



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, DECEMBER 08, 2022; 6:30 p.m.**

A. CALL TO ORDER

B. ROLL CALL

W. Nunnally, present.
B. Schaschek, present.
J. Penniman, present.
G. del Rio, present.
J. Harris, present.
D. Patteson, present (arrived a few minutes late).
J. Brown, absent.

Staff

J. Nelson, present.
A. McRoberts, present.
L. Taylor, present.

C. APPROVE AGENDA

Motion (*W. Nunnally*) to approve Agenda.
Second (*J. Penniman*).
Motion carries 5-0.

D. APPROVE MINUTES

November 10, 2022, Town Council Regular Called Meeting Draft Summary Minutes

Motion (*W. Nunnally*) to approve 11/10/2022 minutes with amendments (specifics to be considered for materials, lighting, etc. for signs and fences) made by Gabe del Rio.
Second (*G. del Rio*).
Motion carries 5-0.

E. FINANCIAL REPORT

- Treasurer's Report/Balance Sheets 11/30/2022 are accepted.

F. PUBLIC HEARING –

- CITGO Sign: No digital signage is wanted.
- CUPHARDINGBOYD, to operate a Short-Term Rental located at 4262 Irvington Rd.
- CUPWERT, to operate a Short-Term Rental located at 67 Park Place.



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- CUPHANKY to operate a Short-Term Rental located at 882 King Carter Dr.
- CUPSMITH to operate a Short-Term Rental located at 110 Lancaster Rd.
- CUPFLYNN to operate a Short-Term Rental located at 816 King Carter Dr.

- B. Bragg: Canopy image with “eyebrow” lighting. No digital pricing on the canopy.
- N. Wert: Original purchase was for vacation rental; due to economic reasons it is now long-term rental for 15 years. Looking to convert to short term rental. The purpose of his property is in line with the comprehensive plan. Younger population have wanted to have a vacation home in Irvington due to the characteristics, and love of Irvington, etc. so having a STR supplements this.
- G. Kuper: Was going to write an opposition letter but after discussion with the zoning administrator I am not opposed, just want to ensure enforcement of the ordinances regarding STRs.
- J. Burke: Opposed to the application. Not approve any further new STRs in Vineyard Grove keeping it at 10%. Asking for the Town to be a mediator for the HOA.
- J. Grieco: We have premiere amenities in Vineyard Grove. A lot of residents are against “additional” STRs. They are fine with existing STRs. Graphic of current STRs is shown/discussed.
- C. Bradley: Nothing in the ordinance presently that limits the number of STRs in the Vineyard.
- C. Sweeney: (Edgewood Lane): Concern over notification.
- R. Thurston: We have a STR, and we are not having the same experiences as other owners.
- M. Burgess: No issues with the STR across the street. Can be a positive thing.
- P. Landers: When we closed on our property it was prior to the ordinance. We have had the intention to rent it, not always, but limited in spring/fall.

G. PUBLIC COMMENT

C. Bradley: Thanked the town for the donation to the Steamboat Era Museum.

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

- Mayor’s Cup Golf Tournament was held 12/04/2022. Mayor welcomed the participants.
- Staff, along with the Mayor, have developed a survey to solicit comments on individuals’ experience with staff.
- Thank you to Sandra Matthews, owner of Creative DeSigns of Virginia. Sandra cleaned and repainted the Welcome to Irvington signs at no charge to the Town as an honor to Bill Mitchell, former sign designer who died in early 2021. She



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facilitated the creation of a plaque to honor Jackie Burrell, long-time Irvington Town Clerk. The plaque will be put on the Commons at the base of a tree. The exact location will be decided by Council.

- Thank you to interns Judy Boyer and Nancy Kellum at the Town Office. Files are being organized according to Library of Virginia guidelines.
- Thank you to Bonnie Schaschek for many years of service on the Planning Commission and Town Council, and as Vice Mayor. A gift of Tree of Life windchimes and a card were presented.

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

- No report.

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

- New zoning permits.
- Site visit Crockett's Landing.
- Site visit renovated house on Steamboat Road.
- Map of STRs.
- Will be out from 01/13/2023 to 02/03/2023.
- CUP application for new Pilates/yoga studio at 301 Steamboat Road. It is open and is in violation of our ordinances. I don't agree that going from one approved type of business to another approved type of business, like going from a clothing store to a Yoga studio, for example, makes sense for a CUP to be necessary. How do we handle? I don't approve of shutting down the business while waiting on the CUP.

