



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 8, 2024; 6:30 p.m.**

AGENDA –

A. CALL TO ORDER

B. ROLL CALL

Cay Bradley, present via Zoom.

Phil Robinson, present.

Bonnie Schaschek, present.

Dudley Patteson, present.

Wayne Nunnally, present.

Judy Penniman, present.

Julie Harris, present.

C. APPROVE AGENDA

Tides Inn has requested to postpone their presentation until March 2024 which will delay the vote on the Tide's Inn CUP – old business.

Motion made by P. Robinson to delay the presentation from The Tide's Inn until March 2024.

Seconded by B. Schaschek

Motion carries unanimously.

Discussion needs to be added to Old Business regarding a CD at Atlantic Union.

Motion made by C. Bradley to add discussion concerning the CD under new business.

Decision was made to put this under New Business, so no change needs to be made to the agenda.

Motion made by J. Penniman to add a monthly update and status for the Deputies Program starting in March 2024.

Seconded by D. Patteson.

Motion carries 4-2.

D. APPROVE MINUTES

- December 14, 2023, Town Council Regular Called Meeting - Amended

Motion made by P. Robinson to approve 12/14/2023 Town Council RCM minutes.

Seconded by B. Schaschek.

Motion carries 6-0.



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- January 11, 2024, Town Council Regular Called Meeting.

Cay Bradley – Discussions concerning a typo, and her motion to allow the Broadband company to keep the equipment as payment for removing the equipment. Addition to motion (page 5) coming out of closed session concerning adding verbiage “budget development without spending any town funds.”

**Motion made by B. Schaschek to approve minutes with the additions made by C. Bradley (mentioned above).
Seconded by W. Nunnally.
Motion carries unanimously.**

- January 11, 2024, Ordinance Updating Process Workshop draft Minutes.

**Motion made by P. Robinson to approve the Updating Process Workshop draft minutes.
Seconded by B. Schaschek.
Motion carries unanimously.**

E. FINANCIAL REPORT

- Treasurer’s Report & Balance Sheets as of 01/31/2024 are accepted.

F. PUBLIC HEARING

Roll Call – Planning Commission

Al Pollard, absent.
Lee Hood Capps, present.
Tom Chapman, present.
David Clarke, present.
Ruth Fuller, present.
Robin Camillo, present.
Jeremy Taylor, present.

- Joint Public Hearing on STR CUP Knisley – 1st reading, vote will be next month.

Steve Reiss (729 Chesapeake Drive): Has lived here since 2003. His driveway is located 70’ from the property being considered for the CUP. Strongly oppose this application. Each application should be carefully considered individually. This is the largest house on Chesapeake Drive, this rental property would not “fit in with the neighborhood.” This will be inserting a large commercial rental into this cul-de-sac (10 overnight/20 during the day). This will bring more traffic to this area. Approving this application threatens to disturb the fragile balance that is present.



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G. TIDES INN PRESENTATION (Will be presented in March 2024)

- Presentation – Tides Inn Representative
- Comments regarding the Tides Inn presentation

H. PUBLIC COMMENT –

- Resolution in Recognition of a Volunteer.

Recognition given to Steve Kimmeth by the Town of Irvington for all his volunteering which includes many events that are held as well as maintenance tasks performed.

- Comments from citizens on any topic (4 minutes tonight).

Carolyn Elliott (King Carter Drive): Disappointed at Town Council accommodating The Tides Inn to delay the vote. Pictures were provided regarding The Tides Inn building a swale, which is in defiance of the October 2022 CUP approved by Town Council. Concerned whether the Planning Commission consulted with third party experts regarding the fence setbacks. By giving The Tides Inn 5 more weeks, it is allowing them to proceed with their out-of-compliance construction. There is a responsibility that the Planning Commission ensures that property values will not be impacted. The CUP process is being handled in such a way that The Tides Inn is being favored and therefore, I am requesting answers.

Wayne Nunnally: I would have voted no in regard to the Agenda change postponing the Tides Inn presentation had I heard Ms. Elliott's comments. Can the vote be recalled?

B. Schaschek: The new work being done has not been approved. What ramifications does Ms. Elliott have to get that work stopped until it is voted on?

J. Nelson: Visits are made daily. Meetings have been held. Swale has increased.

J. Penniman: The Tides Inn is totally disregarding the CUP of October 2022. This swale is not what was in the previous CUP and is not approved.

