



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MARCH 14, 2024; 6:30 p.m.**

AGENDA – Amended at the table

A. CALL TO ORDER

B. ROLL CALL –

J. Harris, present
P. Robinson, present
W. Nunnally, present
J. Penniman, present
D. Patteson, present
C. Bradley, present
B. Schaschek, present

C. APPROVE AGENDA – Amended at the table

- Knisley CUP withdrawn
- Tides CUP withdrawn
- Added Closed Sessions (there are 3: one is Consultation with Legal counsel for an STR question, the 2nd is for Real Property for Town Office and Waterfront, and the 3rd is for Personnel Matters, salary compensation).

Motion made by W. Nunnally to approve the agenda as amended.

Seconded by D. Patteson.

Motion carries unanimously.

D. APPROVE MINUTES

- February 08, 2024, Town Council Regular Called Meeting – amended with typos fixed.

Motion made by W. Nunnally to approve the February 08, 2024 minutes with amended typos.

Seconded by D. Patteson.

Motion carries unanimously.

E. FINANCIAL REPORT

- Treasurer's Report accepted with no objections.

Motion made by B. Schaschek to accept the Treasurer's Report.

Seconded by W. Nunnally.

Motion carries unanimously.



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F. PUBLIC HEARING

Roll Call – Planning Commission

T. Chapman, present
R. Fuller, present
S. Strait, present
J. Taylor, present
A. Pollard, present
R. Camillo, present
D. Clarke, absent

- Joint Public Hearing on CUP Redfish Art Gallery – 1st reading.
- Knisley CUP withdrawn.

G. PUBLIC HEARING CONTINUED - TIDES INN PRESENTATION

- Presentation – Tides Inn Representative – withdrawn.
- Tides Inn CUP withdrawn.

No public remarks. Public Hearing closed.

H. PUBLIC COMMENT –

- Comments from citizens on any topic:

C. Elliott: Ms. Elliott expressed appreciation to the Tides Inn for their desire to make their back of house operations more pleasant for the neighbors and the community. She thanked the Town Council for their efforts in this matter.

G. Kuper: Mr. Kuper requested at the January Town Council meeting to amend the charter to include a requirement for public referendum prior to the town entering into indebtedness. The charter should be revised to reflect the constituents' concerns regarding town debt. Mr. Kuper then referenced a petition that had been circulated in town. Mr. Kuper asked the Town Council to listen and act on what the constituents are saying.

M. Chapman: Ms. Chapman presented a copy of the petition and letters of support to the Mayor and Council, with 191 registered voters and/or property owners' signatures. The petition asks that a referendum be added to the town charter so that citizens have an opportunity to express concerns when public resources may be used to incur long term debt. She asked Town Council to listen to all the citizens and revise the charter accordingly.



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Mayor Harris: The Mayor requested that Mr. McRoberts consider the petition and draft a version of the charter with the referendum language placed where appropriate so that the Council could view the amended language in advance of further discussion.

P. Robinson: Mr. Robinson requested that more conversation be given to the language before Mr. McRoberts moved forward on any drafted revisions and J. Penniman agreed. Mayor Harris recommended that further discussion happen during the Charter, Codes & Ordinances Committee report.

D. Cheek: Mr. Cheek spoke on behalf of adding language to the town charter that would require a referendum for approval of corporate debt. He said he believes including this referendum will protect the town against the agendas of future town councils. The residents should be allowed to vote yes or no on corporate debt.

A. Marchetti: Mr. Marchetti noted that he declined to sign the petition. He said he feels that it is the Town Council's responsibility to sometimes make decisions that are unpopular. Town Council should consider what is best for Irvington's future and not only what is popular with the residents today. Mr. Marchetti then discussed the sewer issue and noted that everyone does not agree that sewer is needed. He, however, feels it is a basic utility and needed part of infrastructure for the future.

R. Fuller: Ms. Fuller reemphasized what Mr. Marchetti said. She feels that not everyone is united, but everyone should be heard. Representatives were voted in to represent Irvington and are in place to protect the future of Irvington.

C. Bradley: Ms. Bradley read 2 emails from B. Byrd and T. Riggs in favor of moving forward with the sewer project.

W. Nunnally: Mr. Nunnally made a statement that the sewer system is causing great controversy and is separating the town. The businesses are the key group that need support with their septic systems. He believes there may be a cheaper way to resolve this issue and the Town Council should investigate. For example, he cited that Mr. Westbrook put in a commercial septic system and maybe would co-partner with the town to enlarge it for wider use. This would be much cheaper than the \$3,500,000/\$4,000,000 for sewer.

C. Bradley: Ms. Bradley shared that in Tuesday's meeting the next steps were discussed and that Mr. Nunnally's idea was explored. Ms. Bradley said the Town



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should continue with collecting information in order to make an informed decision and should not be focusing on cost at this time.

