



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MARCH 09, 2023; 6:30 p.m.**

AGENDA –

A. CALL TO ORDER

B. ROLL CALL

Gabe del Rio, present.
Dudley Patteson, present.
Wayne Nunnally, present.
Phil Robinson, present.
Jackie Brown, present.
Judy Penniman, present.
Julie Harris, present.

Staff

Andrew McRoberts (present electronically).
Laurel Taylor, present.
Justin Nelson, present.

C. APPROVE AGENDA

**Motion by W. Nunnally to approve Agenda.
Seconded by D. Patteson.
Motion carries unanimously.**

D. APPROVE MINUTES

- February 9, 2023, Joint Public Town Hall Meeting/Workshop Draft Summary Minutes held at 5:30 p.m.

**Motion by G. del Rio to approve 02/09/2023 PTH meeting/workshop.
Seconded by P. Robinson.
Motion carries unanimously.**

- February 9, 2023, Town Council Regular Called Meeting Draft Summary Minutes held at 6:30 p.m.

**Motion by W. Nunnally to approve 02/09/2023 RCM meeting.
Seconded by D Patteson.
Motion carries unanimously.**

E. FINANCIAL REPORT

- Treasurer's Report as of 02/28/2023 accepted.



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F. PUBLIC HEARING

- CUP_HERNDON to operate a STR BUSINESS at 42 Steamboat Rd
- CUP_CRAB TRAP to operate a STR BUSINESS at 31 Spring Street

W. Nunnally asked how many STRs are currently on Steamboat Road. Zoning Administrator was not certain. W. Nunnally clarified that Spring Street is in Vineyard Grove.

J. Penniman: Who is the manager for Herndon?

J. Nelson: No manager, they will do it themselves. They will have to obtain a business license and then will also have to list an agent, where they are and a phone number.

P. Robinson: They are close to 2 hours away on the other side of Richmond. I would inquire to make sure they understand what the rule is.

J. Pagano: 143 Broadway, Vineyard Grove. I manage my sister-in-law's STR and am concerned with care. Six months is peaceful – the other 6 months is different. The character of the community is changing. My husband and I object to the application.

G. PUBLIC COMMENT – (limit 3 minutes per speaker)

A. Pollard: Reminder that he can give rental for the storage of decorations until September 2023.

M. Schmid: Ordinance regarding business license. Questions as to whom this applies to. Question about business and written notice requirement and fine. Suggests that Town temporarily suspends business license.

H. Sheehan: Speaking as private citizen. Lack of clarity regarding business license such as people working remotely from their homes, contractors, home crafter's, etc. Council should consider exempting businesses that have no zoning impact (no store front, no signage, no parking, etc.). Ordinance should be suspended until final clarity. Town needs to move toward payment via electronic methods.

Robin Camillo: Survey regarding sidewalks. She is not happy with due to loss of trees, foliage. Will not allow their trees and foliage to be taken down.

K. Vail: Moved to Irvington for the nice little town. Don't want city sidewalks. STR's are great but need to have a minimum of 2-3 night stays.



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M. Chapman: Meals tax should be further considered. Important information needs to be collected for projects such as sewer project. Best interest for the town needs to be made. Taking on debt and relying on meals tax is not good for the Town.

I. Ormesher: STR and business tax discussed. Irvington has changed significantly over the last 25 years, but changes proposed by this Council are fundamentally different to the past changes which were done with private money. Changes being discussed currently are with public money. Surveys were inconclusive. Council should pursue further and Council needs to pay attention to the residents of Irvington.

H. REPORT FROM THE MAYOR, *J. Harris*

The town office cannot extend its lease beyond March 2025. Owners do not want to sell or rent beyond the current lease. Storage area lease is up September 2023. Due to upcoming deadlines, I am appointing a committee to search for properties. The need to curb speeding has become even more concerning as a result of a hit and run vehicle accident.

To have meetings run efficiently and respectfully, the HR Committee, the Town Attorney and the Mayor will be on a committee to develop Rules of Procedure which will guide the conduct for all meetings.

I. REPORT FROM TOWN ATTORNEY

Andrew McRoberts: Zoom meeting is a very important resource. Appreciate comments from citizens regarding business license. Change is difficult. Business licenses have a multitude of reasons for existence. There are definitions for all types of businesses. Vendors should not be made to jump through hoops to attend events in Irvington. An ordinance is being drafted to address the vendors at the Farmer's Market.

