Westbrook

February 28, 2017

Please publish the following display notice in the March 2nd edition of the Rappahannock Record.
Please bill the following:

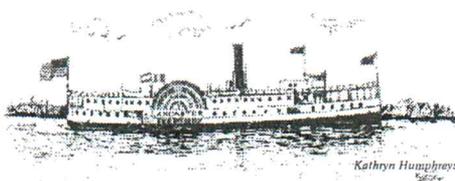
Town of Irvington
PO Box 174
Irvington, VA 22480

Residents of the Town of Irvington

The Town of Irvington's Town Council will hold a public hearing to discuss zoning permit #2015-14 issued to Peter L. Worthington to construct a house at the end of Railway Road and the property owner's application for an amended zoning permit.

The public hearing will be held at the Town Office at 235 Steamboat Road, Irvington, VA, on March 9, 2017, at 6:30pm. The purpose of the meeting is to discuss the zoning permit #2015-14 issued to Peter L. Worthington to construct a house at the end of Railway Road and the property owner's application for an amended zoning permit.


Robert A. Hardesty, Zoning Administrator



TOWN OF IRVINGTON, VIRGINIA

Zoning Permit No. 2015-14

ZONING PERMIT

Date: 6-25-15

Filing Fee: \$ 35.00

This permit must be issued before starting construction and is invalid if a building permit is not obtained from Lancaster County and construction is not started within two (2) years of issuance of this permit.

Application is hereby made for a Zoning Permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all local and state laws and ordinances with which applicant agrees to comply, and which shall be deemed a condition unto the exercise of this permit. Application must be made in duplicate with two (2) copies of drawing; showing lot size and location of structure with side yards and front and rear setbacks.

Name of Owner PETER L. WORTHINGTON, SR Phone: 1-301-617-9333

Address: 4535 ALLEN ROAD RANDOLPH TOWN MD 21133

Name of Contractor: TBA Phone _____

Address: _____

State nature of construction : NEW HOUSE Use: PRIVATE

State type of construction (wood frame, brick, etc.): WOOD FRAME

If for advertising structure or sign, state location and size _____

Water Supply: Well _____ Public System Sewage Disposal: Septic tank Public System _____

Site Location: N-E-S-W _____ Side of Road No. _____ about _____ miles from _____ or _____

Tax Map No. 33 Parcel No. 269A

I hereby certify that on the date hereof the land described is listed in the name of [Signature]

Note: This permit is subject to approval for septic tank and well, and location of same by the County Health Department.

I, or, we, hereby covenant to restore any and all damages to sidewalks, streets, alleys, sewers, gas mains, water mains, electric installation and adjoining property which may result. I hereby certify I have the authority to make the foregoing application, that the information given is correct and that the construction will conform with the regulations in the Virginia Building Code, Zoning Ordinances, and private building restrictions if any, which may be imposed upon the above property by deed.

Signature of owner or authorized agent: [Signature]

Address: TBA RAILWAY ROAD IRVINGTON Telephone No.: _____

Zoning Permit: Approved Disapproved _____

[Signature] Date: 6-25-15 Irvington Zoning Administrator

Reason for Modification:

- ✱ Presently, some improvements to the property, specifically a section of the driveway, fall outside of the approved building envelope.

Description of the Modification:

- ✱ The limits of the building envelope have been shifted without increasing, or decreasing its size, allowing all of the improvements to the property to exist within the approved building envelope,

LAW OFFICES

HUBBARD, TERRY & BRITT

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

293 STEAMBOAT ROAD POST OFFICE BOX 340

IRVINGTON, VIRGINIA 22480

TELEPHONE (804) 438-5522

TELECOPIER (804) 438-5003

MATSON C. TERRY, II
RAYMOND L. BRITT, JR., PLLC
WILLIAM B. HUBBARD

J. GRANT SPEARS

JESSICA R. HAYNIE

B. H. B. HUBBARD, III (1946-2018)

February 26, 2021

Via U.S. Mail and Email: lbrown@town.irvington.va.us

Ms. Lara Brown
Town of Irvington
Post Office Box 174
Irvington, Virginia 22480

RE: Application for Rezoning and Conditional Use Permit for 4203 Irvington Road

Dear Ms. Brown:

