



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, October 10, 2024; 6:30 p.m.**

AGENDA –

A. CALL TO ORDER at 6:30 p.m.

B. ROLL CALL

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

C. APPROVE AGENDA

**Motion made by P. Robinson to approve the agenda.
Seconded by W. Nunnally.
Motion carries 5-0-1, Absent: Patteson**

D. APPROVE MINUTES

October 10, 2024 Town Council Regular Called Meeting
**Motion made by M. C. Bradley to approve the September 12, 2024 Town Council Meeting Minutes.
Seconded by W. Nunnally.
Motion carries 5-0-1, Absent: Patteson**

E. FINANCIAL REPORT

- Treasurer's Report accepted with no objections.
**Motion made by B. Schaschek to accept the Treasurer's Report.
Seconded by M.C. Bradley.
Motion carries 5-0-1, Absent: Patteson**

F. PUBLIC COMMENT

- **M.C. Bradley** (on behalf of the Steamboat Era Museum): Ms. Bradley thanked everyone who attended and supported the Annual Crab Festival.
- **M. Schmidt** (The Lane): Mr. Schmidt addressed the ongoing issues with Breezeline internet service, which has been down for several days at a time. While he acknowledged that internet service is not the town's technical responsibility, he emphasized the negative impact on local businesses, which can affect both the town's economy and overall well-being. Mr. Schmidt urged the Council to explore solutions to prevent the town from developing a reputation for



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unreliable internet. He referenced previous discussions about a town-wide Wi-Fi network, a project that was ultimately abandoned. Currently, the Village Improvement Association sets up and takes down its own Wi-Fi system for each Farmers' Market, highlighting the need for a more permanent solution. Mr. Schmidt proposed forming a committee to explore the possibility of creating a town Wi-Fi network that could serve events and act as a backup if Breezeline experiences future outages.

- **W. Nunnally:** Mr. Nunnally asked if it might be possible for the town to create its own primary system.
- **M. Schmidt:** Mr. Schmidt didn't believe so, but suggested that creating a system to support public, high-density events could also serve as a backup for businesses when the primary provider (Breezeline) is down.
- **W. Nunnally:** Mr. Nunnally asked about the potential to use Starlink as a backup system.
- **M. Schmidt:** Mr. Schmidt explained that while Starlink could serve as a backup for residents to supplement their internet connections, it would not address the connectivity needs of tourists or people outside their homes. However, if the town were to establish its own Wi-Fi system, he proposed that having multiple backup internet options—Starlink being one of them—would best serve the community.
- **W. Nunnally:** Mr. Nunnally recommended that the town continue to explore this issue and Mayor Harris agreed that it has been a problem for a long time.
- **P. Robinson:** Mr. Robinson noted that a key challenge for Irvington's online infrastructure is that it is not attractive to new companies, as they would need to build a tower or install their own cable to provide service.
- **W. Nunnally:** Mr. Nunnally inquired about the estimated cost of building a tower.
- **P. Robinson:** Mr. Robinson estimated the cost at over \$100,000. He noted that while alternatives, such as using church steeples instead of a tower, exist, these options also come with similarly high costs.
- **R. Camillo (King Carter Drive):** Ms. Camillo shared that she has been using Starlink for about six months and recommended considering it as a reliable component for any town Wi-Fi system or backup solution.



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Ms. Camillo also brought up concerns raised at the Planning Commission regarding noise from the Tides Inn, specifically related to the Inn's HVAC, trucks, construction activities, and events. Ms. Camillo suggested that the town request the addition of more sound barriers to help mitigate the noise.

- **C. Elliott (King Carter Drive):** Ms. Elliot, a neighbor of the Tides Inn, expressed her agreement with and appreciation for Ms. Camillo's comments about the ongoing noise issues related to the Inn's construction and activities. She invited those present to drive by her home to witness firsthand the intensity of the Inn's lights at night. Ms. Elliot then urged the Council to support efforts to ask the Inn to address these concerns, which she believes are disruptive to nearby residents.