Motion (*J. Penniman*) to allow them to continue with the yoga studio as they come into compliance.

Second *Bonnie Schaschek*.

Motion passes 5-0.

K. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek*

Motion (*B. Schaschek*) to appropriate \$2,000 to Golden Eagle for Irvington's Mayor Cup.

Second (*W. Nunnally*).

Motion passes 5-0.

Motion (*B. Schaschek*) to appropriate \$525 for a lateral filing cabinet for organization of the zoning files.

Second (*W. Nunnally*).

Motion passes 5-0.



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- Charter, Codes & Ordinances Committee, *J. Brown*
No report.
- H. R. Committee, *D. Patteson*
Personnel bonuses to be discussed in closed session.
- Facilities Committee, *W. Nunnally - Chair*
AES Engineers to begin process for sidewalks in mid-December.
Broadband has installed pole and dish for WIFI, but the electrical system is out of date and a hazard. This issue will be addressed so the broadband service is not in operation yet.
- Community & Special Events Committee, *J. Penniman*
Illuminate Irvington – Successful. Thank you to the IVBA, and everyone involved.

Motion (*J. Penniman*) Steamboat Era Museum annual crab feast 09/16/2023).

Second (*G. del Rio*).

Motion passes 5-0.

- Playground Committee, *G. del Rio*
The committee expanded to include additional architects. Preliminary drawing and plans will be presented January 12, 2023, at 5:30 p.m. during a Joint Public Planning Commission and Town Council Workshop meeting.
- Planning Commission Update, *T. Chapman – Chair*
We recommend approval of CUPS's #2 (Stephens), #4 (Hanky), #6 (Smith), #8 (Flynn). On #3 we recommended holding until 02/23 meeting. Landers and Wert give time to work out before giving any recommendation (spot will be reserved). If there is major opposition the recommendation is to not approve.

L. OLD BUSINESS

- Stephens, to operate a Short-Term Rental located at 416 Steamboat Road.
Motion (*G. del Rio*) to grant Stephens CUP.
Second (*W. Nunnally*).
No discussion.

Roll Call Vote

W. Nunnally, yes.

D. Patteson, yes.

B. Schaschek, yes.



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J. Penniman, yes.

G. del Rio, yes.

J. Brown, absent.

Motion passes 5-0.

- Baker, to operate a Short-Term Rental located at 125 Edgewood Lane.
**Motion (J. Penniman) to put Baker CUP on hold until February 2023.
Second (W. Nunnally).**

W. Nunnally: Density needs to be considered concerning STRs.

J. Penniman: Also, quality of life for residents that live full-time in Irvington must be considered. Quality of life is different in different areas in Irvington that can be impacted by STRs.

G. del Rio: Should not spot govern. Density measure can be considered.

D. Patteson: Should be a way to create in the ordinance to prevent problems such as parking on the street, etc.

Roll Call Vote

W. Nunnally, no.

D. Patteson, no.

B. Schaschek, yes.

J. Penniman, yes.

G. del Rio, yes.

J. Brown, absent

Baker CUP Motion to put on hold passes 3-2.

- Landers, to operate a Short-Term Rental located at 89 Park Place.

**Motion (J. Penniman) to put Landers CUP on hold until April 2023 PC meeting –
withdrawn.**

Second (B. Schaschek) – withdrawn.

Motion (W. Nunnally) to deny Landers CUP due to density.

Second (J. Penniman).

A. McRoberts: This is a legislative decision and any reasonable basis for approval or denial. Can approve with conditions in addition to what is in the ordinance. Need to state what the reason is that you are denying the issue for the public to understand.



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W. Nunnally: Based on too many STRs in Vineyard Grove, density issue.
G. del Rio: Concerned that people have spent money and are in contracts totaling millions of dollars and there are 7 to be concerned about. This is unevenly applying legislation and law and unfair.

Roll Call Vote

W. Nunnally, yes.
D. Patteson, no.
B. Schaschek, no.
J. Penniman, yes.
G. del Rio, no.
J. Brown, absent.

Motion does not pass 3-2. CUP will not be denied.