My client, ICN Enterprises, LLC, respectfully requests to withdraw its application for rezoning to B-2. We intend to proceed with the application only to the extent it requests rezoning to B-1. Rezoning to B-1 would be consistent with the current use of the property, consistent with the zoning of contiguous parcels, and would preserve flexibility for various uses in the future.

As you are aware, the property's prior use was residential. Future residential use is no longer an option if the property is rezoned to B-2.

Should you have any questions, please give me a call. As always, thank you for your continued assistance.

Very truly yours,



William B. Hubbard



CONDITIONAL USE PERMIT #2020.CUP12

Town of Irvington

Staff Report for the Planning Commission & Town Council

Prepared: March 4, 2021

Staff Contact: Lara M. Brown, Zoning Administrator

This report is prepared by the Town of Irvington Staff to provide information to the Planning Commission and the Town Council to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

Property Owner:

ICN Enterprises, LLC

Julien Patterson & Terri Wesselman

Applicant:

ICN Enterprises, LLC

Property Characteristics:

Physical Address: 4203 Irvington Road

Tax Map: 33 422

Zoning: R-1

Acreage: 1.052

Property Zoning & Present Use: R-1, Town Office (Former use – Residential)

Adjoining Property Zoning & Present Use:

North: 34M 1 28

Use: R-2, Vineyard Grove

South: 33 421

Use: B-1, undeveloped property

East: 34 M 1 6

Use: R-2, Vineyard Meadow

West: 33 426, 33 423A

Use: Residential

Proposed Use:

A Town Office serving 2 employees. Off street parking available.

Background:

The Town Office relocated to 4203 Irvington Road to maintain continuity of government. A lease was negotiated, agreed upon and signed by the Mayor for two years with the option to renew for a third year.

Topography and Physical Features:

The Parcel is located along Irvington Road between the Vineyard and the florist shop. The parcel is relatively flat with open space and off street parking.

Agency Comments:

N/A

Public Input:

A public hearing was held by the Planning Commission on February 16, 2021 at the Irvington Baptist Church. The Town Council did not have a quorum and rescheduled a public hearing for March 9, 2021 at Irvington Baptist Church. No public opposition at the Planning Commission meeting.

Requirements for Approval of a Conditional Use Permit – Town Code §154.017, A-K:

(A) Should the Commission and the Council approve the rezoning request; the contemplated use will be authorized.

(B) This property is located within a mixed use area with residential, retail, and farm/winery/restaurant usage.

(C) The Planning Commission shall consider the impact of proposed use with surrounding properties and location with the Comprehensive Plan.

(D) Should the Council approve the rezoning request, the proposed use will not be in conflict with the B-1 regulations.

(E) The proposed use does not appear to adversely affect the public health, safety, morals and general welfare and the Chesapeake Bay Act is not applicable to this parcel.

(F) The governing body may impose reasonable conditions in granting the CUP as it believes necessary to protect the environment and to protect surrounding properties, persons and neighborhood values.

(G) The proposed use does not require additional utilities. Off-street parking is available for this parcel as well as handicapped accessibility.

(H) A sign permit has been approved for this property and meets the size requirements of Town Code §154.190.

(I) Notice to property owners within 300' were mailed by the applicant on 1/25/2021 by certified mail, return receipt requested. Certification and listing was received on February 2, 2021. VA Code 15.2-2206.

(J) The Planning Commission will make its recommendation to Council on this application at its Special Called Meeting scheduled for Tuesday, March 9, 2021 at 6:30 PM at Irvington Baptist Church.

