



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

AGENDA –

A. CALL TO ORDER – 6:37 p.m.

B. ROLL CALL

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

Motion made by F. Westbrook to approve Mr. Nunnally attending the meeting remotely for health reasons.

Seconded by P. Robinson.

Motion carries unanimously.

C. APPROVE AGENDA

Motion made by F. Westbrook to approve the agenda, with one amendment to remove the Tides Inn Presentation.

Seconded by P. Robinson.

Motion carries unanimously.

Motion made by M.C. Bradley to postpone the public hearing on the Crone.2025 Conditional Use Permit (CUP).

Seconded by B. Schaschek.

- Ms. Bradley explained her motion by expressing concern that the Town's CUP form asks for the signature of the owner, or a certification that the owner grants agency to the applicant to apply for the CUP. In the case of the property in question, the signer of the application was an individual in the process of purchasing the property (but who was not yet the owner).
- Mr. Robinson mentioned that it is common for a buyer to submit a CUP application before closing to determine whether a property's potential use is permissible prior to completing the purchase. He also pointed out that there is precedent for the Town to consider readings on other properties before closing.
- Ms. Kemp, reviewing the CUP application online, noted that it must be fairly common for someone other than the owner to complete the application. She pointed out that the Town could interpret the buyer who signed the application as



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an 'agent' of the owner, as this option is provided on the form.
Motion failed 1-5-0.

D. APPROVE MINUTES

Motion made by B. Schaschek to approve the January 9, 2025 Town Council Regular Called Meeting Minutes.

Seconded by P. Robinson.

Motion carries unanimously.

E. FINANCIAL REPORT

- Treasurer's Report was accepted.

F. PUBLIC HEARING

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

Joint Public Hearing

- Conditional Use Permit application #Crone.2025 (STR at 31 Spring St) - 1st Reading

Public Comments:

- Mayor Harris asked if there was a local contact named for the proposed STR. Mr. Nelson answered that there was (M. Getoff).
B. Schaschek: Ms. Schaschek requested that the form be completed properly, with the current owner signing the application (or proof that the sale went through) before the final vote by Council at the March 13 meeting.
- Following discussion, Council asked Mr. Nelson to ensure that the buyer provides either proof of purchase or an agreement from the owner authorizing the buyer to act as an agent before the CUP is voted on in March.

G. PUBLIC COMMENT

- Comments from citizens on any topic.
 - G. Kuper (Hayden Hall): In his comments on proposed Ordinance Amendment #2024-14, Mr. Kuper expressed that it serves as a good stopgap measure. However, he pointed out that the feedback provided during the previous meeting did not seem to be reflected in the new draft



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circulated for the second reading, specifically regarding the inclusion of input from individuals who are unable to attend town hall meetings in person. He emphasized that this is important, given the significant number of absentee voters and older adults who may have difficulty attending meetings.

Regarding the Resolution to initiate a potential agricultural zoning amendment for farm animals, Mr. Kuper expressed uncertainty about whether it effectively addresses the issue. He also noted that numbering individual chickens and guinea fowl may not be the most reasonable approach. Instead, he suggested focusing on what constitutes a proper community for residential fowl, considering that these animals are social creatures that require a supportive environment for good health.

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

- The Mayor noted that the Deputy Report would be produced as a quarterly item moving forward. The March Council meeting would include the next updated Deputy Report.

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

- No report.

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

- Related to permits, Mr. Nelson noted that there is an application for an addition to the home at 104 Steamboat Road; and a dead tree removal in the Resource Protection Area (RPA) at 1172 King Carter Dr.
- Mr. Nelson also stated that two Short Term Rental properties had been removed from the town's list of active STRs as they have been transferred to long term rental properties. Two new STR applications were in process and the present count of active STRs in town is 30 (cap is 35).

K. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek & M.C. Bradley*
 - No report.
- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*
 - No report.
- H. R. Committee, *W. Nunnally & B. Schaschek*
 - Having a closed session to discuss some items later.
- Facilities Committee, *P. Robinson & M.C. Bradley*
 - Mr. Robinson noted that the conversation around sewer issues that Lancaster County had been conducting with facilitation and funding from



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the Environmental Protection Agency (EPA) was paused due to changes in the Presidential Administration and potential changes in federal funding.

