



**TOWN OF IRVINGTON, VIRGINIA  
TOWN COUNCIL REGULAR MONTHLY MEETING MINUTES  
IRVINGTON BAPTIST CHURCH  
THURSDAY, July 11, 2024; 6:30 p.m.**

**AGENDA – amended at the table.**

**A. CALL TO ORDER**

**B. ROLL CALL**

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

**C. APPROVE AGENDA**

- P. Robinson asked that a formal vote be held on a resolution to initiate the process with Planning Commission to consider amending the STR ordinance. Added to the agenda under section L (motions).

**Motion made by D. Patteson to approve the agenda as amended.  
Seconded by P. Robinson.  
Motion carried unanimously.**

**D. APPROVE MINUTES**

- June 13, 2024, Town Council Regular Called Meeting

**Motion made by M. C. Bradley to approve the June 13, 2024 Town Council Meeting Minutes.  
Seconded by B. Schaschek.  
Motion carried unanimously.**

**E. FINANCIAL REPORT**

- Treasurer's Report accepted with no objections.

**F. PUBLIC COMMENT**

- Comments from citizens on any topic

**R. Camillo** (King Carter Dr): Ms. Camillo expressed her recommendation to Town Council that a public referendum be put on the ballot for November.

**J. Taylor** (Westham Circle): Mr. Taylor, a member of the Planning Commission, emphasized that property owners should be the primary focus in decisions related to debt. Although the method for gathering property owners' input is still to be



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determined, he stressed that these individuals should be prioritized since they are the ones who will ultimately bear the responsibility of repaying the debt.

**A. Meekins** (Lee Ln): Ms. Meekins thanked the Town Council for its donation toward the new Irvington Christmas Tree. She reported that it was ordered on June 19<sup>th</sup>. The manufacturer anticipates that it will ship on August 14<sup>th</sup>. The committee recommended the town considers acquiring a storage space of 10'x 20'.

**C. White** (Chases Cove Ln): In relation to ongoing discussions about public sewer systems and waterfront acquisition, Mr. White requested that the Town first focus on understanding the operational costs of running the town. He then suggested determining the actual expenses required to build the proposed projects, followed by assessing the available funds to ensure there is enough for both the costs and contingencies. He emphasized the importance of not engaging third parties for advice if they would also be the ones executing the work. Mr. White believes that property owners should have a say in any decisions regarding the town's acquisition of debt. On the topic of affordable housing, Mr. White asserted that it does not exist, noting that the median house price in Virginia is \$425,000. He expressed concern that creating pockets of higher density housing would compromise Irvington's character as a single-family community. Additionally, Mr. White suggested that short-term rentals in the town might be reducing the availability of long-term rental options, a trend observed in Europe.

**B. Estes** (Chases Cove Ln): Mr. Estes expressed his support for the Commons Master Plan and thanked the Town Council for their efforts on the Town Commons project. He extended his gratitude to Ms. Penniman and Mr. Nunnally for leading the committee, with a special acknowledgment to Ms. Penniman for her perseverance. Mr. Estes emphasized that the Master Plan offers phased options and flexibility, while addressing current needs such as increased shade. He concluded by urging the Town Council to adopt the plan and proceed with its implementation.

**S. Strait** (Cedardale Ln): Mr. Strait reiterated his support for Mr. Nunnally's proposal to limit the amount of debt the town can incur without a public referendum. He noted that the state constitution already mandates a referendum for long-term debt exceeding 10% of the assessed value of real estate property. Mr. Strait suggested that the town adopt a similar policy but with a lower threshold, proposing a limit of 0.5%, which would cap the debt at approximately \$1.5 million.

**C. Dyson:** The Town Clerk read three email messages from residents as a part of the public comments.

- **L. Schneider** (Quails Trail) wrote in support of the Commons Master Plan.



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- **T. Mayhew** (Old Mill Cove) wrote in support of the Commons Master Plan.
- **J. Pagano** (Vineyard Grove) wrote to express her belief that only residents should vote in a public referendum.

