

**Irvington Town Council
Regular and Public Meeting
November 12, 2009**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on November 12, 2009, at 7:30 P.M.

Present:

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Gene H. Edmonds Kathleen F. Pollard Robert S. Westbrook
Legal Counsel	Matson C. Terry, II
Robert A. Hardesty	Zoning Administrator

Absent:

Council	Jimmie Lee Crockett William H. Evans, III
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Guests:

Mr. and Mrs. Thomas Chapman	Mr. Jimmy Robertson
Mrs. Ruth Whay	Mr. Steve Daum
Mr. Paul Elbourn	Mr. Norman Mosher
Mr. Gordon Slatford	Mr. Robert Morrison

The Mayor called the meeting to order, welcomed everyone, and led the group in prayer.

Irvington Marina Report:

Mr. Hardesty has heard from Mrs. Cecilia Wiley, who has the power of attorney for her father, Mr. Andy Wiley. Mr. Steve Daum, The Maintenance Code Enforcer from the County, said that he is inclined toward giving her a chance to make the improvements needed at the Marina rather than putting the marina under notice of violation. He said that it would take time to make the improvements. He said that "Hawk," who works at the marina, has told him that he has the authority to get rid of the boats and junk. Mr. Daum said that the building at the head of the drive could be put under notice of violation now, but people are not using the building. He cannot make a determination on the other building (old ice plant) until the junk is removed from around the building so that he can inspect the building. Dr. Westbrook is concerned about the rate of their making improvements.

Public Hearings:

CUP: J.B. Elbourn & Son and Coastal Building: Office & storage space at 4525 Irvington Road: Kathleen Pollard made a motion to go into a public hearing to receive public comment regarding the Elbourn's application. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0. Mr. Hardesty reported that Paul Elbourn had made application October 15th, fees were paid, notices published October 22nd and October 29th, and adjacent property owners notified. There were

no objections, but Mr. Dorsey of Select Properties wanted to limit the number of vehicles to two vehicles that could be parked overnight. The Planning Commission had recommended approval of the application. Mr. Elbourn said that his company and Coastal Builders would have office space in the building and store electrical material in the bays. Their bucket truck and trenching machine will be parked within the fenced area in the rear. They plan to install an exterior light. Dr. Westbrook made a motion to come out of the public hearing and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0. Dr. Westbrook said the council should not restrict the number of cars parked overnight. Kathleen Pollard made a motion to approve the application and Ralph Ransone seconded the motion. Mr. Morrison said that the Planning Commission decided not to restrict the number of cars that could be parked overnight. Vote – Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Christmas Lights: The Council members decided to install Christmas Lights November 21st at 9:00 A.M.

Golf Cart Ordinance: Kathleen Pollard made a motion to go into a public hearing and Robert Westbrook seconded the motion. Vote- Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0. Mrs. Marsha Chapman was concerned about the golf carts being driven on Route 200 in the congested area near Faye’s Market and she thought that it would be appropriate for a speed study to be conducted. She had no problem with golf carts being driven on King Carter Drive where a golf cart driver is able to drive on the extreme right whereas it is not possible on Rt. 200. Jimmy Robertson asked that it be left so that golf carts with slow moving indicators can be driven on the 25mph streets by licensed drivers. Norm Mosher thought that Irvington’s ordinance should be aligned with that of Weems. He said a sign could be posted indicating that Irvington is a golf cart community. He said that there was no way to legislate a perfectly safe environment. Gordon Slatford thought that there should be some regulations rather than a free for all. Safety devices are available for golf carts. He thought a golf cart driver would have to accept the risk if he/she indulges in golf cart driving. Marsha Chapman cited an example that on a recent Saturday during the Farmers’ Market, a golf cart was being driven on the middle of King Carter Drive with four cars following it.

The Sheriff’s Office and State Police will enforce the regulations.

Gene Edmonds made a motion to come out of the public hearing and Ralph Ransone seconded the motion. Vote – Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

In discussion, Mr. Morrison said that the Planning Commission did not duck the issue of the golf cart ordinance. He said the commission members had second thoughts and and he thought that council members could talk with all golf cart owners to obtain their views. He said that Weems had the bare minimum in regulations. The council must decide how much intrusion citizens want and can the regulations be enforced. He said many of the proposed regulations listed on page 3 of the draft ordinance were state regulations. He said that inspection decals and insurance give the Town some control.