(K) Notice of a joint public hearing of the Planning Commission and the Council about this application was advertised twice in the Rappahannock Record, one week apart, on February 4 and February 11, 2021 and again on February 25 and March 4 to re-advertise the public hearing for the re-scheduled Town Council. (See VA Code 15.2-2004).

Staff Recommendation:

Staff does not have a recommendation at this time.

Planning Commission Recommendation:



CONDITIONAL USE PERMIT #2020.CUP17_Stephens
Town of Irvington
Staff Report for the Town Council & Planning Commission
Prepared: February 26, 2021
Staff Contact: Lara M. Brown, Zoning Administrator

This report is prepared by the Town of Irvington Staff to provide information to the Planning Commission and the Town Council to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

Property Owner & Applicant:

Robert & Elynor Stephens
8903 Glenmore Rd, Richmond, VA 23229

Agent:

Bay Design Group
Wayne Savage
PO Box 51, Urbanna

Property Characteristics:

Physical Address: 416 Steamboat Rd
Tax Map: 33 361
Zoning: R-1
Acreage: 2.29
Property Zoning & Present Use: Residence

Adjoining Property Zoning & Present Use:

North: 33 358 (Walmsley)	Use: Residential
South: Carter's Creek	Use: Eastern Branch
East: 33 361A (J. Stephens)	Use: Residential
West: Carter's Creek	Use: Eastern Branch

Proposed Use:

This is a request for a Conditional Use Permit to build an in ground pool and concrete apron in the RPA using the Redevelopment process. The parcel is located on the Eastern Branch of Carter's Creek.

Background:

This project is considered a redevelopment within the RPA with no further encroachment and no increase in impervious cover. The project consists of the construction of a pool, and concrete apron of 1,649 S.F. by removing 1,046 S.F of concrete patio and a 611 SF shed/barn. As stated in Town Code §154.151 (2) "Redevelopment outside locally designated intensely developed areas shall be permitted in the RPAs only if there is not an in increase in the amount of

impervious cover and no further encroachment within the RPA, and it shall conform to applicable erosion and sediment control requirements outlined under §154.153 (B)(4) herein and to the stormwater management requirements outlined in §154.153(B)(7).

Topography and Physical Features:

The site is situated along the Eastern Branch of Carter’s Creek. The natural topography of the parcel has slopes and drainage towards the Creek. Upland portion of the parcel is located in Flood Zone X, area of minimal flood hazard. The lower level of the parcel is located in AE flood zone, determined to have base flood elevations. The site has approximately 631 feet of shoreline.

Bay Act Compliance:

Performance Standards, §154.153 apply to ANY development occurring within a Chesapeake Bay Preservation Area. Compliance with the Performance Standards are reviewed through a WQIA. Development or Redevelopment exceeding 2,500 SF of land disturbance shall be subject to a Plan of Development Process in accordance with §154.155. Proposed land disturbance for this project is 2,473 SF.

Public Input:

A Public Hearing for the Planning Commission was held February 16, 2021 at Irvington Baptist Church. The Town Council did not have a quorum present, therefore the TC Public Hearing was re-scheduled for March 9, 2021. Eight property owners were noticed within 300 feet. Two notices appeared in the Rappahannock Record on February 4, 2021 and February 11, 2021. Two additional notices appeared in the Rappahannock Record referencing the re-scheduled Town Council Public Hearing on February 25, 2021 and March 4, 2021.

Comprehensive Plan:

Building a private in ground swimming pool is not in conflict with the Comprehensive Plan of November 21, 2019.

Requirements for Approval of a Conditional Use Permit – Town Code §154.017, A-K:

Before issuing any conditional use permit, the Planning Commission and the Town Council shall review the particular facts and circumstances relating to the application.

- (A) Town Code 154.051, Residential District R-1. The contemplated use is authorized in R-1 districts under 154.051 E (6) “swimming pools with conditional use permits”.
- (B) This property is located within a residential area and the adjacent parcel has an in-ground swimming pool.
- (C) The contemplated use for this property is consistent with the Amended Comprehensive Plan, November 21, 2019.
- (D) Swimming pools are allowed in the R-1 district. The location of the proposed in-ground pool meets the redevelopment requirements of the Chesapeake Bay Preservation Area Regulations and not in conflict with the Amended Comprehensive Plan, November 21, 2019.

