



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING MINUTES
IRVINGTON BAPTIST CHURCH
THURSDAY, January 9, 2025; 6:30 p.m.**

Swearing in of newly and re-elected Council Members occurred at 6:15 p.m.

AGENDA – amended at the table.

A. CALL TO ORDER – 6:21 p.m.

B. ROLL CALL

B. Schaschek, present
F. Johnson, present
M.C. Bradley, present
P. Robinson, present
F. Westbrook, present
J. Harris, present
W. Nunnally, absent

C. APPROVE AGENDA

Motion made by M.C. Bradley to approve the agenda, amended to include a motion to appoint Town Officers as a part of New Business.

Seconded by B. Schaschek.

Motion carries 5-0-1. Nunnally absent.

D. APPROVE MINUTES

- December 12, 2024 Town Council Regular Called Meeting

Motion made by P. Robinson to approve the minutes.

Seconded by M.C. Bradley.

Motion resulted in 3-0-3. Nunnally absent. Johnson and Westbrook abstained. Mayor as casting vote accepted the motion.

E. FINANCIAL REPORT

Treasurer's Report accepted.

F. PUBLIC HEARING

- Proposed ordinance adopting policies and procedures for incurring significant debt – 1st Reading.
 - Ms. Bradley provided a summary before the public hearing to explain the motivation, purpose, and history of the ordinance. She noted that the ordinance was intended to create a compromise that respected the spirit of the 2024 petition, which called for a voter referendum requirement to be added to the town charter before the town accepts any significant debt. At the same time, it aimed to ensure that all individuals who would bear responsibility for repaying the debt, including property and business owners, have an opportunity to provide input.



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- Mayor Harris pointed out that the town has not historically taken on debt and asked if the Council would first consider holding a vote on whether it should enter into debt.
- Ms. Bradley clarified that any vote on debt would need to be specific to each project. The Council cannot vote to bind future Councils or prevent them from ever taking on debt.

Public Comments:

- S. Van Saun (Pony Pasture): Ms. Van Saun expressed her support for the ordinance, stating that it ensures a fair process for all stakeholders to provide input on proposed projects that would result in debt for the Town.
- J. Pagano (Broadway): Ms. Pagano congratulated the newly elected and re-elected Council members. She acknowledged that the previous year ended on a sour note for some, particularly after the petition, signed by 39% of residents, was dismissed. She expressed support for introducing a threshold of 1% of real estate property value to trigger a binding public referendum. Regarding the 0.5% threshold for the ordinance process, she suggested that the procedures outlined in the draft ordinance could be clearer and called for additional details to be included.
- G. Kuper (Hayden Hall): Mr. Kuper thanked the Council for the draft ordinance, acknowledging it as a positive first step but expressed that it was inadequate. He emphasized the need for the Council to approach debt decisions with caution. Additionally, he noted that the issue of how the town handles debt was first raised during discussions about potential changes to the Town Charter. Mr. Kuper suggested that the Council consider forming a Charter commission to revisit the governance issues discussed in those initial conversations.
- S. Porteous (Steamboat Road): Ms. Porteous thanked Ms. Bradley for her work on drafting the proposed ordinance, which could address one of the issues. The ordinance would allow individuals who are active in the community, but registered to vote elsewhere, to participate in debt-related decisions. She appreciated that the proposal would formalize the opportunity for property owners to participate.
- R. Thurston (Spring Street): Ms. Thurston thanked the Town Council for holding numerous discussions to address the concerns. As a property owner and taxpayer, she appreciated how the Council listened, facilitated dialogue, and worked to identify the specific issue the town is trying to solve. However, she expressed that, since the Commonwealth already has regulations governing how towns operate, she wished the town didn't have to go through the process of creating measures like the proposed ordinance or incurring legal fees for its development. While she believed the



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ordinance might be the best solution, she wished it were unnecessary, given existing regulations.