D. Patteson: Responding to Mr. Nunnally's previous comment, Mr. Patteson noted that The Hope & Glory is on a similar commercial system to Mr. Westbrook's system. They also have to monitor their septic. He doesn't believe that a commercial septic is a viable course of action. Mr. Patteson believes the town would be better off moving forward on the sewer project for lots of reasons, including basic infrastructure needs.

T. Chapman: Mr. Chapman stated that the Planning Commission will be exploring Mr. Nunnally's suggestion.

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

The Mayor extended a very special thank you to Laurel Taylor for all that she has done for the Town and to wish her the best. The Mayor welcomed the new Clerk, Charles Dyson, who lives in Kilmarnock and brings almost 20 years of experience with him in nonprofit and government work. He will start work on March 18th and shadow Ms. Taylor throughout that week until March 22nd.

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

No report

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

- Two permits:
 - Removal of a dead tree in the RPA 79 Cedardale Lane.
 - New pool at 173 Virginia Road.
- Gathering sidewalk quotes.
- New CUP for 81 King Carter.
- Bamboo removal has been inspected and Mr. Nelson felt it looked great.
- Board of Zoning will meet late March to hear an appeal of the denied zoning permit for an addition at 52 Rosepoint Road, violation of the setback.
- The Kniseley's wanted to thank the Irvington Planning Commission and Irvington Town Council for considering their CUP application, however they withdrew the application.

L. COMMITTEE REPORTS

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

Ms. Schaschek reported that the meeting on March 4th included a presentation on



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the process for creating the budget. The workshop on March 7th described what would be going into each field in the operating budget. Another meeting is scheduled for March 18th, where expenses will be refined and the capital budget will be added in the appropriate format for the state.

- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*
Mr. Robinson initiated conversation on two items:
 - Is a fence ordinance needed? A draft is provided from the planning commission which limits height to 4' in front of the setback and 5' behind and no chain link fencing. Exceptions are by CUP. There is no fence ordinance currently. Several members stated they did not see a need for this.
 - Sidewalk ordinance: This would be part of the nuisance chapter 91. The ordinance states that if you have a tree on a sidewalk, the tree has to be trimmed between 6.5' or 7'. Debris and soil may not encroach on the sidewalk. Shrubs/bushes may not obscure street signs. Members are in support of a draft.

Mayor Harris: The Mayor again raised the issue of asking the town attorney to add the appropriate referendum language to a draft of the charter for the Council to consider and discuss.

W. Nunnally: Mr. Nunnally believed there were no issues to prevent adding the language as a draft for consideration.

B. Schaschek: Ms. Schaschek agreed that the language should be added. She believed there are two ways of doing this: At the time of elections, it can be on the ballot and residents can vote to approve or reject the charter. Or, it can be put in the charter and presented to the town at a public hearing where the attendees then decide at the hearing. Mr. McRoberts agreed that these were the two potential methods, but asked as a policy matter if the Town Council wanted the language in the charter or not.

C. Bradley: Ms. Bradley stated she would like this to be on the agenda in April to do some further research about referendums and public charters before any attorney expenses were incurred. Ms. Penniman and Mr. Nunnally expressed that they had no problem with putting this off until the April agenda.

- H. R. Committee, *W. Nunnally & B. Schaschek* –
Mr. Nunnally welcomed the new Clerk, Charles Dyson.



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- **Facilities Committee, *P. Robinson & C. Bradley***
The committee received a couple of bids for the white fences' sidewalk. One is excessive and neither are licensed contractors. Mr. Robinson wondered if this presents a legal problem. Mr. McRoberts stated it is a judgment issue more than a legal problem. More bids could be coming in.
- **Community & Special Events Committee, *J. Penniman & D. Patteson***
Ms. Penniman shared that the Illuminate Irvington Committee will be meeting in the next couple of weeks to organize a fundraiser to purchase an artificial tree for the Commons.
- **Commons Committee, *J. Penniman & W. Nunnally***
No report.
- **Waterfront Committee, *D. Patteson & J. Penniman***
Closed session meeting was held this past Tuesday, and the report will be given in closed session tonight.
- **Planning Commission Update, *T. Chapman – Chair***
Mr. Chapman thanked Town Council for eliminating further work on the fence ordinance. Mr. Chapman said the sign ordinance was drafted and then the law changed and the town attorney advised what needed to be done to make the ordinance fit current law. This will take a little longer.

