



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

AGENDA –

A. CALL TO ORDER

B. ROLL CALL

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

C. APPROVE AGENDA

**Motion made by W. Nunnally to approve the agenda.
Seconded by B. Schaschek.
Motion carries unanimously.**

D. APPROVE MINUTES

- October 10, 2024 Town Council Regular Called Meeting
 - The Mayor pointed out two corrections to the minutes: one was a spelling error in a resident's name (Schmid), and the other clarified that Dr. R. Westbrook had been misquoted as recommending a threshold of 0.17% of land book real estate value in the discussion regarding a town debt approval process. He had actually recommended 0.07%.

**Motion made by W. Nunnally to approve the minutes as amended.
Seconded by M.C. Bradley.
Motion carries unanimously.**

E. FINANCIAL REPORT

- Treasurer's Report

**Motion made by M.C. Bradley to accept the Treasurer's Report and balance sheets as of October 31, 2024.
Seconded by B. Schaschek.
Motion carries unanimously**



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F. PUBLIC HEARING

- Roll Call for Planning Commission
 - Members Present: R. Camillo, S. Strait, and J. Taylor
 - Attending by phone: M. Smith
 - Absent: T. Chapman, R. Fuller, and D. Clarke

Joint Public Hearing

- CUP 2024.HUDSON – 277 Steamboat Rd – 1st Reading
 - Mr. Nelson reported that the application is to run a short-term rental as a duplex. The structure will count as two units but, in terms of Irvington’s registry of STRs, it will count as one tax map property.
 - Ms. Bradley noted that the owners did not indicate a manager for the property on their application, and that they have a Richmond address. She stressed that the property owners would need a local manager. She also noted that this particular property had been brought forward by another previous owner and that there was a parking concern.
 - In discussion, others noted that the previous owners had their application approved, pending a solution being applied for the parking issue. Those prior owners never resolved the parking and never began operation.
 - Mr. Nelson said that the present owners/applicants have cleared the back lot for parking and have approached VDOT to help deal with an issue related to drainage. The applicants understand that they will need to offer off-street parking before their application can be approved.
 - Mr. Kuper commented that he wished to make the Council aware that there is a significant concentration in the number of STRs and rental properties on Steamboat Road.
- CUP 2024.WOZNIAK – 91 York Rd – 1st Reading
 - Mr. Nelson reported that this application concerns a redevelopment project within the Resource Protection Areas (RPA) at 91 York Rd. Architectural drawings were available on the table for the public’s review. The plan includes removing 2,800 square feet of impervious surface and rebuilding only 2,000 square feet. This reduction in impervious surface is allowable under the regulations.

Motion made by M.C. Bradley to close the public hearing.

Seconded by W. Nunnally.

Motion carries unanimously.

G. PUBLIC COMMENT

- Comments from citizens on any topic
- **F. White (Chase’s Cove Lane):** Ms. White expressed her gratitude for the support she received during her brief candidacy for Town Council. She also



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thanked those who served and are departing, as well as those who will be serving on the Council in the future.

- **G. Kuper (Hayden Hall Lane):** Mr. Kuper expressed his belief that the debt proposal currently under consideration by the Town Council is unusual, as it asks the Council to limit its own powers—an action typically taken by an external commission. This request stems from a governance gap inherited by the current Irvington administration. The recent citizen petition prompted the Council to develop a proposal for citizen oversight, which allows for more review and discussion but lacks real authority. As such, it does not fully fulfill the citizens' request. While Mr. Kuper acknowledged and appreciated the significant effort behind the proposal and thanked the Council for it, he views it as a temporary measure until the citizens' request can be addressed in a binding manner through the Town Charter.

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

- The Mayor thanked everyone who participated in voting during the November 5, 2024 Election. She also pledged to support all the residents in Irvington and to do her best to carry out their wishes.

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

- No report.