- J. Brabrand (on behalf of ICN): ICN supports the idea of the ordinance, which would allow consideration of input from all property and business owners.
- M. Smith (Lancaster Road): Mr. Smith believed that if there is an intended use for the proposed Ordinance, that it should be clarified. He also shared his perspective that because the Ordinance is not binding, it did not really matter whether property owners or business owners could participate.
- J. Taylor (Westham Circle): Mr. Taylor repeated comments about property owners and guarantors of any indebtedness. He asked that Council make sure that there is some way of seeing what the property owners think.
- C. White (Chases Cove Lane): Mr. White pointed out that the discussion about a threshold percentage for allowable debt could be interpreted as applying to each year or per project, but it wouldn't limit cumulative debt. He also requested that the Council consider surveying all property owners, not just residents, to gather their input on what they would want.
- R. Camillo (King Carter Drive): Ms. Camillo expressed concern with the wording of the ordinance, particularly the provision allowing business owners to have a say in assuming debt, noting that business owners may change over time. Nevertheless, she recognized and appreciated the Council's attention to the matter.
- Mayor Harris reminded the Council that the original petition called for a binding commitment. She also recommended that the Council vote to adopt the 0.5% threshold in the ordinance to ensure it reflects the figure with which the Council is most comfortable.
- Ms. Bradley confirmed with the Town Attorney, Ms. Kemp, that it was not possible for the ordinance to be binding.
- Ms. Bradley and Ms. Schaschek reminded everyone that the 0.5% threshold was discussed in a previous meeting.
- Ms. Westbrook stated that she didn't believe the ordinance would provide the public with anything beyond what is already available, such as Town Halls, which are already a part of the process. However, she thought a written survey of property owners would be a valuable action to take before passing the Ordinance.
- Further discussion focused on the measures already taken to gather public input on the Ordinance, the process it would establish, and the concept of surveying property owners. The discussion also touched on potential survey methods and whether business owners should be included. This led to the following motion.



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Motion made by F. Westbrook to table the proposed Ordinance 2024-14 in order to design and administer a survey to be sent to all property owners (as represented in the Lancaster County Landbook). Discussion of the survey would be held during the Town Council's February workshop.

Seconded by M.C. Bradley.

Roll call vote:

B. Schaschek, no

F. Johnson, no

M. C. Bradley, no

P. Robinson, no

F. Westbrook, yes

W. Nunnally, absent

Motion did not pass. 1-4-1.

Joint Public Hearing

Roll Call for Planning Commission

Members Present: T. Chapman, J. Taylor, S. Strait, R. Camillo, and M. Smith

Absent: R. Fuller and D. Clarke

- Proposed ordinance amendment to allow the use of feather signs under certain conditions – 1st Reading.

Public Comments:

- G. Kuper (Hayden Hall): Mr. Kuper acknowledged the town's debt of gratitude to the requester of the feather sign amendment but expressed opposition to allowing feather signs, citing concerns that they would detract from the town's appearance.

- Ordinance amendment repealing Chapter 120, eliminating the Business License Permit requirement, and amending Chapter 34 and 154 to remove Short Term Registry exemptions, and clarifying the Town's authority for Short-Term Rental regulations – 1st Reading.

Public Comments:

- Ms. Bradley asked for clarification. It was confirmed that if the proposed ordinance passes, Short Term Rental owners would still need to register their STR property and pay the \$50 fee. However, the ordinance would eliminate the requirement for other businesses to register for a business license.

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- Conditional Use Permit application #Pyle.2024 (122 Edgewood Lane) – 1st reading.

Comments:

- M. Headley (Edgewood Lane): Ms. Headley asked if the town taxes STR properties. Ms. Bradley answered that the town does this through the occupancy tax. Ms. Headley asked if the town has researched the impact of STRs on property values in Irvington. The Zoning Administrator noted that he did not know of a specific way to identify how the STRs in Irvington had impacted the town's property values.

G. PUBLIC COMMENT

Comments from citizens on any topic.