J. REPORT FROM THE ZONING ADMINISTRATOR, *J. Nelson*

Expanding parking lot behind Dredge, new pool house on King Carter Drive, new dock on the Lane, garage expansion on Edgewood and new pool on Chase's Cove. Currently have 28 STR's. Market in the gas station is open. Clothing store will be opening in the old town office.

K. COMMITTEE REPORTS

- Budget & Finance Report, *J. Penniman & G. del Rio*
Draft budget is put together. Capital improvement/budget is out to PC for recommendations. We are running a positive net revenue. Healthy budget. We are nowhere near close to spending 101% of the capital budget. Attorney fees and other funds were discussed with the Treasurer. Next B&F Committee is April 11, 2023, 1:30 p.m.



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- Charter, Codes & Ordinances Committee, *J. Brown & P. Robinson*
Committee meeting for Town Council for unfinished business will be held April 3, 2023, 1:30 p.m. Ordinance Amendment 2023-01 was distributed. Provision added that relates to the Farmer's Market and Taste By The Bay. Consideration for internet workers, etc. are needed. This needs to be digested and there are other things that need to be considered. Need to suspend the current Ordinance.

G. del Rio made motion due to lack of clear language and definition to suspend the ordinance for business license fee, and to create a committee to work with the town attorney and IVBA and business members to make an amended ordinance to present to Town Council hopefully within the next 6 months, business as usual until then.

Seconded by D. Patteson.

Motion carries unanimously.

Motion made by G. del Rio to reimburse the 6 business license fees back.

Seconded by J. Penniman.

Motion carries unanimously.

A committee will be formed (2-IVBA, 1- independent business person, 1 council member, 1 VIA) to review the business license and fee.

- H. R. Committee, *D. Patteson & W. Nunnally*
Defer until closed session tonight. Review of staff.
- Facilities Committee, *J. Brown & P. Robinson*
Sidewalk on Irvington Road discussed. Get revised proposal to see what it would look like on the other side of the road. Sidewalk to Vineyard Grove needs to be assessed at some point.
Don't need a new committee for search for town office. Facilities Committee is an obvious choice.
- Community & Special Events Committee, *J. Penniman & D. Patteson*
No report.
- Playground & Commons Committee, *G. del Rio & W. Nunnally*
Committee meeting was held, received proxy votes and decision was made to purchase the playground equipment (used) from Kilmarnock. This was purchased at a great discount at \$10,000. It will need some refurbishment.

Motion made by G. del Rio to bid and purchase the playground equipment.

Seconded by W. Nunnally.

W. Nunnally, yes.

D Patteson, yes.

J. Brown, yes.

P. Robinson, no.

J. Penniman, yes.



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**G. del Rio, yes.
Motion passes 5 – 1 - 0.**

Inspections will be made, and safety will be addressed. Deadline for removal of Kilmarnock equipment has been extended. We have a bid for removal of the equipment.

Motion made by W. Nunnally to accept \$9,000 contract to remove and install the newer equipment.

Seconded by J. Penniman.

W. Nunnally, yes.

D Patteson, yes.

J. Brown, yes.

P. Robinson, yes.

J. Penniman, yes.

G. del Rio, yes.

Motion carries unanimously.

- Planning Commission Update, *T. Chapman – Chair*
STR amendments were discussed. It was recommended that STR's should have adequate off-street parking.

Comprehensive plan update is coming along. Capital improvement is moving along as well. Something needs to be written down concerning notices of enforcement.

Motion made by J. Brown for Planning Commission to write notices for administrative enforcement procedures.

Seconded by W. Nunnally.

Motion carries unanimously.

CUP requirements for business changes were discussed.

L. OLD BUSINESS

- StartSmallThinkBig social media contract.
Motion made by J. Brown to accept the contract.
Seconded by J. Penniman.

Roll Call Vote

W. Nunnally, no.

D. Patteson, yes.

J. Brown, yes.

P. Robinson, no.

J. Penniman, yes.

G. del Rio, yes.



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Motion carries 4-2.

- Library disbursement - \$5,000.
Motion made by W. Nunnally to approve the disbursement.
Seconded by J. Brown.
Motion carries unanimously.

- Boys & Girls Club disbursement - \$1,500.
Motion made by W. Nunnally to make the disbursement to the Boys & Girls Club.
Seconded by G. del Rio.
Motion carries unanimously.