**Motion (B. Schaschek) to grant Landers CUP.
Second (G. del Rio).**

G. del Rio: All requirements have been met.
J. Penniman: Density must be addressed, and changes made.

W. Nunnally, no.
D. Patteson, yes.
B. Schaschek, yes.
J. Penniman, no.
G. del Rio, yes.
J. Brown, absent.

Motion to grant Landers CUP passes 3-2.

- Ordinance re: Transient Tax.
**Motion (B. Schaschek) to accept the ordinance as written.
Second (W. Nunnally).**

Roll Call Vote

W. Nunnally, yes.
D. Patteson, yes.
B. Schaschek, yes.
J. Penniman, yes.
G. del Rio, yes.
J. Brown, absent.



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Motion passes 5-0.

M. NEW BUSINESS

- Information on CivicPlus/Municode.
Presentation was attended on 11/22/2023 (J. Harris/L Taylor) to demonstrate the services of MuniCode. This service arranges regulations and ordinances by subject and is available 24/7. Using the web tools also enables the public to look up ordinances by search words or terms. Statewide, other small municipalities ordinances can be adapted to Irvington's needs, greatly reducing the amount of time our attorney would need to research topics so we don't reinvent the wheel.

**Motion (*J. Penniman*) to use the service for 1 year.
Second (*G. del Rio*).**

Roll Call Vote

W. Nunnally, yes.

D. Patteson, yes.

B. Schaschek, yes.

J. Penniman, yes.

G. del Rio, yes.

J. Brown, absent.

Motion passes 5-0.

- Contract on Pollard Shed rental.
Flags and Christmas decorations will be stored in this shed.
- Citgo Sign.
**Motion (*W. Nunnally*) to accept application as amended with conditions (Exhibit A).
Second (*J. Penniman*).**

Roll Call Vote

W. Nunnally, yes.

D. Patteson, yes.

B. Schaschek, yes.

J. Penniman, yes.

G. del Rio, yes.

J. Brown, absent.

Motion passes 5-0.



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- CUPHARDINGBOYD, to operate a Short-Term Rental located at 4262 Irvington Road (correction, it was listed as Edgewood).

**Motion (*G. del Rio*) to approve the HardingBoyd CUP.
Second (*J. Penniman*).**

Roll Call Vote

W. Nunnally, yes.
D. Patteson, yes.
B. Schaschek, yes.
J. Penniman, yes.
G. del Rio, yes.
J. Brown, absent.
Motion passes 5-0.

- CUPHANKY to operate a Short-Term Rental located at 882 King Carter Dr.
- CUPSMITH to operate a Short-Term Rental located at 110 Lancaster Rd.
- CUPFLYNN to operate a Short-Term Rental located at 816 King Carter Dr.

**Motion (*G. del Rio*) to accept Smith, Flynn and Hanky.
Second (*D. Patteson*).**

Roll Call Vote

W. Nunnally, yes.
D. Patteson, yes.
B. Schaschek, yes.
J. Penniman, yes.
G. del Rio, yes.
J. Brown, absent.
Motion passes 5-0.

- CUPWERT, to operate a Short-Term Rental located at 67 Park Place.

**Motion (*G. del Rio*) to accept the WERT CUP.
Second (*D. Patteson*).**

J. Penniman – Questions density (wanted on record).



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Roll Call Vote

**W. Nunnally, no.
D Patteson, yes.
B. Schaschek, yes.
J. Penniman, no.
G. del Rio, yes.
J. Brown, absent.
Motion passes 3-2.**

W. Nunnally thanked B. Schaschek for her many years of service to Irvington. She will be missed.

N. ANNOUNCEMENTS

- Town Office closed from December 26, 2022, through January 1, 2023
- Next Town Council Regular Called meeting, January 12, 2022, at 6:30 p.m. at Irvington **BAPTIST** Church.
- Town Office closed Monday, January 16, 2023, for Martin Luther King, Jr. Day

O. CLOSED SESSION – under State Code 2.2-3711 A.1 to go into closed session for discussion of one-time addition to personnel salary.

**Motion (*W. Nunnally*) to one-time addition to personnel salary.
Second (*D. Patteson*).
Motion passes 5-0.**

P. RETURN TO OPEN SESSION

Certification read.