- H. Sheehan (on behalf of the Irvington Village Improvement Association): Ms. Sheehan provided an update on the 2024 Farmers Market, highlighting its successful year. The market has consistently been recognized as the number one farmers' market in Eastern Virginia by Virginia Living Magazine. In 2024, the market featured 150 unique vendors, with an average of 83 vendors per market day. Attendance ranged from 500 to 1,000 people per event. Vendor participation grew by 15% from 2023 to 2024, with 34% of the vendors being new. The market was supported by 25 volunteers from the VIA at every event. VIA-sponsored activities fostered strong community engagement and social cohesion. Looking ahead, 2025 will mark the 25th anniversary of the market. However, one recurring issue has been the lack of adequate restroom and hand-washing facilities. While improvements are not expected in the short term, Ms. Sheehan requested that the council consider issuing a bid or arranging for new units, with a focus on ensuring regular cleaning and restocking.
- S. Kimmeth (on behalf of the Irvington Village Improvement Association): Mr. Kimmeth noted that he had distributed the events schedule for 2025 and asked for Council to vote to accept the events.
- B. Schaschek (Town Council): Ms. Schaschek noted that the proposed event schedule had a Farmers' Market set up on July 4th. She wondered if it could be done later in the day if the town had the July 4th parade. Ms. Sheehan noted that it would be discussed in the upcoming VIA board meeting.
- S. Van Saun (Pony Pasture): Ms. Van Saun inquired about several initiatives previously led by former Council Member Judith Penniman that she hopes will continue. These initiatives included ribbon-cutting ceremonies for local businesses, the December decorating contest, and the "Illuminate Irvington" event, which was held in collaboration with the IVBA. She emphasized the importance of having a representative from the Town on the committee so that the IVBA can work closely with the Town on these projects.



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- C. Elliott (King Carter Drive): Ms. Elliot discussed the planned Tides Inn fence, which will be located near her family's property, along the Inn's back-end operations. She reminded the Council of a stipulation from the 2022 Conditional Use Permit (CUP), requiring the fence to be 5 feet from the property line. Ms. Elliot had raised concerns in March 2024 about ditch digging near the property line, questioning how the fence could be built given the excavation. She emphasized that the Tides Inn was aware of the 5-foot setback requirement before starting excavation, and although the site plans did not specify the exact distance, the CUP required the setback. The Tides Inn has said that the DEQ required changes to the site, but Ms. Elliot argued this was poor planning, noting that the DEQ did not mandate the location of the drainage ditch. She asked that Council enforce the CUP guidelines.

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

- Mayor Harris provided a brief update on the state of the town, highlighting several accomplishments from 2024. These included the completion of a new section of sidewalk along Route 200, continued efforts to find a permanent solution for the Town Office while securing a favorable rental property, the successful update and adoption of the town's Comprehensive Plan, the approval of a new Code of Conduct, and ongoing work to enhance the Town Commons. The Council also continued discussions with Kilmarnock regarding the potential extension of sewer services to Irvington. Additionally, several new businesses opened in town, and progress was made on a draft revision of the Irvington Charter. The Illuminate Irvington event was expanded, featuring an additional tree and more activities.

I. REPORT FROM TOWN ATTORNEY, *K. Kemp*

- Mayor Harris introduced Ms. Kemp as the Town's newly assigned lead attorney from Sands Anderson.

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

- No report.

K. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek & M.C. Bradley*
 - Ms. Bradley noted that the Budget and Finance Committee met on January 6, 2024. The minutes from this meeting have been posted to the Town's website for public viewing. Ms. Bradley also reviewed the budget as of December 31, 2024. For revenue, she noted that to date, the town had collected 74% (\$439,942.54) of projected revenue. For Operating Expenses to date, only 33% (\$137,487.42) of projected operating expenses had been



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spent. This includes Professional Services at \$30,397.25, or 52% of the projected costs, with legal services slightly exceeding the projected amount at 54%.