- Mr. Robinson also noted that the grass around the new sidewalks would be seeded in the spring.
- Community & Special Events Committee
 - No report.
- Commons Committee, *W. Nunnally*
 - No report.
- Waterfront Committee
 - No report.
- Planning Commission Update, *T. Chapman – Chair*
 - Mr. Chapman noted that the Pyle 2024 CUP for an STR at 122 Edgewood Lane was unanimously recommended by the Planning Commission for approval by the Town Council.
 - Regarding the proposed sign ordinance amendment, regarding feather signs, the Planning Commission unanimously recommended approval by Town Council.
 - Regarding the 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, the Planning Commission unanimously recommended approval by Town Council.
 - The Planning Commission recommended revising the policy on Conditional Use Permit (CUP) approvals to minimize delays for opening B-1 zone businesses. The Commission asked the Town Council to approve a policy that would allow the Zoning Administrator to permit building owners to apply for a CUP without identifying a specific business. This change would provide businesses with greater flexibility while still aligning with the Town's CUP ordinance.
 - Mr. Chapman noted that there were a number of changes to the 154 section of the town code that were on the agenda for initiation, as recommended by the Planning Commission last month. There are other minor cleanup changes the Planning Commission also plans to recommend. The PC recommends that the next step is for the PC to work with the Town Clerk to come up with a revised 154 for review by the Town Attorney that would then go through the 15.2-2204 public hearing and approval process.
 - Mr. Chapman noted that the Planning Commission previously proposed the Town Council appoint a committee to address the issue of traffic calming with two Planning Commission members and two Town Council



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members. The Planning Commission nominated Robin Camillo and Marston Smith. They feel this effort should be a Town Priority.

L. OLD BUSINESS

- Ordinance Amendment #2024-14.uc: Proposed ordinance adopting policies and procedures for incurring significant debt – 2nd reading and vote.

Motion made by P. Robinson to accept and approve Ordinance Amendment #2024-14.

Seconded by F. Johnson.

- During the discussion, Ms. Westbrook reiterated her opposition to Ordinance #2024-14. She also pointed out that the Council had previously agreed that input from all property owners should be part of any process involving the incurrence of debt. She believed that only a survey would effectively reach all property owners and expressed a desire to see this component added to the proposed ordinance. Ms. Westbrook concluded by stating that she felt the ordinance did not offer the public anything beyond what is already required by the state.
- Ms. Schaschek agreed with Mr. Kuper's earlier comment that the ordinance is designed to ensure the Council provides all property owners and businesses an opportunity to offer feedback before taking on debt. She proposed adding a requirement that all property owners receive notice of the date and time when they can make public comments regarding any vote on incurring debt. Additionally, she suggested that the notice include instructions for submitting feedback in writing for those unable to attend.
- Council also discussed sending a letter to everyone listed in the landbook, requesting that individuals provide their email addresses to help build the town's contact list.
- Mr. Nunnally reiterated his opposition to the proposed ordinance, stating that it fails to provide the town with a binding role in the decision-making process, which he believes does not align with the public's wishes.
- Mayor Harris agreed with Ms. Westbrook and Mr. Nunnally, noting that the proposed ordinance did not seem to provide the public with anything beyond what is already required. She emphasized that the public had expressed a desire for a process that would allow them to participate in the decision to incur debt in a binding manner.

Motion made by P. Robinson to amend his motion and add a provision to the proposed ordinance (section 6) that said "no less than 30 days prior to the mandated public hearing, the town office shall communicate the details of the proposed project, by letter or email, to all landowners as documented in the landbook.

Seconded by B. Schaschek.



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Roll call vote (regarding the amendment to the proposed ordinance):

B. Schaschek, yes
P. Robinson, yes
M.C. Bradley, yes
W. Nunnally, no
F. Johnson, yes
F. Westbrook, yes

Motion carries 5-1-0.

**Renewed motion made by P. Robinson to approve Ordinance
Amendment #2024-14.**

Seconded by F. Johnson.