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

- Mayor Harris introduced Brent Hunsinger from Friends of the Rappahannock, who gave a presentation on a grant partnership aimed at providing trees for the Town Commons
- Mr. Hunsinger began by explaining that Friends of the Rappahannock is a 501(c)(3) non-profit working to protect the Rappahannock River. His organization has done extensive work in the Lancaster County area and engages in partnerships like the Clean Carters Creek initiative (a collaboration between local partners to restore oyster habitats in the Creek).
- Tree planting, living shorelines, and native plant gardening also play an important role in the Clean Carters Creek Initiative by enhancing the health and sustainability of the watershed. Carters Creek currently faces challenges like pollution, erosion, and habitat degradation. The planting of trees helps address several of these key issues.
- Related to the grant opportunities under consideration, Mr. Hunsinger explained that the Virginia Department of Forestry had received money from the Inflation Reduction Act and are using it to support projects where trees are being planted in areas that are strategic for promoting clean water. Friends of the Rappahannock sent an email to the Northern Neck Planning Commission, and they helped make the connection to Irvington's Commons project.
- Mr. Hunsinger outlined several opportunities that may be used to support the Irvington Commons project. One is related to an application that FOR sent to the Virginia Department of Environmental Quality, applying for \$50,000 to support urban tree canopies in Lancaster County. If they receive that grant, it would offer a potential source of funds for the project. No match is required for those funds.
- The other opportunity is the Urban and Community Forestry program with the Virginia Department of Forestry. FOR plans to apply on behalf of several



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localities by October 25th, with Mayor Harris providing a letter of support for Irvington's inclusion. The grant offers a maximum award of \$50,000, with a required 50:50 match. The match does not need to be in cash, but can include in-kind contributions such as volunteer labor, staff time, or expenses already incurred in project design. The decision on funding will be made in December, with conditional awards issued. At that time, Irvington will need to confirm whether it wishes to proceed with the funding. If the town moves forward, Irvington would then determine the sizes of trees to be planted. The project would take place from March to December 2025. FOR will then manage the grant contract for the town.

- Mr. Robinson and Ms. Penniman discussed how the match requirement would work. Mr. Hunsinger confirmed that the in-kind contribution options are broad and, based on his experience, have always made it easy for localities to meet the matching goal.
- Ms. Bradley inquired whether FOR would assist the town in identifying eligible in-kind donations for the match, and Mr. Hunsinger confirmed that they would help both identify and gather documentation for the in-kind contributions.
- Mr. Dyson confirmed with Mr. Hunsinger that the town will not be responsible for grant reporting, as FOR will act as the administering agent.

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

- No report.

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

- Mr. Nelson reported that a tree removal occurred in the RPA at 91 York Road. Additionally, site visits for redevelopment at the same location have taken place, and an application has been filed. This matter will be presented to the Council in November. An addition is planned for The Office restaurant at 4346 Irvington Road, which will enclose the current patio to create interior space, as well as add a new outdoor patio. Finally, sidewalk construction is underway and continuing.

J. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek & M.C. Bradley*
 - Ms. Schaschek noted that the committee met on October 7th and the minutes are on the website.
- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*
 - No report.
- H. R. Committee, *W. Nunnally & B. Schaschek*
 - Mr. Nunnally reported that the committee had talked to the Town Clerk about adding responsibilities to his role. The committee plans to hold the annual review of the Zoning Administrator in the coming week.