J. Nelson: They are not in violation yet as they are in the middle of construction. Dirt can be moved up to the property line. The CUP will be voted on in March to determine where the fence will go. Construction needs to be completed before it is stated that they are in violation of the October 2022 CUP. They are presently in demo mode, and nothing has actually been constructed.



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P. Robinson: If it is not done properly it will have to be undone. The Zoning Administrator can stop work if anything is found to be inconsistent.

W. Nunnally: Pictures are significant. The Zoning Administrator is urged to stop construction.

D. Patteson: Suggests that at the next meeting they address our concerns about following the original CUP that was approved.

J. Penniman: A service road was what was approved.

A. McRoberts: Is there a grading/site plan in place? Our jurisdiction kicks in when construction begins.

J. Nelson: Yes, and it is regulated through DEQ and Lancaster County.

At this time, the Mayor notified the Planning Commission that they are welcome to stay or to leave.

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

No report.

J. REPORT FROM TOWN ATTORNEY – *A. McRoberts*

No report.

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

Two permits

- New garage 334 King Carter Drive.
- Rebuild dock at 380 Steamboat Road.

Will also begin to assemble bids for new sidewalk from the Florist to Vineyard Grove Road.

One CUP on the Agenda.

One CUP is coming at the end of March.

Memorandum of Understanding with details for removing the bamboo (Elliott's/The Tides Inn).

Board of Zoning Appeals met, upheld the denial to occupy an RV in the driveway at 4800 Irvington Road.



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L. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek & C. Bradley*

Met 02/05/2024 discussed budget process/real estate tax and possible adjustments that may have to be made due to reassessments. Continuation of the meals tax was reviewed. A Zoom meeting will be held on 02/12/2024 with the Town Treasurer to go through the reclassifications to be made and processes going forward. Next meeting is 03/04/2024 and a workshop 03/14/2024.

- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*

Charter is with the attorney to get it in the proper format. Cay did the tracked changes. This is being forwarded again to the Town Attorney.

- H. R. Committee, *W. Nunnally & B. Schaschek*

A meeting was held to consider content of a Code of Ethics. A question was posed about whether a nepotism section be added. The attorney said this should not be done on the fly, but to let the Committee come back with recommendations. Revisit the mission statement.

- Facilities Committee, *P. Robinson & C. Bradley*

Completed survey of existing sidewalks. Some sidewalks are VDOT responsibility. On Steamboat Road there are problems with tree roots and yards encroaching on the sidewalk (trees, branches, Crepe Myrtles, etc.). An ordinance will have to be put together about blocking sidewalks, trees, branches, and Crepe Myrtles, throughout town. The design is complete for bike fences; this design is out for bid with one bid received. Negotiated two easements and are almost done. Sidewalk drawings are available. Sidewalks reports have been forwarded to VDOT and are awaiting response. Finally, WiFi is being considered again for portions of the town.

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

No report.

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

No report.

- Waterfront Committee, *D. Patteson & J. Penniman*

No report.



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

PC recommends approving the revised CUP to The Tides Inn of moving the fence from 5 feet in the original CUP to 6 inches from the property line. The Tides Inn also offered as a condition on this CUP that their Landscape professional would work with Mrs. Elliot and Mrs. Hall to provide plantings on the Elliot/Hall property to break up the look of the fence. Funding and maintenance of plantings would be provided by the Tides Inn as long as access to the property was granted for installation and maintenance. The acceptance of this offer is at the sole discretion of Mrs. Elliot and Mrs. Hall. The PC vote to recommend this approval was 4-1.

Final draft of the Comprehensive Plan has been completed. There is a copy on the town website. The Public Hearing will be 02/13/2023 at the Irvington Baptist Church. Mayor Harris will schedule a follow-up Town Council and Planning Commission Workshop soon after.

A review of Lancaster 2035 Strategy was requested by the Planning Commission Chair to see if anything would need to be added to the Comprehensive Plan to assure compatibility as we move forward.

Fence ordinance: Was proposed about a year ago and was forwarded again today.

Sign ordinance: Working with the attorney to make the sign ordinance consistent.

Mr. Capps' term expires in February, and he is thanked for his service.

M. OLD BUSINESS

- Review of Steamboat Era Museum MOA for Town Office – *P. Robinson*

There is a pause on this now. The museum is meeting with their attorneys and accountants and reviewing the MOA to make sure it will not have any negative impacts on their legal/nonprofit status. May be a few changes but will be brought back to Council. There are still other options available which will be pursued.

- Tides CUP # 2023 – discussion and vote

Postponed until March 14, 2024.

- Website update.