Roll Call Certification

**W. Nunnally, I so certify.
D. Patteson, I so certify.
B. Schaschek, I so certify.
J. Penniman, I so certify.
G. del Rio, I so certify.
J. Harris, I so certify.
J. Brown, absent.**

Q. ADJOURN

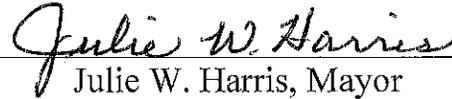
**Motion (*W. Nunnally*) to adjourn.
Second (*G. del Rio*).
Motion passes 5-0.**



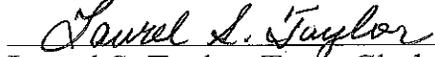
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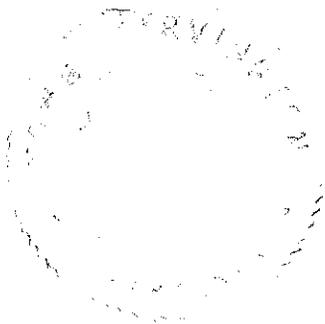
December 8, 2022 minutes were approved at the January 9, 2023, Town Council meeting. The vote was: 5-0-1

	APPROVED	OPPOSED	ABSTAINED
J. Brown	X		
J. Penniman	X		
W. Nunnally	X		
G. del Rio	X		
D. Patteson	X		
P. Robinson			X


Julie W. Harris, Mayor

Attest:


Laurel S. Taylor, Town Clerk



TOWN OF IRVINGTON
ORDINANCE AMENDMENT # 2022- 11
An Ordinance Amendment
Regarding Transient Occupancy Taxes

WHEREAS, Town Council levies a transient occupancy tax on transients staying at lodgings and accommodations in the Town of Irvington; and

WHEREAS, state laws have changed about collection and remittance of certain transient occupancy taxes; and

WHEREAS, Town Council seeks to better levy and assess transient occupancy taxes and ensure better records thereof; and

WHEREAS, the legal authority for the proposed amendment is the Town Charter and § 15.2-1427 of the Code of Virginia (1950), as amended, and the Town Charter; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Town Council of the Town of Irvington, Virginia does hereby amend the Town Code as follows:

- 1. The following amendments are hereby adopted:**

TRANSIENT OCCUPANCY TAX

§ 34.01 STATEMENT OF INTENT.

A transient occupancy tax to be collected as set forth in this subchapter, for the general good and benefit of the citizens and the town; to better the life for its citizens and, among other things, to maintain and improve its infrastructure; said funds to be allocated and disbursed as solely determined by the Town Council.

§ 34.02 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Accommodation means any public or private hotel, inn, hostelry, short-term rental, motel or rooming, boarding or lodging house within the Town offering lodging as defined in this section, for compensation, to any transient as defined in this section.

Hotel means any structure or group of structures for rent or for hire that is primarily kept, used, maintained, advertised, or held out to the public as a place

where sleeping accommodations are offered to transients in return for compensation.

Lodging means the rental of room or space to any transient for compensation, in an accommodation as defined in this section, by a lodging provider or lodging intermediary, or the occupancy of such room or space by such transient. If the charge for the accommodation made by any person to such transient includes any charge for meals, parking or other services not related to the occupancy of the room in addition to lodging or the use of such room or space, then such portion of such total charge as represents only room or space rental shall be distinctly set out and billed to such transient by such person as a separate item.

Lodging fee means the room charge less the discount room charge, if any, provided that the lodging fee shall not be less than zero dollars (\$0.00).

Lodging intermediary means any person other than a lodging provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges a lodging fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one (1) or more payment processors, between a customer and a lodging provider.

Lodging provider means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

Short-term rental means any building, structure, or unit, on the same tax parcel, sharing the same mailing address, that is used, or is intended to be used, as a residence or home for one (1) or more persons available for rent or for hire to transients.

Town Treasurer means the Town Treasurer or other person designated by the Council to administer the transient occupancy tax for the town.

Transient means any person who, for a period of fewer than thirty (30) consecutive days, either at their own expense or at the expense of another, obtains lodging for which a charge is made at an accommodation, as defined in this section.

§ 34.03 AMOUNT OF LEVY.

There is hereby imposed and levied by the town on each transient a transient occupancy tax in the amount set by Council from time to time of the charge made for each room rented to such transient. Such tax shall be collected from such transient at the time and in accordance with this subchapter and applicable state law.