- (E) The proposed application does not adversely affect the public health, safety, morals and general welfare and is in compliance with the Chesapeake Bay Act Performance Standards §154.153.
- (F) While the pool is being constructed, the applicant will install an infiltration trench BMP on-site to improve water quality and will reduce the total runoff by 521 C.F.
- (G) Existing vegetation and landscaping provides a natural buffer and privacy screening to adjacent property owners.
- (H) No application has been made for a sign permit at the time of this application.
- (I) See attached scale drawing. Notice to property owners within 300' by land were mailed via applicant. Certification and listing was received on January 22, 2021. (See VA Code 15.2-2206). No opposing letters received to date.
- (J) The Planning Commission will make its recommendation to Council on this application at its Special Called Meeting scheduled for Tuesday, March 9, 2021 at 6:30 PM at Irvington Baptist Church.
- (K) Notice of a joint public hearing of the Planning Commission and the Council about this application was advertised twice in the Rappahannock Record, one week apart, on February 4 and February 11, 2021, with the joint public hearing taking place five days after the last advertisement, on February 16, 2021 at Irvington Baptist Church and then again on February 25 and March 4 with the Town Council Public Hearing taking place on March 9, 2021 (See VA Code 15.2-2004).

Staff Recommendation:

The plans submitted by Bay Design Group are in conformance with the Chesapeake Bay Act, Redevelopment criteria and recommend approval as submitted.

Attachments:

- Attachment A: LANCOVA parcel location
- Attachment B: 300' Property Owners
- Attachment C: Certification and Listing

Planning Commission Recommendation:



CONDITIONAL USE PERMIT(s) #2020.CUP13, CUP14, CUP15, CUP16
Town of Irvington
Staff Report for the Planning Commission & Town Council
Prepared: February 26, 2021
Staff Contact: Lara M. Brown, Zoning Administrator

This report is prepared by the Town of Irvington Staff to provide information to the Planning Commission and the Town Council to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

Property Owner: Barry Robinson
PO Box 183, Irvington, VA

Applicant: Same

Property Characteristics:

Physical Address: 902 King Carter Drive and the 3 parcels adjacent
Tax Map: 33 252B, 33 252A, 33 252, 33 253A
Zoning: M-1 & R-1
Acreage: 1.234, 2.12, 1.729, 1.55
Present Use: Undeveloped Land

Adjoining Property Zoning & Present Use:

North: Crockett's Landing + 2 residential homes	Use: Industrial & Residential
South: Rapp. Yacks + 3 residential homes	Use: Industrial & Residential
East: McNeely & Whitbeck	Use: Residential
West: Carter's Creek	Use:

Proposed Use:

This is a request for a Conditional Use Permit to build 4 new piers in an M-1/ R-1 district. The 4 lots are located on King Carter Road commonly known as the "parade field" and formerly owned by Bruce Sanders. Applicant seeks to construct the following 4 piers:

1)**Parcel 33 252B:** 132' wooden pier, six feet wide with a 25' x 8' T head platform at the end. 125' of proposed pier is channelward of MLW. There will be 4, 12" pilings for the boat lift.

2)**Parcel 33 252A:** 96' wooden pier, six feet wide with a 25' x 8' T head platform at the end. 90' of proposed pier is channelward of MLW. There will be 4, 12" pilings for the boat lift.

3) **Parcel 33 252:** 142' wooden pier, six feet wide with a 25' x 8' T head platform at the end. 138' of proposed pier is channelward of MLW. There will be 4, 12" pilings for the boat lift.

4) **Parcel 33 253A:** 84' wooden pier, six feet wide with a 25' x 8' T head platform at the end. 80' of proposed pier is channelward of MLW. There will be 4, 12" pilings for the boat lift.