- Related to the Capital Budget, \$148,884.50 has been spent from the Capital Budget, which had an initial allocation of \$521,000, leaving a balance of \$41,271.
 - The Committee will soon begin the budget process for FY 2025-2026, with one key focus on reviewing existing contracts with companies.
 - Additionally, the Committee discussed the Friends of Rappahannock grant. It was agreed that no acceptance or signing of the grant will occur until both the Budget and Finance Committee and the Town Clerk have reviewed the grant's conditions, including reporting requirements, financial matches, and in-kind matches.
- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*
 - No report.
 - H. R. Committee, *W. Nunnally & B. Schaschek*
 - Ms. Schaschek reported that they are in the process of updating the Zoning Administrator's job description and would come back to Council with more information in the future.
 - Facilities Committee, *P. Robinson & M.C. Bradley*
 - Related to celebrating recent accomplishments, Mr. Robinson mentioned the refurbished Tennis Courts and commended Judith Penniman on her work related to that project.
 - Community & Special Events Committee
 - Ms. Bradley reported that Christmas Eve was a small gathering but enjoyed by all attendees. Santa and elf provided goodie bags to humans and canines.
 - Commons Committee
 - Mr. Dyson reported that the Friends of the Rappahannock (FOR) received a large grant from DEQ and plantings for Irvington's Town Commons is a part of the grant. They will put something in front of Council for final approval. It will be in the form of a Memorandum of Understanding with the town and would be approved in February or March, depending on when FOR receives final paperwork from the DEQ. Mr. Dyson asked Council for permission to allow FOR to partner with Drew Harrigan (the Town's Landscape Designer for the Commons Master Plan), as FOR



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would need a planting and maintenance plan completed by the designer. This would be no cost to the Town because FOR will use the grant funds.

Motion made by M.C. Bradley for the Clerk to let the Friends of the Rappahannock know that Irvington Town Council has no objection to their establishing a partnership with Four Winds, LLC to support work at the Town Commons.

Seconded by P. Robinson.

Motion carries 5-0-1. Nunnally absent.

- Waterfront Committee
 - No report.
- Planning Commission Update, *T. Chapman – Chair*
 - Mr. Chapman reported that the Planning Commission is working on reviewing the 154.051 E (3) of Town Code. They proposed changes to (R-1 and R-2) and made a motion to recommend the changes to the Town Council.
 - Current: Agricultural with conditional use permit, but not to include the raising of animals, including horses, pigs, cattle, fowl or the like;
 - Proposed: Agricultural, and/or the raising of up to 12 chicken hens or guineafowl, but not to include the raising of horses, pigs, cattle or the like.
 - Ms. Schaschek noted that her interpretation of the code was that the animals were allowed, but just did not require a CUP. Mr. Robinson also noted that more than one section of the code makes reference to animals, and all of the places in the Town Code need to be made consistent. Mr. Chapman agreed PC would be looking across the full town code and concluded that PC would send the proposal to the Ordinance Committee so that the Town Council can interpret further.
 - Mr. Chapman continued by reporting that the PC was reviewing code about accessory buildings or structures and made a motion to recommend new language to the Town Council.
 - New definition, as noted in the handout: Outdoor Kitchen: A kitchen for the preparation, cooking and/or serving of food or drink. It is to be open on at least three sides.
 - Proposed new language for 154.051 E (10): Accessory Buildings and Structures and permitted uses are further defined hereinafter. However, garages or other accessory structures such as carports, porches, and stoops attached to the main building are considered to be a part of the main building. An Accessory Building other than



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carports and garages, of up to 300 sq. ft. of floor area and no more than 15 ft in height is permitted, but must be at least 10 feet from the side property line, at least 35 feet from the rear property line and at least 100 feet from the mean highwater line of a lot on a creek except docks and bulkheads. An Accessory Building other than carports and garages, of more than 300 sq. ft. and up to 700 sq. ft. of floor area and no more than 20 ft in height is permitted, but must be at least 25 feet from the side property line, at least 50 feet from the rear property line and at least 100 feet from the mean highwater line of a lot on a creek except docks and bulkheads. The total floor area of all Accessory Buildings and structures, excluding swimming pools and tennis courts, shall not exceed 25% of the rear yard area. Accessory Buildings are not dwellings and may not be used for rental or similar purposes but may include an Outdoor Kitchen but no sleeping accommodations or indoor kitchen