§ 34.04 COLLECTION.

For any lodging not facilitated by a lodging intermediary, the lodging provider shall collect the tax levied pursuant to this subchapter from the transient, or from the person paying for the lodging, at the time that payment for the lodging is made. For any lodging facilitated by a lodging intermediary, the lodging intermediary shall be deemed to have made the sale of the lodging and is responsible for collecting the tax levied for the lodging from the transient or the person paying for the lodging, at the time that payment for the lodging is made. When the lodging occurs at a hotel, the lodging intermediary shall remit the taxes on the lodging fee to the town and remit the remainder, if any, to the hotel, which shall directly remit said remaining tax to the town. When the lodging occurs at a short-term rental, as defined in this subchapter, or any other accommodation that is not a hotel, the lodging intermediary is responsible for remitting the full amount of tax to the town. The taxes collected by any person shall be deemed to be held in trust for the town by the person required to collect them, until they have been remitted to the town as provided in this subchapter.

§ 34.05 REPORTS REQUIRED.

Every person collecting any tax levied by this subchapter shall make out a report thereof, upon such forms and setting forth such information as the Town Treasurer may prescribe and require, showing the amount of lodging charges collected and the amount of tax required to be collected thereon, and shall sign and deliver the same to the Town Treasurer together with a remittance of such tax, made payable to the Town of Irvington. If a person, including a lodging intermediary is collecting taxes from, or on behalf of, multiple accommodations, the report shall also be sufficient to identify the lodging charges and tax owed on lodging at each individual accommodation, including the accommodation's address and, in cases where a lodging intermediary is responsible for collecting and remitting the taxes, information sufficient to identify the lodging provider connected to the accommodation. Such reports and remittances shall be made on or before the twentieth of each quarter, covering the amount of tax collected during the preceding quarter; provided, however, that transient occupancy tax reports and remittances for Inns, Hotels, Motels or Tourist Houses with a valid conditional use permit shall be made on or before the twentieth of each month, covering the amount of tax collected during the previous quarter. Lodging providers shall be required to file such reports with the Town Treasurer even in the event no tax is due and regardless of whether they collected the tax or if it was done on their behalf by a lodging intermediary. All remittances received under this subchapter by the Town Treasurer shall be promptly deposited in the proper town bank account and an accounting made to Council monthly.

§ 34.06 FAILURE TO COLLECT TAXES OR MAKE REPORTS.

(a) Penalties. If any person, whose duty it is to do so, shall fail or refuse to make a report and remit the tax as required by this subchapter within the time and in the amount required, there shall be added to such tax by the Town Treasurer a penalty in the amount of ten (10) percent of such tax, or a minimum of two dollars (\$5.00), if such failure is for not more than thirty (30) days in duration.

(b) Assessment of Penalties. If any person, whose duty it is to do so, shall fail or refuse to collect the tax imposed under this subchapter and make timely report and remittance thereof, the Town Treasurer shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due. As soon as the Town Treasurer has procured such facts and

information as may be obtainable, upon which to base the assessment of any tax payable by any person who has failed to collect, report or remit such tax, the Town Treasurer shall proceed to determine and assess against such person the tax, penalty and interest provided in this subchapter, and shall notify such person by certified or registered mail sent to their last known address, of the amount of such tax, penalty and interest, and the total amount thereof shall be payable within ten (10) days from the date such notice is sent.

(c) Collection. It shall be the duty of the Town Treasurer to ascertain the name of every lodging provider and lodging intermediary providing lodging in the town, liable for the collection of the tax imposed by this subchapter, who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this subchapter. The Town Treasurer may have issued for such person a summons or warrant, which may be served upon such person in the manner and proceed as provided by law.

§ 34.07 RECORDS REQUIRED.

It shall be the duty of every lodging provider or lodging intermediary liable for taxes under this subchapter or for the collection and remittance of any tax imposed by this subchapter, to keep and preserve for the current year and the three (3) prior years such suitable records as may be necessary to determine the amounts paid for lodging, and tax thereon for which that lodging provider or lodging intermediary may have been responsible for collecting and paying to the Town. Lodging providers who have the taxes owed on their accommodation collected by a third party such as a lodging intermediary are also obligated to keep records under this section on the amounts that were collected on their behalf by said third party. All records kept under this section should be sufficient to identify each individual accommodation from which the lodging charges were collected, and the tax owed for transient stays at that accommodation, including the accommodation's address and, where taxes were collected and remitted by a lodging intermediary, identifying the lodging provider connected with the accommodation on whose behalf the taxes were collected. The Town Treasurer or other town agent shall have the right to inspect all such records at any reasonable time.