Roll call vote:

B. Schaschek, yes
P. Robinson, yes
M.C. Bradley, yes
W. Nunnally, no
F. Johnson, yes
F. Westbrook, no

Motion carries 4-2-0.

- Ordinance Amendment #2024-13.uc: Proposed ordinance amendment to allow the use of feather signs under certain conditions – 2nd reading and vote.

Motion made by P. Robinson to approve Ordinance Amendment #2024-13.

Seconded by B. Schaschek.

- In discussion, Mr. Johnson asked how the conditions in the ordinance were developed and Council agreed that the Planning Commission had developed those as a part of its recommendation for the proposed amendment.
- Mr. Robinson mentioned that although he had initially opposed the use of feather signs, there were already instances, such as at the polling station on Election Day, where they were used despite being prohibited under the current ordinance. Given the challenges in enforcing a complete ban, he believed it would be more effective to allow them under certain conditions.
- Ms. Schaschek argued that there may be single isolated uses of the signs that happen, but that their more widespread use would cheapen the look of the town.
- Mayor Harris wondered if the language might be redundant or contradictory, in that the wording discussed feather flags twice (where it



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stated they were not allowed, but separately said they were allowed under certain exceptions).

Motion made by M.C. Bradley to strike the word “feather flag” from item three in Ordinance Amendment #2024-13.

Seconded by F. Johnson.

Motion carries unanimously.

Roll call vote (on motion made by P. Robinson to approve Ordinance Amendment #2024-13):

B. Schaschek, no

P. Robinson, yes

M.C. Bradley, yes

W. Nunnally, no

F. Johnson, yes

F. Westbrook, no

J. Harris, yes

Motion carries 4-3-0 with Mayor Harris as casting vote.

- Ordinance Amendment #2024-12.uc: 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 – 2nd reading and vote.

Motion made by M.C. Bradley to adopt Ordinance Amendment #2024-12.

Seconded by B. Schaschek.

- In discussion, Mayor Harris asked Ms. Kemp if she agreed with the way that Mr. McRoberts packaged the changes together.
- Ms. Kemp stated that the way that it had been packaged was the way that it would need to be passed. While Council could make minor adjustments to the proposed ordinance before they elected to adopt it, they could not make material changes from what was advertised.

Roll call vote (to adopt Ordinance Amendment #2024-12):

B. Schaschek, yes

P. Robinson, yes

M.C. Bradley, yes

W. Nunnally, yes

F. Johnson, yes

F. Westbrook, yes

Motion carries unanimously.



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- Conditional Use Permit application #Pyle.2024 (122 Edgewood Lane) – 2nd reading and vote.

Motion made by M.C. Bradley to approve Conditional Use Permit application #Pyle.2024.

Seconded by F. Westbrook.

- Mr. Nunnally asked if the town or the applicant is responsible for notifying the adjoining property owners. Mr. Nelson answered that the applicant has the option of having the town do it. If they do not ask the town, then Mr. Nelson requires that they provide proof that they have sent the notifications out.
- Mr. Nunnally expressed a concern that his property is within the distance where he should have received a notification, but he did not.
- Ms. Westbrook suggested that the town make sure it does the actual mailings in the future, to ensure that it is done properly. Mr. Nelson agreed to make this a procedural change.

Roll call vote (Conditional Use Permit application #Pyle.2024):

P. Robinson, yes

W. Nunnally, no

M.C. Bradley, yes

B. Schaschek, yes

F. Westbrook, yes

F. Johnson, yes

Motion carries 5-1-0.

- Partnership with Friends of the Rappahannock (FOR) – update on tree planting project.
 - Mr. Dyson gave an update on the proposed partnership and presented to Council a draft of a Memorandum of Understanding (MOU) for work that FOR would conduct to plant approximately 55 trees on the Town Commons.
 - Ms. Bradley requested that the town office ask FOR to revise the MOU by rewording bullet four under 'What the Town of Irvington agrees to.' She felt the original phrasing was unclear and suggested it could be interpreted as the town committing to pay for tree maintenance. Instead of stating that the town would enter into a maintenance agreement, she proposed rewording it say: “The town agrees not to remove a healthy tree within ten years and agrees to actively maintain the trees.”