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

Mr. Nelson reported that a tree was removed in the RPA at 267 Chases Cove. Site visits were conducted at The Tides property to discuss fencing and to meet the new on-site personnel. Sidewalk construction is nearing completion. Staff also completed an audit of short-term rentals (STRs) and identified four that are not in compliance. Mr. Nelson is currently in communication with the owners. He also noted that the Council has received an application for a new STR at 277 Steamboat Road, which, if approved, would bring the total number of STRs in town to 32 (less the four out of compliance). Additionally, a second redevelopment application has been submitted for 91 York Road, which is entirely within the RPA. As such, any work on the property requires approval. However, the application is not controversial, as the proposed plan involves removing existing impervious surfaces and replacing them with a smaller amount.

K. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek & M.C. Bradley*
 - Ms. Schaschek reported that the Budget and Finance Committee met on November 4, and the minutes are out on the website. The Committee has started updating the Town's financial policy - last done in 2016. They also



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talked about the ATL Fire Grants for 2024. They plan to provide a year-end report in January.

- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*
 - No report
- H. R. Committee, *W. Nunnally & B. Schaschek*
 - Mr. Nunnally reported that they had met with and reviewed the staff and would continue the discussion in closed session.
- Facilities Committee, *P. Robinson & M.C. Bradley*
 - Mr. Robinson reported that the sidewalk would be done in the next couple of weeks and that they are searching for potential painters for the gazebo and the playground on the Commons.
 - Mr. Nelson added that the Florist (Accents Flowers and Gifts) would be negatively impacted by the sidewalk project and asked that individuals consider supporting the business while the entrance is blocked by the sidewalk project.
- Community & Special Events Committee, *J. Penniman & D. Patteson*
 - Ms. Penniman reported that the annual outdoor decorating contest for individuals and businesses will be judged on December 15th. The Committee has requested that the Mayor select 3 new members from the community to judge the contest.
 - Illuminate Irvington will be held on Thursday, December 5. The event will start at 5:45 p.m. and go until 7:30 p.m.
 - Mr. Nunnally shared with the group that he was contacted by the author of a children's book about the possibility of the author having a book selling/signing at the event.
 - Ms. Penniman said it sounded like a good idea, but she would confer with the committee and see if they agree.
 - The assembling of the Christmas Tree will be held on December 1. They are looking for volunteers.
 - Ms. Penniman reported that the town typically has a Christmas Eve event that is in the budget, but that she will be out of town and unable to organize it this year.
 - Ms. Schaschek and Ms. Bradley volunteered to organize the event and encouraged other community members to join them. T. Ransone also volunteered.
- Commons Committee, *J. Penniman & W. Nunnally*
 - The Friends of the Rappahannock have applied for a grant on behalf of the town from the Department of Forestry. This grant will supply trees for the Town Commons revitalization project. Drew Harrigan, the town's landscape consultant for the project, provided a list of recommended trees



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for the application (with copies available at the meeting and on the town website).

- There was also a second grant opportunity through the Department of Environmental Quality, where the Friends of the Rappahannock and the Rappahannock River Roundtable applied for a grant on behalf of the town. FOR expects to hear decisions in December.
- Regarding the Chesapeake Bank drain field and the town's commitment to make efforts to protect it in the future, Mr. Nunnally reported that he was working on a solution.
- Mr. Robinson asked that protecting the Steamboat Era Museum's drain field also be considered, and Ms. Penniman confirmed that they had discussed that as part of the plan.
- Waterfront Committee, *D. Patteson & J. Penniman*
 - No report.
- Planning Commission Update, *T. Chapman – Chair*
 - Mr. Strait provided an update on behalf of the Planning Commission, noting that the Comprehensive Plan now incorporates all required information as mandated by the DEQ, and that the DEQ has approved the proposed changes. There are also a few additional minor updates, and the Planning Commission has voted to forward the plan to the Town Council for adoption at their December meeting.
 - A new category for Accessory Structures (excluding kitchens or sleeping accommodations), with a maximum size of 700 square feet and a 25-foot setback, will be introduced in the future along with other updates to Section 154 of the Town Code.
 - The Planning Commission unanimously approved a motion to amend the Sign Ordinance to include Feather Signs. The proposed amendment states: “(2) Feather Signs; Exception: While Feather Signs are generally prohibited, up to two signs are allowed on a temporary basis during special events. They may be displayed during business hours for a maximum of 4 consecutive days, with a limit of 15 days per month.”
 - The Zoning Administrator has suggested simplifying the CUP process to reduce the time required to obtain a CUP. The proposal includes eliminating the need for a CUP for certain by-right uses. Commissioners Strait and Clarke recommended a solution that would not require changes to the Code, but rather a Town Council-approved modification in how the CUP process is administered. Their proposal, which was unanimously supported by the Planning Commission, would allow building owners to apply for a CUP for their buildings with a variety of potential uses. This administrative change would help businesses open more quickly while still maintaining Planning Commission and Town