Robert Westbrook suggested that the town issue permits to drive golf carts on the streets. Permits would be issued to golf cart drivers, who pay a fee and have a valid drivers’ license and insurance. The permits could be rescinded. Gene Edmonds thought that closing off Route 200 to golf cart drivers is a deal breaker and would make King Carter and Steamboat Road islands. Kathleen Pollard said that allowing golf cart driving from blinking light to blinking light would not serve all the residents of Irvington, but beyond the lights are 35mph zones and the state sets the 25mph requirement where golf carts can be driven. Dr. Westbrook said that having more passengers than the golf cart is designed to carry would be unsafe and Mr. Terry said that in the ordinance, unsafe would have to be defined.

The town attorney will redraft the proposed ordinance. No motions were made.

Minutes and Treasurer’s Report:

Robert Westbrook made a motion and Ralph Ransone seconded the motion to approve the minutes and treasurer’s report. Vote – Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Zoning Administrator:

Irvington Marina: Mr. Hardesty reported that the owner of the boat with the hole in the hull was in town. There are plans to remove the boat from the marina.

Chesapeake Light: The light is in progress.

Planning Commission Appointment: Mr. William Wright's term expires in November, 2009. It was decided that one legal notice would be published in the Rappahannock Record to ask residents to submit a resume if they are interested in serving on the commission. Mr. Wright is willing to be reappointed. He will not be required to submit a resume.

Planning Commission Report: No report: Mr. Crockett not present.

Legal Counsel:

Mr. Terry said that he had recorded the deed for the portion of the Thomas property, which the town recently bought. He is "going through motions" to reinstate the partition suit for the remaining 3/16 th's of the property.

Committee Reports:

Turning on Christmas Lights: The "Lights on Creek" Boat Parade committee wants the lights on the town Christmas tree turned on December 4th. The committee will ask the children at Chesapeake Academy to sing for the lighting ceremony.

The Mayor urged council members to "talk up" the turkey trot.

New Business:

Donation to High School Band: Council members were not in favor of donating to the high school band as they thought that it was a personal decision for residents to make.

Discretionary Fund: Ralph Ransone made a motion to give the Mayor the authority to spend a maximum of \$100 per event or item, and not to exceed \$500.00 per month without obtaining permission from the council members. This could be for occasions such as flowers for a council member, who has had a member of his/her immediate family to die.

Animal Welfare League Dog Show in October, 2010: Kathleen Pollard made a motion to allow the Animal Welfare League to use the Commons for their annual dog show on October 9, 2010 (with a rain date of October 16, 2010). Gene Edmonds seconded the motion. They will be required to provide a certificate of insurance. Vote – Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Executive Session:

Robert Westbrook made the following motion which Mr. Terry read:

"I hereby move that the Town Council of the Town of Irvington go into closed or executive session, to consult with legal counsel pertaining to acquisition of real estate, and regarding specific legal matters requiring the provision of legal advice, pursuant to *CODE OF VIRGINIA*, Section 2.1-3711A." Ralph Ransone seconded the motion. Vote – Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Gene Edmonds made a motion to come out of executive session and Ralph D. Ransone seconded the motion. Vote – Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Mr. Terry read the following motion for certification which Dr. Westbrook made:

“I move that there be a roll call or other recorded vote, to be included in the minutes of this meeting, certifying that (1) only public business matters lawfully exempt from public meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed session; and (2) only such public business as was identified in the motion to convene a closed session was heard, discussed or considered.”

I, Bob Westbrook, so certify.
I, Gene Edmonds, so certify.
I, Alexander McD. Fleet, so certify.
I, Ralph D. Ransone, so certify.
I, Kathleen Pollard, so certify.

The council instructed Robert Hardesty to contact the appropriate Wiley family representative regarding seeking a brownfield grant.

Adjournment:

The meeting was adjourned.

Alexander McD. Fleet, Mayor