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Motion made by M.C. Bradley to give the Mayor license to sign the Memorandum of Understanding with Friends of the Rappahannock, pending legal review and a modification of bullet four in the MOU under what "the Town of Irvington agrees to" to reflect what was discussed by Council.

Seconded by P. Robinson.

Motion carries unanimously.

- Tides Inn Fence
 - Mr. Nelson gave a brief update to say that it appeared that the Tides Inn was close to developing a resolution that would be satisfactory to both the Tides Inn and its neighbors.
- Resolutions of Initiation
 - Ordinance amendments to section 154.051 E (3) (Farm animals), as well as revised language for Section 90 Paragraph 19, 22 and 35.
 - Mr. Robinson asked if the Council would like to give the Planning Commission any guidance on what they wanted to see with regard to this potential amendment.
 - Ms. Bradley stated that she would like to see it written where it did not give a number of chickens or fowl, but instead give guidelines on what would be a reasonable residential herd.
 - Ms. Schaschek noted that the state has guidelines related to Ms. Bradley's request and that the ordinance could be worded to fall in line with those guidelines.
 - Ms. Bradley asked that the proposed ordinance reference the state code.
 - Further discussion focused on whether the current ordinance prohibits farm animals, such as horses, in R-1 and R-2 zones, or if they are allowed but exempt from requiring a Conditional Use Permit. Mr. Chapman clarified that the Planning Commission's interpretation of the ordinance is that the listed farm animals are prohibited.
 - Ms. Bradley asked Mr. Chapman if the Planning Commission might be willing to look at the wording of the state code with regard to animals and see if they would reference it and/or bring back a recommendation that takes the state code into account. Mr. Chapman said yes.
 - Mr. Robinson asked if the Council was in favor of banning animals in residential areas. The consensus was that Council members did not wish to prohibit residents from keeping animals, recognizing



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that the commercial raising of animals in R-1 and R-2 zones would already be prohibited, as it would be considered a business.

**Motion made by P. Robinson to adopt the Resolution.
Seconded by W. Nunnally.
Motion carries unanimously.**

- Ordinance amendment to revise code Section 154.051 E (10) (Accessory Structure revisions, including outdoor kitchens).

**Motion made by P. Robinson to adopt the Resolution.
Seconded by M.C. Bradley.
Motion carries unanimously.**

- Ordinance amendments to revise code Section 154.106 (B-2 Structures - removing the square footage requirement).

**Motion made by P. Robinson to adopt the Resolution.
Seconded by F. Westbrook.**

- In discussion, Ms. Schaschek wondered why the town would want to remove the square footage limit from the code.
- Ms. Westbrook concurred that she believed there ought to be a limit. She wondered if the current ordinance has a percentage requirement of how much space a building can fill in a lot.
- Mr. Chapman explained that the purpose of the B-2 zoning was to create a buffer, but the B-2 category is not usable in town due to the square footage requirements.

Motion carries unanimously.

M. NEW BUSINESS

- Motions or recommendations by Town Council Members.

Motion made by P. Robinson to accept the Planning Commission's recommendation for a procedural change related to the CUP process, to allow the owner of a property to apply for multiple uses of a property as a part of a Conditional Use Permit application.

Seconded by M.C. Bradley.

- During the discussion, Ms. Schaschek expressed concerns about allowing people to apply for multiple types of businesses at once.



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- Ms. Bradley did not have an objection to the change of process, as she believed that Council would still have the opportunity to put individual conditions on individual CUP applications.
- Ms. Westbrook explained that the CUP process helps the town assess parking needs, which vary by business. Therefore, she preferred that the town not accept applications for businesses without specifying the potential business on the application.
- Mr. Chapman explained that if the process change is approved by the Council, it would streamline operations for the Town Office. However, the Council would still review each application on a case-by-case basis to determine whether it meets their standards. In cases where multiple businesses with different parking needs are listed on the same CUP application, he noted that the Council could choose not to approve the application if the parking requirements aren't met for all businesses, or they could impose conditions specific to each business listed.
- Further discussion followed, revealing that the Council was uncertain about their position on the proposed procedural change.
- **The motion was withdrawn and tabled, with the Council expressing a desire for more clarity on the issue before voting.**

Motion made by B. Schaschek to purchase cell phones and plans for the Zoning Administrator and the Clerk.