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Council review of CUPs. A motion was unanimously approved to have the Charters, Codes, and Ordinances Committee review and act on this concept.

L. OLD BUSINESS

- Continued Discussion: variables associated with incurring town debt, *M.C. Bradley*

- Ms. Bradley thanked Mr. Kuper for his comments and noted that a handout was posted on the website ahead of the meeting. She expressed hope that everyone had taken the time to review it.

**Motion made by M.C. Bradley to request the Charter, Codes & Ordinance Committee begin working with the Town Attorney to draft an ordinance regarding incurring debt by the Town using the parameters in the posted document.
Seconded by B. Schaschek.**

- In the discussion, Mr. Nunnally acknowledged that while the handout was well-written, it focused solely on a process for managing debt without addressing specific projects. He emphasized that before the town considers a process for handling potential debt, it must first understand the projects for which it might incur debt.
- Ms. Bradley explained that her ordinance is designed to ensure residents have a voice regarding the town taking on debt. This safeguard is intentionally being established in advance of any such situation. In the future, the process outlined in the ordinance would only be triggered after a project is approved. Consistent with the petition's intent, the ordinance does not assume a specific project or scenario where the town would incur debt. Rather, it outlines the necessary steps to ensure community input if a project is identified in the future. And, long before the ordinance's steps are performed, any proposed project would need to first go through the full approval process, including incorporation into the budget. The ordinance would only be activated once a project has completed all other required steps, been deemed viable, and the town has determined a method for incurring debt.
- Mr. Nunnally reiterated that he still believes the people of Irvington want to know which projects might be considered. Recognizing that the town has not historically incurred debt, he emphasized that the focus should first be on understanding what might lead the town to take on debt.
- Ms. Bradley respectfully disagreed with Mr. Nunnally, explaining that her understanding of the petition was that it aimed to establish a requirement for public input. The petition was intended to create this safeguard before



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any specific project requiring debt is presented to the town, and as such, the ordinance does not presume any thoughts of what may be on the horizon. She noted that all town projects will involve some financial liability, so it would not make sense to view the ordinance as applying narrowly to a specific project. However, Ms. Bradley suggested that if Mr. Nunnally wished to propose an ordinance outlining a process related to town projects, she would welcome his leadership in developing such an ordinance. However, she requested that this not stop the currently proposed ordinance from moving forward.

- Mr. Robinson stated that he did not believe the town is currently interested in incurring debt. This present disinterest in taking on debt suggests that there are no current issues that would fit the description of a debt-related project.
- Ms. Penniman agreed that all future projects must undergo thorough vetting through an extensive process. However, she emphasized that the ordinance being enacted now would ensure the public has the opportunity to get answers to their questions before the Town Council takes any actions that could result in debt liability.
- Mr. Nunnally provided the example of the town potentially purchasing waterfront property. He noted that while some Council members support this idea, others do not. He believed that at least one version of the petition specifically mentioned this as a project that could require debt. He argued that the Council would better serve the public if it first sought input from the public to determine if they want such projects, rather than waiting until a project is selected and then asking for feedback on potential debt.
- Mr. Patteson noted that nothing would be done related to a purchase of waterfront property without a public hearing prior to a town council vote.
- Mr. Robinson also noted that Ms. Bradley's proposed ordinance includes two key decision points. First, the Council would need to approve the concept and details of the project. Then, the Council would have to decide whether to incur debt to fund the project. Between these two points, the Council would be required to provide the town with all relevant details about the project and the proposed debt, and allow time for public input.
- Mayor Harris stated that the town has long prided itself on not incurring debt. She believed that the Council should first decide whether it is willing to take on debt before establishing a process for making decisions related to debt.
- Ms. Bradley emphasized that enacting the ordinance does not mean the town is taking on debt. It simply reflects the Council's response to the petition in a manner that aligns with Council's current support of the ideas presented by the petition. The ordinance does not guarantee the town will