§ 34.08 DUTY OF COLLECTOR GOING OUT OF BUSINESS.

Whenever any person required to collect and remit to the town any tax imposed by this subchapter shall cease to operate or otherwise dispose of their business,

such tax shall immediately become due and payable, and such person shall forthwith make a report and remittance thereof.

2. **BE IT FURTHER ORDAINED AND ENACTED**, that this ordinance shall take effect beginning with any transient occupancy for January 2023 or the first quarter of 2023 (January, February, and March 2023), as may be applicable.

ADOPTED: *December 8, 2022*

AYES: 5

NAYS: 0

ABSTENTIONS: 0

ABSENT: 1

ATTEST: *Laurel S. Taylor*

Julie W. Harris

Mayor of Irvington, Virginia



TOWN OF IRVINGTON, VIRGINIA
Town Council Regular Meeting
IRVINGTON BAPTIST CHURCH
Thursday, December 8, 2022; 6:30 p.m.

Sign In Sheet

	Name	Address
1.	Roxanne Thurston	45 Spring St
2.	PAUL LANDERS	89 PARK PLACE
3.	Mary Kay Brndh	091 Ivy Carter
4.	Mary Burgess	22 AV RD
5.	GEORGE LUPER	Haddon Hall
6.	Bo/ Camille Bragg	72 creek view
7.	Kori Clarke	477 Thehane
8.	Marston Smith	110 Lancaster Ave
9.	F. Westbrook	395 K. Carter
10.	Carlynn & Alan Elliott	650 Spring Carter Drive
11.		
12.		
13.		



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, NOVEMBER 10, 2022; 6:30 immediately following the
Planning Commission Public Meeting on Survey Results**

AGENDA – Amended at the table December 8, 2022

A. CALL TO ORDER, 6:30 P.M.

B. ROLL CALL

B. Schaschek, here.
J. Brown, here.
W. Nunnally, here.
J. Penniman, here.
D. Patteson, here.
G. del Rio, here.
J. Harris, here.

Town Attorney: A. McRoberts present via phone.

C. APPROVE AGENDA

**Motion *W. Nunnally* to approve Agenda.
Second *D. Patteson*.
Motion carries 6-0.**

D. APPROVE MINUTES

October 13, 2022, Town Council Regular Called Meeting Draft Summary Minutes

**Motion *W. Nunnally* to approve October 13, 2022 Summary Minutes.
Second *D. Patteson*.
Motion carries 6-0.**

E. FINANCIAL REPORT

- Treasurer's Report and Balance Sheets as of Oct. 31, 2022, accepted.

F. PUBLIC HEARING – CUP APPLICATIONS

- Stephens, to operate a Short-Term Rental located at 416 Steamboat Road
- Baker, to operate a Short-Term Rental located at 125 Edgewood Lane
- Landers, to operate a Short-Term Rental located at 89 Park Place
- Pollard CUP – Café

G. PUBLIC COMMENT

J. Burke (Vineyard Grove): Opposed to Landers CUP. Disproportionate amount of STR's. Noise, traffic is of great concern.



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L. Beasley (Vineyard Grove): Opposed to Landers CUP. Limit grandfathered. Should be limited to 10%. Also expressed that noise and traffic are a concern. HOA is looking into putting restrictions.

R. Fuller: Lots of gray areas. When there are objections, what is the procedure with approval/denial. Possible law suits. Irvington has ordinance with CUP's. People have made large investments in property. We need to consider the whole town and not neighbourhoods.

B. Bragg: Question concerning how complaints are handled.

J. Brown: Listen to the homeowners.

W. Nunnally: Must balance between the complaints and the law.

A. McRoberts: Town Council has discretion to approve or not approve CUP's. Everything is taken into consideration and approve based on their knowledge and will be upheld in court.

B. Cousens (Vineyard Grove): Security was a reason for moving here. There is now an abundant amount of traffic. Vandalism is a problem.