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- Facilities Committee, *P. Robinson & M.C. Bradley*
 - No report. Sidewalk construction was previously mentioned.
- 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.
- Planning Commission Update, *R. Camillo*
 - Ms. Camillo reported that EPRpc has submitted a proposal to incorporate the Department of Environmental Quality's recommendations into the Comprehensive Plan and finalize the document.
 - The Planning Commission recommended approval of the proposed ordinance amendment incorporating the DEQ's recommendations into the Code, with a vote of 4 in favor and 1 abstention.
 - Current code allows accessory structures up to 300 sq. ft. with a 10-foot side setback, but the Zoning Administrator has suggested that this is too small for structures like pool houses or outdoor kitchens. After discussion, the Planning Commission proposed adding a new category for larger accessory structures up to 700 sq. ft. with a 25-foot side setback. The proposal was unanimously approved and will be forwarded to the Charter, Codes, and Ordinance Committee for review.
 - The recently adopted sign ordinance prohibits feather signs, but a local business that has used them for special events has requested an exception. In support of the business community, the Planning Commission proposed amending the sign ordinance to allow feather signs temporarily during special events, for a maximum of 4 days at a time and up to 15 days per month. The proposal passed unanimously and will be forwarded to the Charter, Codes, and Ordinance Committee for review.
 - The Zoning Administrator has suggested simplifying the Conditional Use Permit (CUP) process to reduce approval times, including eliminating the need for a CUP for certain by-right uses. Ms. Camillo reported that Commissioners Straight and Clarke have proposed an administrative solution that would allow building owners to apply for a CUP for their properties with multiple potential uses, streamlining the process without changing the Code itself. The proposal was unanimously supported by the Planning Commission and will be forwarded to the Charter, Codes, and Ordinance Committee for review.
 - The Planning Commission discussed the Commons Master Plan and agreed that it represents an improvement. Concerns were raised about



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maintenance requirements. All agreed that the project should be funded without borrowing.

K. OLD BUSINESS

- Proposed Ordinance Amendment #2024-10.uc – 2nd Reading and Vote
A proposed land use ordinance amendment related to subdivisions (septic pump-out requirements) and zoning ordinance amendment related to the Chesapeake Bay Preservation Area Overlay District.

Motion made by M.C. Bradley to approve Ordinance Amendment #2024-10.uc as presented.

Seconded by B. Schaschek.

Roll Call Vote:

M.C. Bradley – Aye

W. Nunnally – Aye

P. Robinson – Aye

B. Schaschek – Aye

J. Penniman – Aye

D. Patteson – Absent

Motion carries 5-0-1.

- Ordinance Amendment related to Business Licenses – Discussion to clarify and determine how Town Council wishes to proceed.
 - Mr. Dyson explained that Proposed Ordinance 2024-11.uc, which aimed to remove all references to STRs from the 2022 Business License Ordinance, had already received a first reading. However, during the September Council meeting, some members requested that an alternative be considered: rescinding the 2022 Ordinance in its entirety. As a result, the Town Office decided to pause the second reading of Ordinance 2024-11.uc to allow Council to first choose a clear course of action, in order to better manage legal costs and the voting process.
 - Mr. Nunnally asked Mr. Dyson for his recommendation on the best course of action. Mr. Dyson recommended rescinding the 2022 Ordinance, as that option seemed to have the most support from residents based on public comment. He also suggested updating the Business page on the town website to include a welcome message for new businesses, outlining Irvington's requirements, and adding an opt-in directory with a form to collect the same business information the original Ordinance intended to track.



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Motion made by W. Nunnally to request that the Town Attorney draft a new ordinance to excise/rescind the 2022 Business License Ordinance.

Seconded by P. Robinson.

Roll Call Vote:

M.C. Bradley – Aye

W. Nunnally – Aye

P. Robinson – Aye

B. Schaschek – Aye

J. Penniman – Aye

D. Patteson – Absent

Motion carries 5-0-1.

- Deputy Report
 - Mayor Harris reported that she is still facing challenges in obtaining an Originating Agency Identification (ORI) number for the town. In reaching out to Claremont, Virginia, she learned that although they don't have a Police Department, they've established a unique arrangement with their County, receiving a portion of the funds from traffic tickets issued in their town. The Mayor plans to consult with Don Gill, the County Administrator, to explore whether a similar agreement could be arranged for Irvington's Deputy Program.
- Request from Planning Commission: creating a Traffic Calming committee.
 - Mr. Robinson suggested revisiting the structure of all Town Council committees in January, after the newly elected members join the Council. He also proposed creating a 'Public Safety' committee, chaired by the Mayor, as a more inclusive approach. This committee could address a broader range of issues, such as traffic calming, the Deputy Program, sidewalks, and other related topics.
 - Ms. Bradley agreed that this approach was logical.
 - Item was tabled and will be revisited in the January Town Council meeting agenda.
- Continued Discussion: responding to the petition requesting a public referendum, *M.C. Bradley*
 - At the start of the discussion, Mr. Nunnally requested that the same philosophy applied to tabling the Traffic Calming committee request also be applied to the debt-related ordinance discussion. He recommended that the Council wait until January to allow for input from the new Council members.