No clearing or grading is required and the project will be primarily constructed from a barge. The primary purpose of the project is to provide access to the water and provide secure harborage for a boat.

Background:

Mr. Robinson purchased these parcels from Bruce Sanders for four potential home sites. The pier(s) will add value to the property as well as provide access to the water. Two of these four parcels have current CUPs; parcel 33 252 has a CUP for a boat yard and marina with 45 slips. Parcel 33 252A has a CUP for a travel lift slip.

Topography and Physical Features:

The subject parcels lie in Zone X (no base flood elevations determined) as defined on the National Flood Insurance Rate Map dated November 2, 1014. The site is open space with each of the four parcels having water frontage.

Agency Comments:

1) **Parcel 33 252B:** VMRC application #20-2177 meets the qualifications for the statutory authorization found in Section 28.2-1203(A)5 of the Code of Virginia. No permit will be required from the Marine Resources Commission provided the proposed pier will be exclusively for private, non-commercial use. Army Corps of Engineers application #NAO-2020-02334 meets statutory requirements and no further authorization is required from the Corps.

2) **Parcel 33 252A:** VMRC application #20-2277 meets the qualifications for the statutory authorization found in Section 28.2-1203(A)5 of the Code of Virginia. No permit will be required from the Marine Resources Commission provided the proposed pier will be exclusively for private, non-commercial use. Army Corps of Engineers application #NAO-2020-02417 meets statutory requirements and no further authorization is required from the Corps.

3) **Parcel 33 252:** VMRC application #20-2237 meets the qualifications for the statutory authorization found in Section 28.2-1203(A)5 of the Code of Virginia. No permit will be required from the Marine Resources Commission provided the proposed pier will be exclusively for private, non-commercial use. Army Corps of Engineers application #NAO-2020-02379 meets statutory requirements and no further authorization is required from the Corps.

4) **Parcel 33 253A:** VMRC application #20-2128 meets the qualifications for the statutory authorization found in Section 28.2-1203(A)5 of the Code of Virginia. No permit will be required from the Marine Resources Commission provided the proposed pier will be exclusively for private, non-commercial use. Army Corps of Engineers application #NAO-2020-02269 meets statutory requirements and no further authorization is required from the Corps.

Public Input:

A public hearing was held by the Planning Commission on February 16, 2021 at the Irvington Baptist Church. The Town Council did not have a quorum and rescheduled a public hearing for March 9, 2021 at Irvington Baptist Church.

Requirements for Approval of a Conditional Use Permit – Town Code §154.017, A-K:

Before issuing any conditional use permit, the Planning Commission and the Town Council shall review the particular facts and circumstances relating to the application.

- (A) Town Code §154.051, Residential District R-1. The contemplated use is authorized in R-1 districts under §154.051 E (11) “boat docks for private use”. Town Code §154.126, Industrial District M-1 states any structure to be erected or land to be used shall be for all permitted uses in Residential District R-1 and R-2 and Business District B-1 and B-2.
- (B) This property is located along Carter’s Creek within a mixed residential/industrial area. The 4 proposed piers are similar in size to the residential piers north and south of the parcels.
- (C) The contemplated use for this property is consistent with the Amended Comprehensive Plan, November 6, 2019.
- (D) Piers are allowed in the R-1 district. The location of the proposed pier(s) is appropriate and not in conflict with the Amended Comprehensive Plan, November 6, 2019.
- (E) The proposed application does not adversely affect the public health, safety, morals and general welfare and is in compliance with the Chesapeake Bay Act.
- (F) The proposed project does not adversely affect the environment or surrounding properties
- (G) Private, residential pier(s) will not have any impact on hours of operation as in the business district.
- (H) No application has been made for a sign permit at the time of this application.
- (I) See attached scale drawing. Notice to property owners within 300’ by land and 500’ by water were mailed via applicant, Barry Robinson. Certification and listing was received February 1, 2021. (See VA Code 15.2-2206). No opposing letters received.