J. Landers (Vineyard Grove): Purchased as second home. Idea of STR would help them financially. Preserving peacefulness and tranquility is everyone's objective. Notices were sent out; 6 were in support, 3 were opposed. Timing of their purchase has put them in this position.

Pollard CUP – Café

J. Penniman: Question concerning sewer system.

A. Pollard: Separate septic system just for the Café.

J. Harris: Public Hearing is closed. Public Comment is open.

G. Christrafratos: Questioning whether there are future programs or discussions regarding starting a Parks & Recreation program in Irvington. So many opportunities that could happen with a Parks & Recreation program.

C. Bradley: Questions over recent invoices for legal services. Higher than the budgeted amount. Expressed concern that someone is looking into this.

L. Taylor: Clarified the bill was for 2 months, September and October.

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

Must always follow Robert's Rules of Order.

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

Worked on Transient Occupancy Tax Ordinance. This is sort of the third-legged stool portion. Draft has been submitted. Sheriff's vehicle has not come in yet.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, NOVEMBER 10, 2022; 6:30 immediately following the
Planning Commission Public Meeting on Survey Results**

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

Two permits (pool and gazebo). New road being constructed diagonally across from Chesapeake Academy. It has been subdivided. The road exists on paper, now will be installed. 22 STR's were grandfathered, 25 denied, 1 withdrew, 3 discussed tonight and 5 expected in December.

J. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek*
Upgrade of electric on poles has been done, invoice is submitted (will come out of ARPA funds).

**Motion *B. Schaschek* for \$20,148.75 Elborn Invoice.
Second *G. del Rio*.
Motion carries 6-0.**

**Motion *B. Schaschek* to appropriate \$2,500 to Steamboat Era Museum.
Second *G. del Rio*.
Motion carries 6-0.**

**Motion *G. del Rio* to appropriate \$16,400 to AES for engineering work Section A concerning sidewalk.
Second *W. Nunnally*.
Motion carries 6-0.**

**Motion *B. Schaschek* to set aside \$130,000 for "rainy day" fund for Irvington.
Second *W. Nunnally*.
Motion carries 6-0.**

- Charter, Codes & Ordinances Committee, *J. Brown*

Should look into a codifier for town ordinances. Most towns are using Muni-Code. Presentation set for November 22, 2022, 9:30 to 10:15 a.m.

- H. R. Committee, *D. Patteson*
No report.
- Facilities Committee, *J. Brown, Co-Chair*
Internet for the Town, have to install final equipment.
- Community & Special Events Committee, *J. Penniman*
December 1 Christmas tree lighting events 4:30 – 6:00. Several activities planned.
- Playground Committee, *G. del Rio*
Broadened the committee and they met. Revenue/money will be needed. A lot of interest from Town Survey.
- Planning Commission Update, *T. Chapman – Chair*
Conditions on CUP STR.
Appropriation of \$31,324 for Phase II of EPR.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH**

**THURSDAY, NOVEMBER 10, 2022; 6:30 immediately following the
Planning Commission Public Meeting on Survey Results**

Public engagement strategies discussed.

B. Schaschek: Documentation of what this is for needs to be put together. There are sufficient funds appropriated.

K. OLD BUSINESS

- Additional Sidewalks Information for review
Already discussed.
- Discussion of Sign Ordinance
Change the wording.

Motion *W. Nunnally* for PC to review sign ordinance and make recommendations to TC to include that signage should keep the charm and character of Irvington, the materials and lighting, and how this would be done.

Second *B. Schaschek*.

Motion carries 6-0.

- Discussion of Fence Ordinance

Motion *W. Nunnally* review fence ordinance and make recommendations to Town Council.

Second *B. Schaschek*.

Motion carries 6-0.

Motion *G. del Rio* to receive recommendations from Planning Commission by March 31, 2023 regarding fence and sign recommendations. (Amended to receive specific recommendations regarding materials and lighting and other details from the Planning Commission by March 31, 2023.)

Motion by *W. Nunnally* on Dec. 8, 2022 to approve the amendments made by *G. del Rio*.

Second: (Dec. 8, 2022) – *G. del Rio*

Motion carries 5 – 0 (*Jackie Brown*, absent)

- No parking signs for Taste of the Bay event – *J. Nelson*
Concern over parking on both sides of the road and leaving the middle of the road for travel.

Motion *J. Penniman* No Parking beyond the width of the General Manager's house to Carter's Creek Road and to have signs and cones in place and offer the North Commons parking lot for use.