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- Ms. Bradley expressed her willingness to table the discussion until January but emphasized that her goal was to keep the conversation moving forward in a way that demonstrates the Council has heard the public's concerns and is committed to addressing the resident petition as promptly as possible.
- Mr. Robinson also noted that the debt discussion is part of a larger, ongoing conversation about the town Charter. He felt it was unnecessary to delay the debt conversation, as it was a distinct issue that didn't require the same postponement as the formation of a new committee and the assignment of new Council members, which would need to wait until January.
- Mr. Nunnally expressed his support of Ms. Bradley's work to create a conversation, believing it to be a wonderful dialogue, but maintained his belief that the conversation and any vote on the matter should be held with the new Council.
- Ms. Bradley noted that her proposal was just a discussion of options at this time. Given the stage of the conversation, this would preclude that any vote on a proposed ordinance could happen before January.
- Mr. Nunnally expressed his satisfaction with the timeline, as explained by Ms. Bradley. The Council then agreed to proceed.
- Ms. Bradley reminded the assembly that the goal is to establish additional requirements that would allow residents and stakeholders—those who would "shoulder" the burden of repaying any debt, including registered voters, business owners, and second homeowners registered to vote elsewhere but owning property in Irvington—to provide input on any proposed Town debt. Any provisions included in the ordinance would need to be in place before the Council begins the voting process on the debt. It was suggested that this process should only be initiated after the Council has chosen a path for a specific project and secured firm cost estimates and a plan for handling the proposed debt.
- The conceptualized ordinance would have the following "variables" that need to be discussed further:
 - Regarding the threshold that would trigger the required steps and meetings outlined in the ordinance, it was noted that the Commonwealth already mandates a voter referendum if proposed debt equals 10% of the prior year's Landbook property value. Ms. Bradley proposed using 3% of property value as the starting point for the ordinance, which would currently be equivalent to approximately \$6 million. Other thresholds discussed included 0.5% (around \$1 million) and 0.17% (about \$500,000), the latter of which was recommended by Dr. Robert Westbrook during one of the town's 2024 public meetings on debt.



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- Ms. Bradley also provided a handout showing alternative methods for determining a threshold, such as basing it on a percentage of the Town’s operating or total budget.
 - Ms. Bradley’s proposal also called for one public hearing and one public meeting, with the public meeting taking the form of a “town hall.” She explained that the town hall format would foster a more interactive dialogue with the public, encouraging greater participation and balancing out the more formal structure of the public hearing.
 - The proposal suggested 10 business days between the public hearing and the town hall. The goal is to allow Council and Staff time to address concerns and comments shared during the public hearing prior to the town hall.
 - At the conclusion of the town hall, an indication of “resident” support for the debt would be requested. The proposal suggested a non-binding show of hands.
- Mr. Nunnally asked if the town, because its income relies heavily on the occupancy tax and sales tax, would consider doing away with the real estate tax and thereby eliminating the necessity for second-home residents to shoulder the burden of debt.
 - Ms. Schaschek noted that while the real estate tax is minor to the occupancy tax, in terms of its portion of the town budget, both taxes are still required to operate the town.
 - Ms. Bradley also opposed creating a distinction between Irvington’s second-home owners (i.e. those living part of their time here but registered to vote elsewhere) and full-time residents who are registered voters in Irvington. She argued that excluding second-home owners from the town’s decision-making process would effectively treat them as second-class citizens.
 - Regarding the threshold, Ms. Schaschek and Ms. Penniman preferred using the Landbook as the basis for the figure, since the Commonwealth follows this method, and they believed Irvington should adopt the same approach.
 - Ms. Schaschek noted that while she had initially supported adding language to the town Charter for a voter referendum on town debt, she now viewed an ordinance as a strong alternative. This approach would establish a clear process more quickly, avoiding the complications and delays the town has seen with preparing its other Charter amendment changes to send to the General Assembly. Additionally, an ordinance would provide flexibility to adjust the process as needed in the future.