(J) The Planning Commission will make its recommendation to Council on these applications at its Special Called Meeting scheduled for Tuesday, March 9, 2021 at 6:30 PM at Irvington Baptist Church.

(K) Notice of a joint public hearing of the Planning Commission and the Council about this application was advertised twice in the Rappahannock Record, one week apart, on February 4 and February 11, 2021 and again on February 25 and March 4 to re-advertise the public hearing for the re-scheduled Town Council. (See VA Code 15.2-2004).

Staff Recommendation:

Application meets all legal and regulatory requirements and recommends approval.

Planning Commission Recommendation:



RESOLUTION 2021-01 TC

Rezoning Application – Rezone Parcel from R-1 to B-1, Tax Map 33-422

WHEREAS, the Irvington Town Council reviewed a Proposed Rezoning Application 2020.RZ2_ICN Enterprises to rezone parcel Tax Map # 33-422 from R-1 to B-1 to enable use as a town office, at 4203 Irvington Road (“Application”); and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application, and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-01 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



RESOLUTION 2021-02 TC

Conditional Use Permit Application – Town Office in B-1, Tax Map 33-422

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application CUP – 2020.CUP12_ ICN Enterprises to locate a town office in B-1 zoning district, Tax Map # 33-422, at 4203 Irvington Road (“Application”); and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application, and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____ (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-02 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

_____,
Albert D. Bugg, III, Mayor



RESOLUTION 2021-03 TC

Conditional Use Permit Application – Build Pool Inside RPA, R-1, Tax Map 33-361

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application TOI# CUP – 2020.CUP17_ Stephens to build a new pool at a residence inside the RPA, redevelopment, no further encroachment and no increase in impervious cover, in R-1 zoning district, Tax Map # 33-361, at 416 Steamboat Road (“Application”); and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application, and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-03 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



RESOLUTION 2021-04 TC

Conditional Use Permit Application – Construct New Dock for Private Use in M-1, Tax Map 33-252B

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application 2020.CUP13_SandersRobinson to construct a new dock with boat lift for private use in M-1 zoning district, Tax Map # 33-252B, at Carters Creek Road and King Carter Drive (“Application”); and

WHEREAS, upon approval of this Application by Council, the following CUPS for this property shall hereby terminate: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application, and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-04 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



RESOLUTION 2021-05 TC

Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252A

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application 2020.CUP14_SandersRobinson to construct a new dock for private use in M-1/R-1 zoning district, Tax Map # 33-252A, at Carters Creek Road and King Carter Drive (“Application”); and

WHEREAS, upon approval of this Application by Council, the following CUPS for this property shall hereby terminate: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-05 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



RESOLUTION 2021-06 TC

Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-252

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application 2020.CUP15_SandersRobinson to construct a new dock for private use in M-1/R-1 zoning district, Tax Map # 33-252, at 902 King Carter Drive (“Application”); and

WHEREAS, upon approval of this Application by Council, the following CUPS for this property shall hereby terminate: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application and Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-05 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



RESOLUTION 2021-07 TC

Conditional Use Permit Application – Construct New Dock for Private Use in M-1/R-1, Tax Map 33-253A

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application 2020.CUP16_SandersRobinson to construct a new dock for private use in M-1/R-1 zoning district, Tax Map # 33-253A, at ___ King Carter Drive (“Application”); and

WHEREAS, upon approval of this Application by Council, the following CUPS for this property shall hereby terminate: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, public hearings on the Application were advertised in the Rappahannock Record on February 4, 11, 25 and March 4, 2021; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2021 to hear public views on the Application and the Council held a public hearing on March 9, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings on February 16, 2021 and March 9, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on February 18, 2021 and March 11, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____. (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2021-07 TC adopted at a meeting of the Irvington Town Council held on March 11, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor

TOWN OF IRVINGTON SHORT TERM RENTALS ORDINANCE

I. Statement of Intent

Acknowledging the impact of the “Sharing Economy” as evidenced by the phenomenal growth of short term rental businesses such as AirB &B, VRBO and others, the Town of Irvington wishes to address resident concerns while balancing the desires of property owners who wish to maximize their real estate investment by participating in this growing trend. Irvington has long maintained policies to ensure that it is a place where families want to live and believes these policies are critical to our town remaining a safe, close-knit and thriving community. Recognizing the need to accommodate STR demand, the Town intends to do so in a way that 1). does not result in reducing the desirability of our neighborhoods for families, 2). does not allow for adverse impacts on resident's welfare, safety, property values, or enjoyment of their own properties, and 3). does not promote the purchase and use of single family dwellings for commercial purposes. No area within the town limits shall be designated as an AirB&B, VRBO, or Short Term Rental area.

The Town maintains that Short Term Rentals are a provision of the residential ordinances, NOT a property right. A property owner seeking to rent out property for 30 days or less must apply for a CUP authorizing a home business- specifically a “transient lodging facility” or “short term rental”.

II. Conditions

In order to maintain the community feel so treasured by our residents, CUPS:

- will NOT be issued to individuals who do not maintain their primary residence in Irvington.
- will be limited in number; when the “cap” is reached, a waiting list will be maintained. The “Cap” is 5% of the number of residences in Irvington.
- will not be issued for properties that are within 200 feet of an existing STR. Our residential communities are NOT business districts.
- a CUP does not transfer to a new owner upon sale of a property.

III. Requirements for Issuing a Conditional Use Permit:

- a Town STR registration, payment of a permit fee (as set by Town Council), a State sales tax registration, a monthly activity report and payment of required occupancy taxes.
- proof of property ownership

- proof of insurance coverage for Short Term Rentals.
- proof of notification of neighbors if a driveway is shared, or if STR is within 50 feet of a neighboring house.
- a management plan detailing how advertising, collections, trash collection, cleaning, noise, parking and safety issues will be handled AND how you will minimize the impact of your STR on neighbors and their properties.
- the permit must be renewed annually and may be revoked by the Zoning administrator for non-compliance with the CUP specifications, for failure to collect the required taxes, OR for repeated complaints by neighbors. Appeals may be made to the BZA. A permit is in effect from 1 January through 31 December of each calendar year.
- property owners or their agents are required to maintain a presence within 10 miles of the property when it is rented; contact information must be posted in the property; and owners or their agent must be available 24/7 during each rental period.
- all STRs must comply with fire, building and health code requirements for comparable small businesses (ie: Bed and Breakfast, Motels and Hotels). If alcohol is provided, an ABC license- as required for a Bed and Breakfast- must be obtained.
- certified property owners may rent their primary residence, a room in the primary residence or an accessory building on the same lot as the primary residence.

IV. Safety

- the unit shall have UL certified smoke alarms in each bedroom, hallways and common areas
- carbon monoxide detectors are required when the property is serviced by propane.
- any sleeping area must have one other means of egress besides the entrance point.
- as part of the registration process, the host must certify that the property meets all of the above criteria and agree to inspections of the property at reasonable times after notice has been provided. Failure to permit such inspections is grounds to deny an application.

1. Use Regulations

- no recreational vehicles, buses or trailers may be parked on the street or visible on the property in conjunction with the STR use.
- a host shall not permit occupancy of a STR for less than 24 hours.

- one off street parking space per bedroom is required; no parking on grass.
- occupancy is limited to 2 persons per bedroom or the septic permit number whichever is less.
- the principal guest of a STR must be at least 18 years of age.
- during each rental stay, a principal guest shall be designated as the contact person for town officials in the event of safety or behavioral issues at the property. The host shall provide this information upon request to authorized town officials.
- STRs shall not be used for parties or events.
- STRs must be in compliance with noise ordinances.
- no signage on the property may advertise rental or announce its current rental status.
- the plan for trash removal must be posted on the property. Under NO circumstances may trash be bagged and piled up outside the unit.