- Blue Ridge CD, L. Taylor
Manager at Blue Ridge wants to keep the Town's business, has 15-month CD at 4.5%, a new exception was made for the Town.

New signatories will be the Mayor, Julie Harris, Vice Mayor, Wayne Nunnally and Town Clerk, Laurel Taylor. Will leave it where it is right now.

Motion made by P. Robinson that the new signatories for all bank accounts will be Mayor, Julie Harris, Vice Mayor, Wayne Nunnally and Town Clerk, Laurel Taylor.

Seconded by G. del Rio.
Motion carries unanimously.

- Off-duty deputy/Patrol Car.
We will hire off-duty deputies to patrol the concerned areas at a rate of \$40.00 per hour. County will sell a patrol car for \$500.00. It will be equipped with radar ready to use. Calibration will be done by the County. Irvington would be responsible for routine maintenance and fuel. Revenue from speeding tickets will come to the Town.

Motion made by J. Brown to hire the off-duty deputies for at least 4 hours per week, not to exceed the budget.

Seconded by P. Robinson.
Motion carries unanimously.

Motion made by D. Patteson to pay \$40.00 per hour for off-duty deputy.

Seconded by W. Nunnally.
Motion carries unanimously.



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- Sign Ordinance – content discussion.
All existing signs that are lawful will continue to remain. New signs will have to comply with the current ordinance. Should rooftop signs be regulated? All exemptions need to be stricken from the ordinance. Monuments, statute, and art needs to be still included.

Motion made by W. Nunnally to accept the sign ordinance contents.

Seconded by D. Patteson.

Motion carries unanimously.

- Fence Ordinance – content discussion.
There is a need for a fence ordinance. Need to review the fence ordinance from the County.

Motion made by W. Nunnally to defer the fence ordinance until further information is gathered.

Seconded by D. Patteson.

Motion carries unanimously.

- CUP_GEIER to operate a STR BUSINESS at 4524 Irvington Rd

Motion made by P. Robinson to accept the Geier CUP.

Seconded by J. Penniman.

Roll Call vote

W. Nunnally, yes.

D. Patteson, yes.

J. Brown, yes.

P. Robinson, yes.

J. Penniman, yes.

G. del Rio, yes.

Motion carries unanimously.

M. NEW BUSINESS

- Discussion of Vineyard fence
It has been investigated and it was determined it would not be feasible to save the vines. W. Nunnally had a discussion with Scott Ukrop concerning the painting of the fences. Ms. Taylor sent an email to Mr. Ukrop regarding the condition of the fences.



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Motion made by W. Nunnally to formally notify Scott by letter that we consider the condition of the fence a nuisance and if it is not repaired/painted in 90 days, the Town will take care of it. This will be discussed at the April meeting.

Seconded by J. Brown.

Motion carries 5-0, D. Patteson abstains.

- Meals tax roundtable discussion
W. Nunnally – does not favor a meal tax unless the rescinding the real estate tax.
J. Penniman – In favor of a meals tax. She thinks a meals tax would be beneficial for the Town.

- Replacing the Zoning Administrator desktop.

Motion made by W. Nunnally to replace the Zoning Administrator desktop.

Seconded by G. del Rio.

Motion carries unanimously.

N. ANNOUNCEMENTS

- Playground/Commons Committee meeting, March 16, 2023, at 4:00 p.m. at the Irvington Town Office
- Joint Public Meeting of Planning Commission & Town Council with EPR-PC, March 23, 2023, at 5:30 p.m. at the Irvington Baptist Church
- Next Town Council Regular Called meeting, April 13, 2023, at 6:30 p.m. at Irvington **BAPTIST** Church

O. CLOSED SESSION

- Under State Code 2.2-3711 (A) (1) for discussion regarding performance and salaries of staff personnel.

P. RETURN TO OPEN SESSION

- Certifying only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the closed meeting.

Certification vote

W. Nunnally, absent (left early).

D Patteson, so certify.

J. Brown, so certify.

P. Robinson, so certify.

J. Penniman, so certify.

G. del Rio, so certify.

J. Harris, so certify.



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Motion made by G. del Rio to approve the raises for staff as recommended by HR Committee and be entered into the budget for 2023/2024.

Seconded by Judy Penniman.

Motion carries 5-0, 1 absent (W. Nunnally)

Q. ADJOURN

Motion made by J. Brown to adjourn.

Seconded by P. Robinson.

Motion carries 5-0, 1 absent (W. Nunnally).