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incur debt or imply that any debt-related projects are imminent. Its purpose is solely to address the petition in a responsive way.

- Further discussion centered on the ordinance’s provision for a non-binding vote, with Ms. Bradley and Mr. Robinson highlighting that it allows all stakeholders (not just registered voters) to participate. They noted that this approach offers a less-stressful alternative to public speaking, providing people with a concrete way to express support or opposition to a proposal. The results would give the Council clear data before it votes.
- Mayor Harris expressed concern that the petition specifically called for a binding vote, and as a result, she remains convinced that the proposed ordinance does not fully address the petition’s request.
- Mr. Nunnally also expressed his belief that the Town Council has a history of disregarding the residents of Irvington. He cited the Meals Tax as a recent example, where the Council implemented a measure despite what appeared to be a clear majority of residents opposed to it.
- Ms. F. Westbrook then requested to speak before the Council and clarified that the petition aimed to add a voter referendum to the Town Charter. As such, it would be a binding vote, and the petitioners intended to establish a process involving such a vote.
- The Mayor raised the question of whether the .5% threshold reflected a decision made by the entire Council.
- Ms. Bradley noted that the issue was discussed during the October meeting but remained open for further input. Her intention in making the motion was to facilitate a discussion of the proposal’s details. She emphasized that she is not attached to any specific aspect of the proposal, except for her desire to address the petition through an ordinance rather than a voter referendum in the charter, as the latter would exclude some people affected by the debt from having a say in the decision.
- Mr. Robinson added that amending the Charter is a much more permanent decision, as it involves a significantly more complex process than altering an ordinance.

Roll Call Vote:

W. Nunnally - No
B. Schaschek - Aye
D. Patteson - Aye
J. Penniman – Aye
P. Robinson - Aye
M. C. Bradley – Aye

Motion carries 5-1



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- After the vote, the Mayor asked a follow-up question regarding whether a unanimous Council vote is something the Council could require of future Councils in order to go into debt.
 - Mr. McRoberts confirmed that the Council can require that by adjusting the current language in the Charter that requires a two-thirds vote.
- Ordinance Amendment related to Business Licenses – Resolution of Initiation

**Motion made by P. Robinson to accept the resolution initiating an ordinance amendment to revoke the business license.
Seconded by W. Nunnally.**

Roll Call Vote:

M. C. Bradley – Aye

W. Nunnally – Aye

P. Robinson – Aye

B. Schaschek - Aye

J. Penniman – Aye

D. Patteson - Aye

Motion carries 6-0

- Proposed Noise Ordinance
 - Mr. Nunnally asked about the possibility of relying on the County’s noise ordinance in lieu of Irvington adopting its own.
 - Ms. Schaschek reported that when the noise ordinance had previously been discussed, some pieces of the County’s noise ordinance had originally been included, but had since been removed because the Town Attorney had offered the opinion that some of the County’s language might be problematic from a constitutional perspective. There was also feedback that the times allowing or prohibiting construction noises should be changed. But, the Council had not yet agreed to just rely on the County’s ordinance.
 - Mr. Nunnally noted that the Council had received an email from a resident with suggested times that he believed were good suggestions.
 - Ms. Bradley gave details related to the email (from J. Pagano), which asked that general noise and disturbance should be prohibited from 8:00 a.m. to 10:00 p.m. daily. She asked that construction activity be regulated more strictly, with allowed hours being 8:00 a.m. to 6:00 p.m. on weekdays, 9:00 a.m. to 4:00 p.m. on Saturdays, and no construction without a special permit on Sundays and Holidays.
 - The Mayor asked if there was a plan to enforce the proposed ordinance if it differs from the County.