- For 154-106, the Planning Commission recommended new language, as follows:
 - Current: In Limited District B-2, structures to be erected, not to exceed 1500 square feet area, first and second floor total, can be used for one or more of the following uses.
 - Proposed: In Limited District B-2 all uses allowed in R-1 and R-2 Districts and one or more of the following uses with a conditional use permit.
- Last, regarding public safety, Mr. Chapman reminded the Council that Planning Commission had recommended a committee that could review strategies related to traffic calming. The Planning Commission proposed the Town Council appoint a committee to address this issue with two Planning Commission members and two Town Council members. The Planning Commission nominated Robin Camillo and Marston Smith.

L. OLD BUSINESS

- Revised estimate for painting in Irvington (Commons gazebo, playground, and curbs).
 - Mr. Robinson asked and it was confirmed that the reference to the “jungle gym” in the quote was intended to reflect all the playground equipment and not just the one piece. In conversations with the painter, the Zoning Administrator had been clear his figure should reflect the cost of painting all metal at the playground. The Town Staff agreed that they would ensure the language was updated in the final version of the contract before the Mayor signed the contract.



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Motion made by P. Robinson to accept the revised bid from Creative Touch Painting (with appropriate changes as noted above).

Seconded by M.C. Bradley.

Motion carries 5-0-1. Nunnally absent.

- Administrative changes to the CUP process.
 - Tabled.
- Tides Inn fence location.
 - Mr. Nelson reported that the Tides Inn had proposed that the fence be placed on the property line, but otherwise meet the conditions the Council added to the original CUP (height, length, etc.).
 - Ms. Schaschek asked why the Town Office would not enforce the full aspects of the CUP.
 - Mr. Nelson reported that the DEQ has told the Tides Inn that the fence cannot go in the swale. Council directed the Tides Inn to propose a solution and the proposal that came in was to move the fence to the property line.
 - Ms. Westbrook asked who determined where the swale would be located.
 - Mr. Robinson reported that he had been on Panning Commission when the drawing was approved by Council, and remembered that the swale was on the drawing, but Council brokered a 5' set back of the fence.
 - Ms. Schaschek noted that the swale got bigger than what was on the original plans, and from her perspective the solution from the Tides Inn still needs to meet all the conditions of the CUP. The proposal to move the fence to the property line would not meet the original CUP conditions.
 - Mr. Johnson asked what the recourse would be if the Tides Inn did not follow the CUP.
 - Mr. Nelson believed that the next step would be to notify the Tides Inn that their proposal did not meet the conditions, and that would be enough for them not to proceed with putting the fence on the property line.
 - Ms. Bradley further explained the role of the Town Council was to give the Tides Inn notice that their proposal did not meet the conditions and to ask them to come back with another idea.

Motion made by M.C. Bradley to instruct the Zoning Administrator to inform the Tides Inn, via written communication, that their suggestion to put the fence on the property line is not in conformance with the intent of the condition and that they need to come back to Town Council with another suggestion.

Seconded by B. Schaschek.



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Discussion continued:

- Mr. Robinson asked what the 5' set back was intended to accomplish.
- Ms. Elliot gave history and explained that it was intended to make room for plantings that would create a screen and absorb sound.

Motion carries 5-0-1. Nunnally absent.