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While it would still prevent the town from rushing into accepting debt, it would not unduly restrict the town's ability to function.

- Mr. Robinson concurred with Ms. Schaschek's statement.
- Ms. Bradley then asked if Council was comfortable moving forward on setting a threshold at .5% (around just over \$1 million at the current property values).
- Ms. Schaschek said that she was comfortable with that percentage, and she also recalled that a number of residents who had attended the previous public meetings on debt had talked about being comfortable with that figure.
- Mayor Harris stressed the fact that the town had not historically ever gone into debt. She then asked if, by adopting the proposed ordinance, Council would be saying that it is willing to now go into debt.
- Ms. Bradley clarified that this was not the case. The town's current ordinances do not contain any provisions that would prevent the Council from incurring debt. If the proposed ordinance is added, it is not meant to signal the Council's readiness to take on debt. Rather, its purpose is to establish a process that ensures residents have ample opportunity to provide input before any future debt-related decisions are made.
- When asked if the .5% threshold was an amenable figure for inclusion in a potential ordinance, Mr. Nunnally expressed his continued desire to see the voter referendum requirement added to the Charter and he was not currently supportive of the proposed ordinance, regardless of any potential threshold figure. However, he stressed how appreciative he was of Ms. Bradley's hard work and encouraged that the proposed ordinance be put in a final form and distributed to the public for a public hearing.
- Ms. Bradley acknowledged Mr. Nunnally's point but offered the counterargument that, whether the resolution was for the Council to adopt an ordinance or to add a voter referendum to the Charter, there still needed to be a clear determination of what would trigger the request for public input.
- Mr. Nunnally allowed, in that case, the concept of a .5% trigger was acceptable to him in moving the conversation forward.
- Ms. Bradley then asked if Council liked the idea of having a public hearing and a town hall, with a maximum of 10 business days in between.
- Mr. Nunnally suggested a 30-day period between the public hearing and town hall in order to allow adequate time for proper notice. However, Ms. Schaschek and Ms. Bradley favored 10 days, reasoning that public notice for both the hearing and the town hall could be issued simultaneously.
- Mayor Harris noted that the original petitioners had requested that any public input be binding.



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- Ms. Bradley explained that the Council could not make the process binding if it were adopted in an ordinance. For it to be binding, a voter referendum requirement would need to be written into the Charter. However, Ms. Bradley expressed concern that the voter referendum approach would exclude some stakeholders who are shouldering the debt from having input in the process.
- Mr. Nunnally reiterated his concern that this approach would not be binding. He pointed out that, historically, despite residents expressing support or opposition at public hearings, the Council has often ignored their input and pursued a different course of action. He referenced the many individuals who supported adding a voter referendum to the Charter and felt their views had been disregarded.
- Ms. Bradley acknowledged that, while this approach cannot be made binding as an ordinance, she believed her work on the proposal demonstrates that she is listening to the public. She is striving to create a reasonable compromise that offers the public significantly more opportunity to influence future debt decisions than is currently required.
- Council agreed that Ms. Bradley could continue refining her proposal, focusing on the areas where a majority consensus had been reached. She would provide the Clerk with an updated handout to be posted ahead of the November Town Council meeting, giving both the Council and the public additional time to review the proposal and participate in the next phase of the discussion.
- Approval of Chesapeake Bank's work to repair their septic system's header pipes. Agreement from Town to add signage or barriers at the site of the bank septic system.
 - The Council agreed that it would add signage or barriers at the site of the bank septic system to prevent future damage to the system. Mr. Robinson asked that this also be applied to the Steamboat Era Museum's septic. The Commons Revitalization Committee has been assigned the task of developing an appropriate solution. They will come back with recommendations at a future Council meeting.