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- The Council discussed how this has historically been a combination of the Mayor and other town staff/officials contacting individuals when they have transgressed an ordinance, and occasionally the County law enforcement has been involved in helping the town enforce its specific codes.
- Mr. Patteson asked if more consideration can be given to when lawn service is happening in the town. He noted that he is particularly sensitive to this issue as a business owner who runs a hotel where people are still sleeping in the early morning.
- Mr. McRoberts, getting back to the issue of enforcement, noted that the town has the authority to make a noise ordinance a misdemeanor, which would then allow the County Deputies leeway to investigate infractions. It is likely that what would happen is the Deputies would attempt to educate people and give warnings as opposed to issuing any warrants.
- Ms. Bradley asked Mr. Patteson if editing the proposed ordinance, under number 3, and rewording it to say, “yard maintenance, construction, or repairing of buildings” would address his concern.
- Mr. Patteson agreed that this would be sufficient.
- Mr. Robinson noted that the noise ordinance might need to be clarified to prohibit noises from exterior construction work only (as interior work, like painting, is not typically an issue). He also noted that construction companies often work from 7:00 a.m. to 4:00 p.m. and it is possibly an unreasonable expectation for the town to believe that construction companies would change their hours for when they are working within the town.
- Mr. Patteson made the point that creating the ordinance might not prevent construction companies from sending their workers in the early morning, but it will allow residents to have something to point to when they have conversations with workers about avoiding certain times.
- Mr. Robinson noted that certain construction projects will require every moment of daylight possible to complete the project. For example, when pouring concrete or if workers are renting a crane for a day, they may need to work extended hours to complete the project under the unique parameters of those kinds of projects. So, he asked that the ordinance allows for exceptions.
- Discussion continued on having the town also develop ways to communicate projects to the residents so that they are aware if construction might happen outside the specified hours, and this will help eliminate some of the frustrations.
- Council decided to draft another version with the suggested modifications.



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- Comprehensive Plan – update
 - Ms. Bradley asked to change the listing for her name so that it was not a nickname but reflected her given name. She also asked that the document be fixed to remove a few outdated items that were carry-overs from when the document was first started but have become outdated in the interim. Town staff noted that the items were on a list of things already in-process to be updated before the final version was adopted.

- Storage for the new Christmas Tree
 - Mr. Dyson presented options for Council to consider regarding the storage of the town holiday décor, given that the IVBA had recently purchased a new tree for the Town Commons, and this new item increased the town's need for storage space. Council asked that he pursue a larger rented storage space for all items until the town was in a position to create a permanent solution.

Motion made by P. Robinson to authorize the Town Clerk to rent a larger storage space, as available, to house both the Town's and the IVBA's holiday décor.

Seconded by D. Patteson

Motion carries unanimously.

- Ms. Penniman asked who would be responsible for transport of the tree in the future. Council agreed that the responsibility of putting the tree up and taking it down was the responsibility of the IVBA.
 - Ms. Van Saun agreed that the IVBA would be able to take on responsibility of transporting the tree to and from the storage unit.
-
- ATL Fire Grant Funding
 - This agenda item was skipped as this would be handled in the motions section of New Business.

 - Deputy Report
 - The Mayor gave a brief update that the town's police car had been in the shop. She also mentioned that she was continuing to follow-up with Don Gill at the County to see if the town might receive a portion of funding from the tickets issued when the town is paying for the Deputies.



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M. NEW BUSINESS

- Motions or recommendations by Town Council Committees

Motion made by M.C. Bradley to appropriate \$2,000 to reimburse the Golden Eagle Golf Course for Irvington's Mayor's Cup.

Seconded by W. Nunnally.

Motion carries unanimously.

Motion made by M.C. Bradley to appropriate \$15,000 of the ATL Fire Grant money for payment once the fire departments submit necessary paperwork.

Seconded by W. Nunnally.

Motion carries unanimously.