Seconded by M.C. Bradley.

Motion carries unanimously.

Motion made by M.C. Bradley to request that Council allow Bradley, as a member of the Budget & Finance Committee, to make contact with VA Local Government Finance Corporation. This would be for seeking additional information on possible services they could offer the town and costs to support: (1) transitioning to more web-based books, (2) providing information to assist in developing financial policy, and (3) developing a capital budget plan including and understanding the variety of financing options that might exist for different capital projects. This includes asking about the \$7,000 grant the organization provides and whether it would support this type of work.



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**Seconded by F. Johnson.
Motion carries unanimously.**

**Motion made by M.C. Bradley to request that Bradley, as member of the Facilities Committee, make contact with Christina Bonini (cbonini@allianceforthebay.org) and Rick Mittler (rmittler@allianceforthebay.org) regarding the Alliance for the Chesapeake Bay Stormwater Technical Assistance for VA Towns program.
Seconded by F. Johnson.
Motion carries unanimously.**

- Request from the VIA for use of the Town Commons on July 3, 2025 for the Military Band Concert.

**Motion made by F. Westbrook to approve the VIA's request.
Seconded by P. Robinson.
Motion carries unanimously.**

- Tri-Way Trails representative for Irvington.
 - Mr. Dyson noted that the Tri-Way Trails had asked for the Town of Irvington to identify a point of contact for Irvington, to serve as a liaison on the project. Mr. Nelson volunteered to serve in that role. Council had no objection to Mr. Nelson serving in this capacity.

- Resolution to make Phil Robinson a bank signatory for the town.
**Motion made by M.C. Bradley to adopt the resolution making P. Robinson, as Vice Mayor, a bank signatory for the town.
Seconded by F. Johnson.**

Roll call vote:

F. Westbrook, yes

P. Robinson, abstained

F. Johnson, yes

M.C. Bradley, yes

W. Nunnally, yes

B. Schaschek, yes

Motion carries 5-0-1. Robinson abstained.

- Discussion related to training for Council.



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- Mr. Dyson noted that the Town Attorney would be conducting a training on FOIA, COIA and types of meetings for the Council on March 13 at 5:30. If Council had preferences for additional topics that might be covered, they were requested to let the Town Clerk know as soon as possible.
- Update on proposed ADU legislation (SB 932) in the General Assembly.
 - Mr. Nelson gave a brief overview of SB932 and noted that the original bill mandated localities to allow accessory dwelling units in all single-family residential zoning classifications with no exceptions. But, after a lot of negotiation in the General Assembly, the bill was revised to instead require localities to consider it in their comprehensive plan process. This revised form of the bill allows localities to retain their local zoning authority and was endorsed by the Virginia Municipal League.

N. ANNOUNCEMENTS

- The Town Office will be closed on February 17, 2025, in observance of Presidents' Day.
- Next Town Council Meeting, March 13, 2025: 5:30 (Workshop), 6:30 p.m. (Regular Called Meeting) at Irvington Baptist Church.

O. CLOSED SESSION pursuant to State Code §2.2-3711(A)(1) for discussion related to town personnel.

- A resolution to go into closed session, pursuant to State Code §2.2-3711(A)(1), was presented by Mayor Harris.
- Resolution passed by unanimous vote.

A. 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, Bonnie Schaschek, so certify.

I, Frederick Johnson, so certify.

I, Mary Cary Bradley, so certify.

I, Phil Robinson, so certify.

I, Frances Westbrook, so certify.

I, Wayne Nunnally, so certify.



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I, Julie Harris, so certify.

Motion made by B. Schascheck to change Justin Nelson's employment contract to make him a Town Administrator with a salary increase of \$6,000 effect 2/1/25.

Seconded by W. Nunnally.

Motion carries unanimously.

Motion made by P. Robinson to accept the resignation of Bonnie Schascheck from Town Council, effective March 13, 2025, and to thank her for her many years of service to the town.

Seconded by M.C. Bradley.

Motion carries unanimously.

P. ADJOURN

Motion made F. Westbrook to adjourn.

Seconded by P. Robinson.

Motion carries unanimously.