Motion made by W. Nunnally to approve Chesapeake Bank's proposal for the necessary repairs to their septic drain field, located on the Town Commons, and contingent upon their agreement to schedule the work after the November 2, 2024 Farmer's Market.

Seconded by B. Schaschek.

Motion carries 5-0-1. Absent: Patteson



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- Draft of Comprehensive Plan
 - It was noted that everyone has had a chance to review the most recent draft and a new motion would be made later in the meeting regarding next steps.

L. NEW BUSINESS

- Motions or recommendations by Town Council Committees.

Motion made by M.C. Bradley for Council to accept, and direct the Mayor to sign, the contract with EPRpc to ensure that the 2024 Comprehensive Plan addresses the Department of Environmental Quality's concerns.

Seconded by W. Nunnally.

Motion carries 5-0-1. Absent: Patteson

Motion made by M.C. Bradley to appropriate \$1,440 (contract is for \$1,260, and appropriation intentionally provides buffer) from the anticipated revenue that would have been contributed to the Capitol Reserves at the end of the year, to support the work by EPRpc.

Seconded by P. Robinson.

Motion carries 5-0-1. Absent: Patteson

Motion made by W. Nunnally to accept the Planning Commission's proposal to initiate an additional sign ordinance amendment (regarding feather signs). This is contingent upon the PC adding a limit to the number of flags per business.

Seconded by J. Penniman.

Motion carries 3-2-1. Absent: Patteson.

Motion made by P. Robinson to ask that the Planning Commission look at anything that touches on accessory structures, ensuring consistency throughout, and write out the details on what the ordinance would include.

Seconded by M.C. Bradley.

Motion carries 4-0-2. Absent: Patteson. Abstained: Nunnally.

- Mr. Robinson asked Mr. Strait to come to the November Council meeting with the Planning Commission's recommendations for CUP Administrative changes.



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Motion made by J. Penniman to appropriate \$1,400 from the Christmas line item of the budget to pay for advertising, cookies, and luminaries for the Illuminate Irvington event.

Seconded by W. Nunnally.

Motion carries 5-0-1, Absent: Patteson

Motion made by J. Penniman to accept Ransone's bid of \$574, to be paid from the landscape maintenance line of the budget, to oversee the bare spots on the Town Commons.

Seconded by P. Robinson.

Motion carries 5-0-1, Absent: Patteson.

- Question from resident about using the Town Commons for a Pilates class.

Motion made by J. Penniman to allow Irene Vest to conduct an exercise class on the green concrete apron (outside of the tennis courts) on Fridays from 8:15 to 9:45 a.m. and contingent that she provides documentation of liability insurance.

Seconded by M.C. Bradley.

Motion carries 5-0-1, Absent: Patteson

- Lancaster by the Bay Chamber Membership

Motion made by W. Nunnally to continue Irvington's Lancaster by the Bay Chamber membership at the \$125 level, to be paid from the Town Council Workshop budget line item.

Seconded by P. Robinson.

Motion carries 5-0-1, Absent: Patteson

- Renewal of contract with Entertainment Systems (company that handles the holiday flags)

Motion made by W. Nunnally to renew the contract with Entertainment Systems.

Seconded by P. Robinson.

Motion carries 5-0-1, Absent: Patteson

M. ANNOUNCEMENTS

- Next Town Council Meeting, November 14, 2024: 6:30 p.m. at Irvington Baptist Church



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- The Town Office will be closed on the Federal Holidays of Columbus Day (October 14), Election Day (November 5), and Veteran's Day (November 11).

N. **ADJOURN** at 8:45 p.m.

Motion made by W. Nunnally to adjourn.

Seconded by P. Robinson.

Motion carries 5-0-1, Absent: Patteson

DRAFT