Amendment made by M.C. Bradley to specify that \$10,000 of the funds would go to the White Stone Volunteer Fire Department and \$5,000 would go to the Kilmarnock Volunteer Fire Department.

Seconded by D. Patteson.

Amended motion carries unanimously.

Motion made by M.C. Bradley to move \$65,272.60 from the Money Market account to a 7-month CD to improve the town's returns on funds.

Seconded by W. Nunnally.

Motion carries unanimously.

Motion made by M.C. Bradley to appropriate \$300 to support the December 24th Christmas Eve event.

Seconded by W. Nunnally.

Motion carries unanimously.

Motion made by M.C. Bradley to roll over the Blue Ridge Bank Certificate of Deposit, account ending 3235, with a current value of \$4,721.46, extending to the new maturity date of Feb 7, 2026.

Seconded by W. Nunnally.

Motion carries unanimously.

- Under recommendations, Ms. Schaschek raised the issue of traffic calming efforts and the possibility of setting a speed limit in the Town's Corporate limits to 25 from Glebe to Old Mill Cove Road.
- Mr. Nelson noted that Town Council would need to pass a motion asking that be done. VDOT may require a traffic study.
- Mr. Patteson suggested the town consider asking the speed be dropped to 15 mph around the shops.



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- Mr. Robinson asked that the town request that VDOT first give their thoughts and analysis on any unintended consequences.
- Mr. Nelson agreed to reach out to them and get their input on the 25 mph suggestion.

**Motion made by J. Penniman to propose a resolution naming Ben Estes as the 2024 'Volunteer of the Year' in recognition of his dedicated efforts, including the construction of benches for the tennis courts, painting the playground equipment, watering new grass on the Commons, and contributing numerous hours of service to the Commons Committee.
Seconded by W. Nunnally.
Motion carries unanimously.**

- Estimates from service providers to fill in low areas on the Town Commons.
 - Ms. Schaschek suggested that it might be better to wait until after the new trees are planted as part of the Commons revitalization plans and after the winter. She also recalled that dirt and mulch had recently been applied to the Commons.
 - Ms. Penniman explained that this estimate covers work around the playground and in front of the gazebo, in areas that will not be affected by future tree planting. The pictures included in the meeting packet illustrate the scope of the issues to be addressed. She emphasized that the Commons is only unused between December 5 and May 1, which is why she recommended starting the work in the winter. Additionally, she noted that the grass plan involves using contractor's seed, as rye and fescue can grow during the winter months.

**Motion made by J. Penniman to accepting the estimate from Arrowhead for filling in the low areas on the Town Commons.
Seconded by W. Nunnally.
Motion carries unanimously.**

**Motion made by J. Penniman to appropriate \$3,500 from the Capital Budget for leveling the low spots in the Commons.
Seconded by W. Nunnally.
Motion carries unanimously.**

N. ANNOUNCEMENTS

- The Town Office will be closed on November 28th & 29th for the Thanksgiving holiday.



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- Next Town Council Meeting, December 12, 2024: 6:30 p.m. at Irvington Baptist Church
 - Ms. Bradley added the announcement that the Virginia Municipal League (VML) would be holding a conference for newly elected Town Council members on January 8, 2025, and that she planned to attend. The cost would be \$80 if others were interested.
- O. **CLOSED SESSION** pursuant to State Code §2.2-3711(A)(1) for discussion related to town personnel.
- P. **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, Wayne Nunnally, so certify.
I, Phil Robinson, so certify.
I, Bonnie Schaschek, so certify.
I, Julie Harris, so certify.
I, Judy Penniman, so certify.
I, Dudley Patteson, so certify.
I, Mary Cary Bradley, so certify.

Motion made by B. Schaschek to increase the salary of the Zoning Administrator by \$1,000 per year, effective December 1, 2024.

**Seconded by P. Robinson
Motion carries unanimously.**

Motion made by B. Schaschek to provide a one-time \$650 to each of the town staff (Office Administrator and Zoning Administrator) for holiday bonuses.

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

Q. ADJOURN – 8:41

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