VI. Penalties

- 1). Failure to register a property that is advertised for Short Term Rental: \$1000.00; after notification, \$50.00/day until registered.
- 2). Non-compliance with CUP provisions, health, fire, or building codes, or noise ordinances, OR repeated neighbor complaints : \$500.00 first warning; \$750.00 second occurrence; \$1000.00 third and final warning. Thereafter, revocation of CUP permit.

VII. Collection and Reporting Requirements

- The rental tax rate is 8%; paid monthly by the 10th day of the following month; a 2% late filing penalty applies.
- a monthly report must be submitted regardless of rental activity. Payment must be made by the 10th day of the following month.
- The taxes required to be collected under this article shall be deemed to be held “in trust” until they are remitted to the Town Clerk.
- Records of name and addresses of guests and dates of their stay must be kept for 2 years.
- Records are subject to audit.

VIII. Grandfathering

Current residents of Irvington, who operated Short Term Rentals before the adoption of this ordinance, (including `rentals which were not part of their residential property), who have properly registered their rental and paid

lodging taxes before 1 March 2020 are Grandfathered. This CUP is for current owners only and does NOT convey if property is transferred to another.

11/2/2020

2020- The Town of Irvington is at a crossroads. A red hot real estate market coupled with the effects of the nationwide COVID crisis has yielded a changing population and perhaps new perspectives on our future. At a time when “planning” is essential, the Planning Commission has not met for lack of direction from Town Council.

We have a Comprehensive Plan that is NOT community supported. The 2017 survey results showed:

- 32% want public sewer service
 - 20% want public trash collection
 - 8% want public police protection
 - 22% want a public water viewing area/ 17% want a public boat launch
 - 13% want a playground
 - 13% want a new town office
 - 18% want a community center
 - 9% favor apartments; 13% favor townhouses; 25% favor “afordable housing”; 1% favor mobile homes
- NONE of these figures is even CLOSE to a majority.

Clearly in 2017, there was a strong support among residents for maintaining the status-quo. Yet, the Planning Commission Leadership wrote and endorsed goals which were in direct conflict with the expressed opinons of the residents. During public meetings, they actively ignored the wishes of their neighbors, and their Comprehensive Plan was a break in faith with their community.

In the early 1950's, Irvington Town Fathers made the forward thinking decision to INCORPORATE to ensure that the citizens would have control of the town's destiny. Our State gives towns a great deal of leeway in deciding their futures—as long as their decisions are not in direct opposition to State Code. We have an obligation to take seriously this ability to shape our own destiny and ACTIVELY DECIDE.

A “shared community vision is demonstrably the #1 characteristic of successful small towns. Noting the Chapman/Cheek letter which pointed out the ongoing legal problems in Stafford County BECAUSE its ordinances, Comprehensive Plan and Community Vision are NOT in concert, it seems prudent NOT to use our 2017 Comprehensive Plan as a basis to support any planning-- as it is clearly NOT supported by the community.

The 2017 Comprehensive Plan was amended in 2019 to remove the most egregious language. However BECAUSE many of its remaining goals were NOT supported by residents, a new Comprehensive Plan is needed. We need to take a fresh look at our aspirations for Irvington and frame goals to meet them. Given the current climate, the influx of new residents, and in the spirit of “Majority Rules”, I think it is imperative for the Planning Commission to conduct a new community survey. I disagree that we need to pay “professionals” to write a survey for us. Past “professionally written” surveys have NOT been well received. The Planning Comission knows what questions it wants to ask and is capable of writing questions requiring simple “yes”/“no”responses to the issues facing the community.

The purpose of a new survey is to receive guidance from members of the Irvington community as to their wishes for the FUTURE of THEIR town. With the survey results in hand, the Commission can make THEIR vision the stated goals for the Comprehensive Plan and the ordinances, and give direction for Planning Commission recommendations and Town Council decisions that will shape our future.