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

- Presentation by Four Winds Design of a Master Plan for the Commons.
  - Ms. Penniman introduced the Master Plan by providing background on the project. She highlighted how the additions of playground equipment, rebuilt tennis courts, and new pickleball courts have transformed the Commons into a community hub. This increased use has created a need to enhance and maintain the grounds. Many stakeholders were consulted during the process, which considered both the historical significance of the Commons and the modern needs of the town. She then introduced Drew Harrigan, Landscape Architect and owner of Four Winds Design.
  - Mr. Harrigan began by noting that he and the committee have been working on the design concept for the Master Plan for about a year. Throughout their discussions, common themes emerged, including the need for more shade, additional seating, multi-functional spaces, a sense of arrival, and an exercise loop. He then talked through the Landscape Plan.
  - Mr. Patteson inquired about discussions with the builders of the TriWay Trail, mentioning previous talks about designating the Irvington Commons as a trail hub. Mr. Harrigan responded that the TriWay Trail's position is that the town would need to cover the costs and planning if it wishes to make the Commons a hub.
  - Mr. Robinson inquired about the absence of a parking lot in the design. Mr. Harrigan explained that adding one did not seem cost-effective, as the current lawn usage was sufficient. Ms. Penniman concurred, noting that installing a parking lot would be both costly and complicated.
  - Mr. Harrigan recommended Phase 1 work for the Commons, with an estimated cost of \$70,700. This phase includes filling low spots, placing gravel on Tavern Road to address drainage issues, identifying the bank drain field, enlarging the Commons sign, adding concrete paving and arbors at the entrances/crossings, planting shade trees throughout and particularly around the bandstand and playground, installing parking signs, and creating clear crosswalks for pedestrian safety.
  - Ms. Bradley asked if the current contract with Four Winds Design was now complete. Mr. Harrigan explained that the last piece of the current contract would be a color rendering he will supply at the August Town Council meeting. The color rendering could be used as a fundraising tool.
  - C. White (Chases Cove Ln) inquired about alternative parking options. Mr. Harrigan explained that while pervious options like pavers and geogrid are ideal, they are expensive. Using impervious materials for



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parking would require stormwater runoff mitigation. He recommended keeping the turf parking option as the most cost-effective choice.

- Mr. Nunnally requested more information about granite dust. Mr. Harrigan described it as a fine binding material suitable for paths, currently used on the TriWay Trail. It is ADA-compliant but requires some maintenance. Mr. Harrigan further noted that Phase 1 does not include the path, but one possibility is to start a section near the Museum and extend it toward the playground.
- B. Estes (Chases Cove Ln) mentioned that while the TriWay Trail project plans to extend to Irvington, the Town will need to collaborate with them to determine the exact route.
- Ms. Penniman requested that the Council review the Master Plan over the next two weeks and send their comments to Mr. Harrigan. He will return in August with a full-color drawing and hopes the plan will be designed for multiple uses.

**H. REPORT FROM TOWN ATTORNEY, *A. McRoberts***

- No report

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

- No formal report was presented for July. The Zoning Administrator asked the Town Council to consider updating the town's Conditional Use Permit application by removing the notary requirement. The change was recommended by Planning Commission and would allow the form to be submitted online moving forward.

**Motion made by W. Nunnally to remove the notary requirement from the Conditional Use Permit application process.**

**Seconded by J. Penniman.**

**Motion carried unanimously.**

**J. COMMITTEE REPORTS**

- Budget & Finance Report, *B. Schaschek & M.C. Bradley*
  - Ms. Schaschek reported that the committee met on July 8, and the minutes will be posted on the website. The meeting summary included that Ms. Bradley and Mr. Dyson finalized the Federal ARPA figures, allowing the town to report its use of the restricted funds to the US Treasury. The designated projects are the sewer engineering report and the 2024 White Fences sidewalk project. Although a report is not currently due, Ms. Bradley and the clerk reviewed the CARES funding to ensure that records were up to date and that no funds remained unallocated.
  - The actual expenditures for FY 23-24 will be posted on the website shortly, pending confirmation that the Treasurer has no additional changes



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- The Capital Budget will be revisited to add in the final year-end numbers.
- The Committee also plans to look at contract renewals with town vendors and review them in the upcoming year.
  
- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*
  - Mr. Robinson reported that the Short-Term Rental committee had a question regarding the revocation process for a Conditional Use Permit or a grandfathered Short-Term Rental (STR). They initially assumed that the Zoning Administrator could revoke the permit if the STR did not comply with the town's requirements.
  - Mr. McRoberts clarified that according to state code, while the Zoning Administrator is responsible for enforcing the rules, it is the Town Council that must revoke a Conditional Use Permit (CUP). The process for revoking a CUP is the same as for granting one. The procedure involves the Town Council passing an initiating resolution, scheduling a joint public hearing (one month after the resolution), and then having the Planning Commission vote at their next meeting. The Zoning Administrator's role is to lead from an administrative standpoint by educating the public on requirements to prevent accidental loss of CUPs and informing the Council about non-compliance.
  - Mr. Robinson inquired whether the proposed STR Ordinance Amendment includes automatic revocation of a CUP when the property is sold, or if it would require the same process as revocation from non-compliance. Mr. McRoberts responded that he believed it would require the same process rather than being automatic, but he would consult with Mr. Nelson to confirm.
  - Ms. Schaschek reported that she had updated a proposed noise ordinance and forwarded it to the Town Attorney for review.
  