New website hopefully will be ready in a month. Chris Henley's team wants to make sure all changes are made.

- Update on Broadband Telecom Contract

Certified letter has been sent to Jeffrey Beekhoo to advise that we no longer need the services of Broadband Telecom. The letter has not yet been picked up.



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WIFI: May have an opportunity to share with the museum if we go that route for the Town office. Would like to hear from IVBA and what their suggestions are.

N. NEW BUSINESS

- VIA requests for use of Commons
Steve Kimmeth: Schedule of events provided and is available at the Town Office.

**W. Nunnally made a motion to approve the events for the VIA for the Commons.
Seconded by D. Patteson.
Motion carries unanimously.**

- Classification Corrections – Budget & Finance recommendations

**Motion made by C. Bradley for Town Council to direct the B&F Committee to work with the Town Treasurer to reclassify expenses as documented in the January B&F report to the council.
Seconded by B. Schaschek.
Motion carries unanimously.**

- Designate a person to be the contact for the Town regarding the MOA with the Steamboat Era Museum. Staff or Council member.

**Motion made by C. Bradley to appoint Phil Robinson to serve as the point of contact for the Steamboat Era Museum regarding the addition of a Town Office to their structure. Additionally, Phil Robinson will participate in any meeting related to the design, procurement of services, or building of the addition to represent the Town in those meetings, with a member of the Facilities Committee serving as backup and included on all relevant communication, including meeting invitations.
Seconded by D. Patteson.
Motion carries unanimously.**

- Motions or recommendations by Town Council Committees

**Motion made by C. Bradley for Town Council to authorize the Town Clerk and/or Mayor to renew the current CD with Atlantic Union Bank for 7 months, with a 5% rate as reported to B&F by the Town Clerk via email on February 7, 2024.
Seconded by B. Schaschek.
Motion carries unanimously.**



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Motion made by B. Schaschek to appropriate the budgeted \$2,500 for the Lancaster Library.

Seconded by C. Bradley.

Motion carries unanimously.

Motion made by P. Robinson to allow Bowman to submit and work with the USDA for feedback to finish their report for funding sources.

Seconded by D. Patteson.

Motion carries unanimously.

- Discussion of Town Council liaison to Planning Commission (Resolution 2018-010)

The Town previously had a liaison. Currently, the Planning Commission chairperson serves in this capacity. It is felt that the wording in the Resolution should be changed to “may be a member of Town Council” rather than “shall”.

Motion made by W. Nunnally to change the wording in the Resolution to include “may be a member of Town Council”.

Seconded by B. Schaschek.

Motion carries 5-1. Cay Bradley dissenting.

Mr. P. Robinson - The STR Committee has some revised rules, and these rules should begin to be enforced. There are some STRs operating and advertising who are still unregistered. Enforcement needs to begin as there are STRs waiting in line. There are people who are following the law and some who are not. The attorney agrees with this, and the Mayor asked Tom Chapman about enforcement discussions.

A. McRoberts: While a two-person committee is permitted, Council’s business cannot be discussed without having a meeting. A three-person committee is advised. This will be discussed in March.

P. CLOSED SESSION

- Closed session is pursuant to State Code 2.2-3711 (A)(1) for discussion, consideration, of appointments for a vacancy on the Planning Commission.



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Q. RETURN TO OPEN SESSION

**I, W. Nunnally, so certify.
I, B. Schaschek, so certify.
I, P. Robinson, so certify.
I, J. Harris, so certify.
I, C. Bradley, so certify.
I, J. Penniman, so certify.
I, D. Patteson, so certify.**

Motion made by W. Nunnally to appoint Steve Strait to the PC pending confirmation of being registered to vote in the Town of Irvington by the Town Clerk.

**Seconded by B. Schaschek.
Motion carries unanimously.**

R. ANNOUNCEMENTS

- Office closed for President's Day, February 19, 2024.
- Town Council Workshop for Budget and Finance for FY 24/25, March 14, 2024; 5:30 at Irvington Baptist Church
- Next Town Council Meeting, March 14, 2024: 6:30 p.m. at Irvington Baptist Church

S. ADJOURN

**Motion made by W. Nunnally to adjourn.
Seconded by P. Robinson.
Motion carries unanimously.**

The summary minutes of February 8, 2024 Town Council Public Hearing were approved at the Town Council Regular Called meeting on March 14, 2024. Vote was unanimous, 6 - 0 - 0

Julie W. Harris, Mayor

Attest:

Laurel S. Taylor, Clerk