M. OLD BUSINESS

- Tides CUP # 2023 withdrawn.
- Knisley CUP withdrawn.
- **Deputies Update – *Mayor Harris***
Four deputies are working and the total from July to February are as follows:
 - Salaries: \$22,311.02 have been spent.
 - Gas: \$701.33 has been spent.
 - Repairs: \$476.24.
 - Summonses and warnings
 - October: 11 summonses were written, 21 warnings.
 - November: 6 summonses, 3 warnings.
 - December: 0 summonses, 3 warnings.
 - January: 5 summonses, 4 warnings.
 - February: 12 summonses, 3 warnings.
 - A total of 160 summonses have been written since July. The numbers are accurate with the exception of a possible few at the



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end of the months due to when the deputies' timesheets are collected.

Ms. Penniman expressed this was a good report, but wondered if the deputies are working in the most effective hours to benefit the town. She believed a spreadsheet of the hours when the deputies work could better show if they are effective when they are coming.

Mayor Harris stated that the deputies writing 160 summonses already indicates that they are active in effective hours, but agreed more data can be supplied if there is a specific request. She also noted that as the deputies are working during their off hours, they work at the hours when they are available.

Ms. Penniman requested the empty deputy car be used more frequently. Mr. Patteson agreed.

- **Four Winds Design – Appropriation - *J. Penniman***
Discussion was had regarding why the full amount, or a portion of the contract, was not appropriated when the contract with Four Winds was originally accepted. Mr. McRoberts stated that a contract can be signed without appropriating, but typically money is appropriated at the same time for the convenience of paying the invoices. Ms. Bradley made the recommendation that Ms. Penniman go ahead and make a motion to appropriate the remaining amount of the contract.

Motion made by J. Penniman to appropriate the balance of the contract for \$9,250 for the Four Winds contract.

Seconded by P. Robinson.

Motion carries unanimously.

- **CivicPlus / MuniCode - *Mayor Harris***
Mayor Harris explained that the Town Office was working to give more people access to use MuniCode for research purposes. MuniCode supplied a quote for Irvington to add 3 users. A suggestion was made that the three additional people be the Mayor, the Zoning Administrator, and the PC Chair. Ms. Schaschek questioned what the sign-ins would be used for and explained that what the town most needs is capability to update ordinances already in MuniCode. Mr. Robinson stated MuniCode does not always capture everything, and enactment clauses have been missing. Ms. Schaschek wondered how quickly it updates.

Ms. Bradley made a suggestion that the Charter and Ordinance Committee, along with Mr. Dyson, contact the MuniCode representative to have a conversation so that there is better understanding of what the MuniCode package covers. Ms.



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Schashek agreed to table the decision to add more users until further information is obtained and to work with Mr. Dyson to research.

- Code of Ethics draft –

Discussion was had concerning what this would be called and it was decided to be called Code of Ethics/Conduct. Ms. Schashek had put in #8 that the state code would be referred to and was put in. At Ms. Penniman's recommendation the mission statement was removed. Something should be added concerning what happens in closed session stays in closed session. This will be added and sent back to Mr. McRoberts. Mayor Harris asked if there needed to be a recourse added if the Code of Ethics/Conduct is not followed and it was decided that it is not needed.

- Discussion of making Committees be three-person and not two-person –

Ms. Schashek stated that she feels the committees should be left as is. Both the Executive Director of the Virginia Municipal League and the FOIA presentation stated that having only two individuals on a committee is acceptable. When things are quieter, a further discussion should be held regarding the elimination of some committees as there are currently too many.

- Discussion of the number of Short Term Rentals –

Ms. Penniman stated the STR Ordinance is a work in progress. Density standards were added last month. She stated there is an imbalance between the long term and short term rentals. There needs to be a balance because more will turn to short term rentals and the number should be reduced to 25 through attrition. Mr. McRoberts stated that a 35 cap is in the ordinance. The ordinance is for zoning, so legally the Planning Commission will need to make a recommendation before the Council considers to amend that number.

Motion made by J. Penniman to have the PC look into reducing STR's to 25 through attrition.

Seconded by W. Nunnally.

Not voted on yet, further discussion was had.

Discussion was had concerning what the Planning Commission should be looking at concerning STR's. Mr. McRoberts stated the council has the ability to withdraw a CUP if there are violations of the conditions. Mr. Robinson asked to know what problem the motion was trying to solve. Ms. Penniman stated that the impact of short term rentals is affecting long term rentals through supply and demand. Mr. Nunnally stated there is another problem of losing full term residents due to the number of STR's impacting their neighborhoods. Mr.



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Robinson believed that the council needed to first examine the problem of why there are not enough long-term rentals in town instead of just reducing the number of short term.

Mayor Harris and Ms. Schaschek stated it should go back to the Planning Commission and let them look at the codes, then the zoning administrator can proceed by pulling the CUP and also can look at the long term/short term situation.

Cay Bradley suggested that the Council prioritize the list of things that are currently on the table. Mr. Robinson agreed this should be given to the PC and also have them address the rental issue and give a recommendation concerning STR's.