- H. R. Committee, *W. Nunnally & B. Schaschek*
  - No formal report was given, but Mr. Nunnally expressed his gratitude for the hard work of the town staff.
  - Ms. Bradley requested that the HR Committee evaluate whether staff should receive overtime pay, especially for situations where one staff member covers for another who is absent or when additional hours are required to meet Council requests.
  - The HR Committee agreed to review and consider implementing a policy. They also agreed to investigate where any former policy/personnel manuals are housed and get back to the Town Council.



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- Facilities Committee, *P. Robinson & M.C. Bradley*
  - Mr. Robinson reported that for the sidewalk project, both the contractor and the town are coordinating with VDOT to meet the bonding requirements before finalizing the Land Use Permit application. The estimated cost for the bonding is approximately \$1,200, which is within the appropriated amount.
  - Mr. Robinson also recommended that the Town Clerk be authorized to start looking for a storage unit for the new Christmas tree.
  
- Community & Special Events Committee, *J. Penniman & D. Patteson*
  - Mayor Harris thanked Ms. Penniman and the volunteers for their efforts on the 2024 July 4<sup>th</sup> Parade.
  - Ms. Penniman reported that the parade attracted approximately 1,000 attendees and featured 22 golf carts, 3 groups of Shriners, and various other participants. She expressed pride in the town's successful organization of the event. Ms. Penniman also extended her gratitude to the dedicated volunteers, especially Michael Schmidt, Steve Kimmeth, Frederick Johnson, Cary and Lucy Sneider, and Donna McGrath
  
- Commons Committee, *J. Penniman & W. Nunnally*
  - Nothing further to report beyond the presentation of the Master Plan.
  
- Waterfront Committee, *D. Patteson & J. Penniman*
  - *No report.*
  
- Planning Commission Update, *T. Chapman – Chair*
  - Mr. Chapman emailed a report to the Mayor, who summarized the key points. Highlights include the Planning Commission's welcome of Marston Smith as its newest member. The Commission finalized its recommendations on Accessory Dwelling Units and forwarded them to the clerk for posting on the website and to the Charter, Codes & Ordinances Committee for review. They also collaborated with VDOT and the Department of Environmental Quality on the town's draft update to the comprehensive plan. Incorporating their feedback, Mr. Nelson will review these comments to determine if any changes are needed. Additionally, the Planning Commission supports the draft amendment to the Short-Term Rental Ordinance, which would extend the conditions applied to grandfathered STRs to all STRs. The updated Sign Ordinance has also been sent to the Charter, Codes & Ordinances Committee.





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**K. OLD BUSINESS**

- Accessory Dwelling Units (ADUs) discussion
  - Mr. Robinson reported that the Planning Commission had a productive discussion regarding the town's approach to Accessory Dwelling Units (ADUs), particularly in light of potential legislation being considered by the General Assembly. The focus was not on whether officials were for or against ADUs, but rather on whether the town should establish its own regulations proactively before the state imposes any new requirements.
  - Mr. Nunnally inquired whether there was a possibility that the state might override any conditions the town implements concerning the allowance or restriction of ADUs.
  - Mr. Robinson noted that the state might introduce new requirements but could include provisions that grandfather towns with pre-existing regulations. This approach was previously used when the state updated its rules for Short-Term Rentals.
  - Ms. Penniman reported that after contacting Delegate Kent's office, she interpreted the feedback as suggesting that the likelihood of ADU legislation passing in 2025 is quite low, due to significant controversy in the House.
  - Ms. Schaschek noted that the town has six months, at least, to formulate a position.
  - Mr. Robinson inquired whether the Council would like to refer the matter to the Planning Commission and Town Attorney to draft a formal ordinance. He clarified that this would not obligate the Council to adopt the ordinance, but would ensure that the necessary groundwork is prepared in case the Town decides it becomes necessary.
  - Ms. Schaschek noted that while she supports many of the Planning Commission's recommendations, she disagreed with the final statement. Specifically, she did not agree with allowing ADUs to be occupied by individuals without a familial relationship to the property owners.
  - Ms. Bradley expressed the view that the town should avoid defining family relationships. Requiring a familial relationship for ADU occupants would necessitate the town dictating how people define family members.
  - Ms. Schaschek and Ms. Penniman reiterated their concern that not restricting ADU occupants to those with close ties to the owner might open the door to having no restrictions on who rents ADUs.
  - Mr. Nelson addressed the concern by clarifying that ADUs cannot be used in the same manner as Short-Term Rentals (STRs), as the STR Ordinance specifically prohibits this.
  - Regarding long-term rentals, Mr. Strait explained that the Planning Commission's recommended restrictions for ADUs would mandate that any long-term rental require a Conditional Use Permit.



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- Ms. Schaschek suggested that the Council postpone a decision on the issue for a few months to observe how it develops.

