



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 13, 2023; 6:30 p.m.**

AGENDA –

A. CALL TO ORDER

B. ROLL CALL

J. Brown, present.
J. Penniman, present.
G. del Rio, present.
D. Patteson, present.
P. Robinson, present.
W. Nunnally, present via phone.

C. APPROVE AGENDA

Motion made by G. del Rio to approve the Agenda.

Second by D. Patteson

Motion carries unanimously.

D. APPROVE MINUTES

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

Motion made by D. Patteson to approve Summary Minutes 03/09/2023.

Second by J. Penniman.

Motion carries unanimously.

E. FINANCIAL REPORT

- Treasurer's Report accepted without objection.

F. PUBLIC HEARING

- CUP_CLEARVIEW to operate a STR BUSINESS at 277 Steamboat Road.
- CUP_HB to operate a STR BUSINESS at 205 Steamboat Road.

J. Grieco (131 Park Place): Supports both STRs.

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

K. Schaschek- 394 King Carter Drive: Meals tax discussion is in regards to the sewer project. All other capital projects can be managed without the meals tax. A decision of this magnitude requires public decision.



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J. Grieco- (131 Park Place): TC should have received 9 recommendations regarding opposition of approving Crabtrap STR. If this CUP is approved 42% of Vineyard Grove would be STRs. The number of STRs in Vineyard Grove is of great concern.

B. Bragg- (72 Creekview Drive): Speaking as a citizen and a real estate company, I do have an issue with not allowing property owners to supplement their income with an STR. I am concerned as a taxpayer in the event a suit ensues against the town due to the STR ordinance.

J. Harris: Question regarding that one of the CUPs was previously a STR.

J. Nelson: It was a grandfathered STR, operated for approximately 8 years by previous owner.

A. Pollard (318 Steamboat Road): Some letters that came in had accusations that were inappropriate. Need to turn the volume down a little bit.

R. Pagano – (Vineyard Grove): Ordinance that was created was to maintain the Town's character. My wife and I volunteered a lot of time with cleaning up the community. Four neighbors have sold their homes in the last year due to the STRs. Much discussion was had at the last meeting regarding a 4' tall fence changing the character of the town when in fact it is the STRs themselves that are changing the character of our town.

J & K Pfund- (31 Spring Street): There are 35 STRs allowed and 5 are still outstanding. Vineyard Grove HOA does not have a limit on STRs. Surprised by all the opposition about this STR. Would like the fair thing to be done and rule on the CUP application based on current Town rules.

R. Thurston (lives next door to 31 Spring Street): We do rent out our home as a grandfathered STR. House next door is an STR and have had no issues. I'm speaking now apprehensively as a public citizen and was very uncomfortable with some of the language used in the letters. Everyone can have opinions but accusations should not be thrown out against volunteers and paid staff members. Our brand of our home was peace, rest and quiet as well as the Irvington brand of being neighborly. Thanks for time and your service.

J. Pagano- (143 Broadway): I am a full time resident of Vineyard Grove. Aggressive letters were just passionate letters for stressed homeowners. Asking for patience. STRs are a matter of the Town, not the HOA. Impact of transient homes is felt by every homeowner.

H. REPORT FROM THE MAYOR, J. Harris

Business license committee met and was very productive. We want IT (Chris Henley) to help with making the website to be able to handle business license applications online. Appoint a water access committee to be announced in about a week or so to include Town



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Council, PC, residents. Word Cloud discussed. The biggest words are *residents* and *need*. Residents needs should be considered the top priority.

I. REPORT FROM TOWN ATTORNEY

Off-duty deputy plan: Sheriff identified some potential issues, one being a written agreement. It is about 98% complete and should be final to be voted on for the next meeting. Town Council can authorize a representative such as the Mayor to sign the MOU on the Council's behalf with a form approved by the Town Attorney without having to wait until the next meeting.

Motion made by J. Brown to appoint the Mayor to sign the MOU on behalf of the Town Council.

Seconded by P. Robinson.

Motion carries unanimously.

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

More receipts have been received from Mr. Fisher. Sidewalk contracts have been received. Two interns have been assigned to the office and every single file has been gone through by hand and has been refiled by tax map number. The next step will be to be digitized.

K. COMMITTEE REPORTS

- Budget & Finance Report, *J. Penniman & G. del Rio*

Meeting was held to go over the capital plan. Two recommendations to allocate a donation to the Kilmarnock Fire Department (\$10,000 recommendation).

Motion made by G. del Rio to allocate a \$10,000 donation to Kilmarnock Fire Dept. for equipment for oxygen.

Seconded by J. Penniman.

Motion carries unanimously.

Meals tax was discussed at the meeting and am asking Town Council to discuss this and agree to a percentage and a timeline so it can be put in the budget. If a percentage can be agreed on Andrew can draft a tax ordinance and can be read and voted on.

After much discussion, Council decided on recommending a 3% meals tax.