**Amended motion made by J. Penniman to ask the PC to investigate the rental market (both short and long-term, with regard to the issues discussed).
Seconded by W. Nunnally.
Motion carries unanimously.**

**Motion made by P. Robinson to ask the PC to look at the requirements for continuing operation of STR's as put forth by the grandfathering clauses and adapt them to the new CUP clauses. Also, adding to the code that CUPS expire on change of ownership.
Seconded by B. Schaschek.
Motion carries unanimously.**

- Bids on White Fences Sidewalk – *P. Robinson*
Already covered.

N. NEW BUSINESS

- Motions or recommendations by Town Council Committees –

**Motion made by B. Schaschek to accept a resolution to adopt new signatures at Chesapeake Bank, and for all institutions that the TOI deals with, to include Julie Harris, Wayne Nunnally and Charles Dyson to take effect March 18th, 2024.
Seconded by C. Bradley.
Motion carries unanimously.**



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Motion made by C. Bradley to move the funds located in the Chesapeake Bank referred to as COVID-19 to the General Operating Chesapeake Bank account.

Seconded by J. Penniman.

Motion carries unanimously.

Motion made by C. Bradley to rename the COVID-19 account to the Stripe account, which is needed to receive online payments for such things as meals tax, golf cart tags and occupancy taxes.

Seconded by B. Schaschek.

Motion carries unanimously.

Motion made by C. Bradley to have the Town Treasurer, or another designee as appropriate, to set up a Stripe account to be used to accept online payments from the website.

Seconded by J. Penniman.

Motion carries unanimously.

- Meeting Schedules – *C. Bradley*
Ms. Bradley asked to have a meeting schedule set at the beginning of each project to allow people the advance notice to be able to attend meetings.
- Steamboat Era Museum request for use of the Main Commons.

Motion made by C. Bradley to grant SEM permission to use the main Town Commons for the Steamboat Era Olympic day on Saturday, July 27th, with a rain date of July 29th, 2024.

Seconded by J. Penniman.

Motion carries unanimously.

O. NEXT TOWN COUNCIL MEETING

April 11, 2024, 6:30, Irvington Baptist Church.

P. MOTION TO GO INTO CLOSED SESSION pursuant to §2.2-3711(A)(7)

Consultation with legal counsel for pending or probable litigation for an STR matter motion made by Julie Harris.

MOTION TO GO INTO CLOSED SESSION pursuant to State Code §2.2-3711(A)(3) for discussion or consideration of the acquisition of real estate property – disclosure would adversely affect bargaining position. (this should give the purpose – Town Office and Waterfront), Julie Harris.



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MOTION TO GO INTO CLOSED SESSION pursuant to State Code §2.2-3711(A)(1) Personnel matters about paying the salary of the departing Clerk either ending on March 22 or through the end of the month, motion by Julie Harris.

**Seconded by W. Nunnally.
Motion carries unanimously.**

- Q. RETURN TO OPEN SESSION – The board certifies that to each members’ knowledge that only public business matters lawfully exempted by Virginia Law were discussed in closed session and only such public business matters that were identified in the motion convening the closed session were heard and discussed by the board. Is there any member who believes there was a departure in closed session. If so, please state the departure.**

**I, Wayne Nunnally, so certify.
I, Bonnie Schaschek, so certify.
I, Phil Robinson, so certify.
I, Mary Cay Bradley, so certify.
I, Dudley Patteson, so certify.
I, Judy Penniman, so certify.
I, Julie Harris, so certify.**

**Motion made by C. Bradley to direct the Zoning Administrator to engage with a property owner operating an STR without a CUP, first in a friendly conversation followed up with relevant ordinances and keeping the Town Council informed.
Seconded by W. Nunnally.
Motion carries unanimously.**

**Motion made by C. Bradley that Town Council direct the Mayor to work with the outgoing and incoming Town Clerks and Town Treasurer to ensure that the clerks are both paid for additional hours worked in March based on documentation provided by staff.
Seconded by W. Nunnally.
Motion carries unanimously.**

**Motion made by D. Patteson that Town Council charges the Chairman of the Waterfront Committee with the task of starting a dialogue with the owners of Property One with the topics being willingness and price.
Seconded by W. Nunnally.**

Vote



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**J. Penniman, aye.
W. Nunnally, aye.
D. Patteson, aye.
B. Schaschek, no.
P. Robinson, no.
C. Bradley, no.
J. Harris, aye.
Motion carries 4-0-3.**

Motion made by P. Robinson to authorize the Facilities Committee to start discussions relevant to leasing rental property for the Town Office at a designated place in Irvington.

**Seconded by J. Penniman.
Motion carries unanimously.**

R. ADJOURN

Motion made by W. Nunally to adjourn.

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