M. NEW BUSINESS

- Motions or recommendations by Town Council Committees.
 - Ms. Bradley recommended that the Mayor consider moving the date for the FOIA/COIA training with the Town Attorney, to place the training in the first two months of new Council Members' terms in order to meet the statutory requirements for compliance. In conversation, it was decided that the state requirement on FOIA training could instead be met by Council simply by viewing (or attending via webinar) the materials available online with the Virginia Freedom of Information Advisory Council. (Note – the Clerk provided this link after the meeting). Meanwhile, the Mayor discussed that it was her intent for the March training to be more of an overview and question/answer session about a couple of items (related to FOIA).
 - Ms. Bradley recommended that the Council consider eliminating committees (except for Budget and Finance, and Human Resources) and instead establish a standing monthly workshop on a separate day from the regular Council meetings. This would allow the full Council and the public to stay fully informed on ongoing issues. During the discussion, it was clarified that workshops do not require a quorum, but are open to the public. They could serve as a platform for reporting on activities, allowing the regular meetings to focus more on hearings, new business, and old business.

Motion made by P. Robinson to accept the dates as proposed by Mr. Kimmeth for the Village Improvement Association's activities.

Seconded by F. Westbrook.

Motion carries 5-0-1. Nunnally absent.

Motion made by P. Robinson to appropriate \$13,000 (from Capital Expenses: Commons) for the Creative Touch Painting Co, Inc bid to paint the gazebo, playground, and curbs.

Seconded by F. Westbrook.

Motion carries 5-0-1. Nunnally absent.



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- Review of Town Financial Policy.
 - Ms. Bradley reported that the B&F committee updated the previously adopted policy to reflect changes in processes and town staff.
 - She welcomed written suggestions as well as discussion and noted that the committee was happy to have a workshop to discuss it further if that would be most efficient.

Motion made by M.C. Bradley to request that the Town Attorney and Town Treasurer review the Town Financial Policy and send written feedback by February 14, 2025.

Seconded by F. Johnson.

Motion carries 5-0-1. Nunnally absent.

- Request from the Steamboat Era Museum to reserve the Commons for the Crab Festival on September 20, 2025.

Motion made by M.C. Bradley to approve the Steamboat Era Museum's request to reserve the Commons for the Crab Festival on September 20, 2025.

Seconded by B. Schaschek.

Motion carries 5-0-1. Nunnally absent.

- Appointment of Town Officers:

Motion made by M.C. Bradley to appoint Charles Dyson to serve as Town Clerk.

Seconded by B. Schaschek.

Motion carries 5-0-1. Nunnally absent.

Motion made by M.C. Bradley to make Kelly Kemp, or her designee from Sands Anderson, be appointed as Town Attorney.

Seconded by B. Schaschek.

Motion carries 5-0-1. Nunnally absent.

Motion made by M.C. Bradley to make Jay Sanudo, or his designee from Robinson, Farmer, Cox Associates, be appointed as Town Treasurer.

Seconded by B. Schaschek.

Motion carries 5-0-1. Nunnally absent.

Motion made by M.C. Bradley to make Justin Nelson be appointed as Code Enforcement Officer (as titled in the Town Charter, but also known as the Zoning Administrator).



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Seconded by P. Robinson.

Motion carries 5-0-1. Nunnally absent.

Motion made by M.C. Bradley to appoint P. Robinson as Vice Mayor.

Seconded by F. Johnson.

Motion carries 4-0-2. Nunnally absent. Robinson abstained.

N. ANNOUNCEMENTS

- Request to rank 2025 priorities.
- The Town Office will be closed on January 20, 2025 in observance of both Martin Luther King, Jr. Day and Inauguration Day.
- Next Town Council Meeting, February 13, 2025: 6:30 p.m. at Irvington Baptist Church.

O. ADJOURN – 8:46 p.m.

Motion made by P. Robinson to adjourn.

Seconded by F. Westbrook.

Motion carries 5-0-1. Nunnally absent.



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The Summary Minutes of the January 9, 2025 Town Council Regular Called Meeting were approved at the Town Council Regular Called Meeting of February 6, 2025. Motion made by B. Schaschek. Seconded by P. Robinson.

	Yea	Nay	Absent
M.C. Bradley	X		
F. Johnson	X		
W. Nunnally	X		
P. Robinson	X		
B. Schaschek	X		
F. Westbrook	X		

Julie W. Harris, Mayor

Attest:

Charles Dyson, Town Clerk