Council members J. Brown and P. Robinson suggested that Council list priorities, rather than just say that the funds are for Capital Improvement Projects.



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- Charter, Codes & Ordinances Committee, *J. Brown & P. Robinson*

Two copies of the charter for Council to look at. Workshop in 2 weeks for the Charter.

- H. R. Committee, *D. Patteson & W. Nunnally*

D. Patteson - no report.

J. Harris: Rules and Procedure committee (HR members) will find another time for meeting, as Council will have a Budget & Finance workshop at 5:30 before the May 11 meeting.

- Facilities Committee, *J. Brown & P. Robinson*

New sidewalks in front of The Office thanks to VDOT. Estimates were given for further sidewalk improvements (\$11,500) on Steamboat Road.

P. Robinson made a motion to allocate funds.

Seconded by J. Penniman.

Motion carries unanimously.

- Community & Special Events Committee, *J. Penniman & D. Patteson*

July 4th parade – Monday, July 3, 2023, 11:00 a.m.

- Playground & Commons Committee, *J. Penniman & W. Nunnally*

G. del Rio: Passing the hat, things are underway, playground is done. Ms. Penniman will be chair. Mr. Nunnally will be co-chair.

- Planning Commission Update, *T. Chapman – Chair*

Copy of report provided. STRs discussed. Proposed language changes recommended by zoning administrator regarding use of CUPs in the business district. Capital improvements discussed.

L. OLD BUSINESS

- Adopt Resolution 2023 – 03, Northern Neck Regional Hazard Mitigation Plan

Copy in office, very lengthy.

Motion made by W. Nunnally to adopt the plan.

Seconded by J. Brown.

Motion carries unanimously.



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- Occupancy Tax form – discussion to continue monthly or change to quarterly or annually

Discussion about this being monthly, quarterly or yearly. This will affect STRs only. The Tides Inn and Hope and Glory Inn will continue to pay monthly.

Andrew McRoberts: There is a way to prove what was made, such as 1099s.

Motion by J. Brown to change to quarterly payments to include 1099 for STRs, if available.

Seconded by W. Nunnally.

Motion carries unanimously.

- Sign Ordinance - Zoning Administrator approval

Current sign ordinance in place and Council approves or denies the sign. Want to change wording to allow zoning administrator to make the approval if requirements have been met.

Motion made J. Harris to change one sentence in sign ordinance to state zoning administrator can approve signs if all requirements are met.

Seconded by W. Nunnally.

Motion carries unanimously.

- CUP_HERNDON to operate a STR BUSINESS at 42 Steamboat Rd – vote

Motion made by G. del Rio to approve.

Seconded by J. Penniman.

W. Nunnally, approve.

D. Patteson, approve.

G. del Rio, approve.

J. Brown, approve.

J. Penniman, approve.

P. Robinson, approve.

Motion carries unanimously.



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- CUP_CRAB TRAP to operate a STR BUSINESS at 31 Spring Street – vote

D. Patteson: I want to avoid any inference of a possible conflict or impropriety on my part.

G. del Rio: Could you please vote, I mean honestly, Dudley. there is no conflict of interest just because you hang a license somewhere that sold the property and we have legal opinion that says that, not that we needed it but we have it.

D. Patteson: I still wish to recuse myself without validating anything out there.

Motion made by G. del Rio to approve.

Seconded by J. Brown

W. Nunnally, approve.

D. Patteson, recused.

G. del Rio, approve.

J. Brown, approve.

J. Penniman, approve.

P. Robinson, approve.

Motion carries 5-0, 1 recused.

- Fire Department Grant – decide how to distribute \$15,000 grant discussed.

M. NEW BUSINESS

- Livi's Market Sign

Motion by G. del Rio to approve.

Seconded by D. Patteson.

Motion carries unanimously.

- Maintenance of Commons pine tree
 - Viking Pride
 - Bartlett Tree Service

Motion made by J. Brown to accept Bartlett Tree Service estimate.

Seconded by G. del Rio.

Motion carries unanimously.



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N. ANNOUNCEMENTS

- Next Town Council Regular Called meeting, May 11, 2023, at 6:30 p.m. at Irvington **BAPTIST** Church. Budget workshop 5:30.

O. CLOSED SESSION

- Under State Code 2.2-3711 (A) (3) for discussion or consideration of the acquisition of real property- disclosure would adversely affect bargaining position for a Town Office and Storage Unit.

J. Harris: Invited Mr. Albert Pollard , Jr. to be in closed session as a member of the search committee.

P. RETURN TO OPEN SESSION

- Certifying only such public business matters exempted from the Freedom of Information Act's open meeting requirements and identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the closed meeting.

G. del Rio, I so certify.

P. Robinson, I so certify.

Albert Pollard, I so certify.

J. Penniman, I so certify.

J. Brown, I so certify.

J. Harris, I so certify.

Q. ADJOURN

Motion made by P. Robinson to adjourn.

Seconded by G. del Rio.

Motion carries unanimously.