**Motion made by W. Nunnally to table the discussion on Accessory Dwelling Units.**

**Seconded by J. Penniman.**

**Motion carried unanimously.**

- Ms. Bradley and others expressed their appreciation to the Planning Commission for their hard work.
- Business Registry and review of the status.
  - Ms. Bradley requested that the Council articulate the purpose of the business license/registry.
  - Mr. Nelson explained that the town ordinances require a Conditional Use Permit (CUP) for anyone wishing to open or expand a business in Irvington. Without a registry, the Zoning Administrator would have difficulty identifying new businesses that need a CUP.
  - Mr. Robinson noted that since the town is not aiming to profit from the process, the Business License Committee recommended offering the registry free of charge. He believed this approach would prevent complaints from businesses and facilitate compliance, thereby fulfilling its intended purpose.
  - Several Council members expressed a desire to retain the fee, with Ms. Penniman arguing that a free registry might lead to less serious participation from individuals.
  - The Mayor asked Mr. McRoberts about his definition of what is a business in the Town. The state's definition is what is already in the town code.
  - Discussion continued on the fee and process, with differing opinions expressed on each topic. However, there was consensus that the existing ordinance, previously approved by the Council, should remain in place, with the amendment of separating the STR process from that of other businesses.

**Motion made by J. Penniman to separate the current ordinance into STR Business License (\$50 fee) and Business License (\$30), including separate forms with no change in fees.**

*(Further clarification was given that the STR Business License will not reference needing a separate business license.)*

**Seconded by B. Schaschek.**

- D. Patteson, yes
- J. Penniman, yes
- P. Robinson, yes
- M. C. Bradley, yes





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W. Nunnally, yes

B. Schaschek, yes

- New Town Website – final review before launch date
  - The Mayor noted that there have been numerous emails regarding the website and was unsure if Mr. Hensley had time to address all the changes. She requested additional time for him to review the feedback and provide the Council with a revised launch date.
  - Mr. Hensley and Mr. Dyson will be asked to provide a list of any further items that they believe the Council should consider prior to the August meeting.
- Deputy Report
  - Ms. Bradley inquired whether the town would receive any income from tickets issued. There was a discussion about the process for obtaining such funds, and it remains uncertain if the town is eligible to receive funding due to the absence of its own law enforcement.
  - Mr. Robinson suggested that he might have a useful contact number to provide to Mr. Nelson in order to obtain a clearer answer on this issue.
  - Mr. Patteson reported receiving an email from a citizen who expressed concern that one deputy issued fewer summonses and warnings compared to the other two, leading the citizen to question whether the town should continue utilizing this deputy's services. Mr. Patteson was asked to forward the message to the Mayor for her response.

**L. NEW BUSINESS**

- Motions or recommendations by Town Council Committees

**Motion made by P. Robinson to adopt the resolution to initiate and refer an ordinance amendment to the Planning Commission to clarify termination of Short-Term Rental Conditional Use Permits.**  
**Seconded by J. Penniman.**  
**Motion carried unanimously.**

**Motion made by P. Robinson to authorize the Clerk to find a storage unit to rent to store the new Christmas Tree.**  
**Seconded by W. Nunnally.**  
**Motion carried unanimously.**

**M. ANNOUNCEMENTS**

Next Town Council Meeting will be August 8, 2024: 6:30 p.m. at Irvington Baptist Church.



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- N. **CLOSED SESSION** pursuant to State Code §2.2-3711(A)(1) for discussion related to town personnel; and pursuant to State Code §2.2-3711(A)(3) for discussion or consideration of the acquisition of real property for waterfront where disclosure would adversely affect bargaining position.
- O. **RETURN TO OPEN SESSION** – The Council 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, Phil Robinson, so certify.  
I, Judy Penniman, so certify.  
I, Wayne Nunnally, so certify.  
I, Mary Cary Bradley, so certify.  
I, Bonnie Schaschek, so certify.  
I, Dudley Patteson, so certify.  
I, Julie Harris, so certify.

**Motion made by M.C. Bradley to provide the Clerk with a one-time bonus payment in an amount equivalent to one month of his salary, in appreciation for his overtime work.  
Seconded by W. Nunnally.  
Motion carried unanimously.**

P. **ADJOURN**

**Motion made by W. Nunnally to adjourn.  
Seconded by D. Patteson.  
Motion carried unanimously.**



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The Summary Minutes of the July 11, 2024 Town Council Regular Called Meeting were approved at the Town Council Regular Called Meeting of August 8, 2024. Motion made by P. Robinson. Seconded by D. Patteson.

Motion carried 4-0-2.

	Yea	Nay	Absent
W. Nunnally			X
B. Schaschek			X
P. Robinson	X		
J. Penniman	X		
D. Patteson	X		
M.C. Bradley	X		

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Julie W. Harris, Mayor

Attest:

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Charles Dyson, Town Clerk