Second *W. Nunnally*.

Motion carries 6-0.

- Pollard_CUP Café

Motion *W. Nunnally* to approve Pollard CUP Café.

Second *J. Brown*.

Motion carries 5-1 (*G. del Rio* opposed).



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, NOVEMBER 10, 2022; 6:30 immediately following the
Planning Commission Public Meeting on Survey Results**

L. NEW BUSINESS

- EPR-PC funds
 - Appropriate funds for Phase II.
- Randall Kipp Sign application – *J. Nelson*

Motion *J. Penniman* to accept the Kipp application.

Second *G. del Rio*.

Motion carries 6-0.

M. ANNOUNCEMENTS

- Town Office closed, Friday, November 11, 2022, for Veteran's Day
- Irvington Mayor's Cup, Sunday, November 20, 2022
- Town Office closed Thursday and Friday, November 24 & 25, 2022, for Thanksgiving.
- Tree Lighting, December 1, 2022, at 5:00 p.m.
- Next Town Council Regular Called meeting, December 8, 2022, at 6:30 p.m. at Irvington **BAPTIST Church**

N. ADJOURN

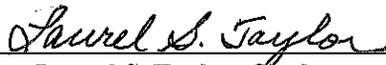
Motion *W. Nunnaly* to adjourn.

Second *J. Brown*.

Motion carries 6-0.

With noted amendments, the November 10, 2022, summary minutes were approved at the December 8, 2022 Town Council Meeting. The vote was 5 – 0 in favor, with J. Brown absent.

Respectfully submitted:



Laurel S. Taylor, Clerk



Julie W. Harris, Mayor





**TOWN OF IRVINGTON, VIRGINIA
Town Council Regular Meeting
IRVINGTON BAPTIST CHURCH**

**Thursday, November 10, 2022; immediately following Planning Commission
Public Meeting on Survey Results**

Sign In Sheet

	Name	Address
1.	Mary Cary Bradley	991 King Carter
2.	Mary Burgess	22 VARD
3.	KLARA D. SCHEIDT	394 KING CARTER
4.	Lynn Beasley	187 Park Place.
5.	Barbara Cousins	155 Park Place
6.	Joel Burke	155 Park Place.
7.	Wido Marshall	51 Westman Circle
8.	Van Cheyue	OR Haydon Hall Lane
9.		
10.		
11.		
12.		
13.		



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, OCTOBER 13, 2022; 6:30 P.M.**

AGENDA –

A. CALL TO ORDER

B. ROLL CALL

J. Penniman, here.
W. Nunnally, here.
D. Patteson, here.
J. Brown, here.
G. del Rio, here.
B. Schaschek, here.
J. Harris, here.

C. APPROVE AGENDA

Motion (W. Nunnally) to approve the Agenda.
Second (J. Brown).
Motion passes 6-0.

D. APPROVE MINUTES

September 6, Joint Public Meeting draft minutes

Motion (W. Nunnally) to approve minutes for 09/06/2022).
Second (J. Brown).
Motion passes 6-0.

September 8, Town Council Regular Called Meeting Draft Summary Minutes

Motion (G. del Rio), to approve minutes 09/08/2022).
Second (B. Schaschek).
Motion passes 6-0.

E. FINANCIAL REPORT

- Treasurer's Report

Treasurer's report and balance sheets as of 09/30/2022 is accepted.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, OCTOBER 13, 2022; 6:30 P.M.**

F. PUBLIC COMMENT

S. Kimmeth: New picnic tables to arrive in approximately 4 weeks.

L. Taylor: Halloween committee meeting was held to discuss events for 10/31/2022, 5-6:30 p.m. Costume parade instead of judging. VIA will distribute candy.

C. Elliott: Discussion concerning revisions to Tides Inn CUP.

- She agrees with the bamboo eradication procedure.
- She does not agree with the fence proposal. Requesting that an additional fence be installed from the screening fence end point to the creek to distinguish property lines.
- She expressed that the service road entrance on King Carter Drive will be a safety concern.
- She hopes that Town Council will consider all items presented before voting on the CUP to maintain the Hall/Elliott real estate value.

C. Bradley: Letter of thanks regarding the Crab Festival, 09/16/2023. Calls have been made on a regular basis regarding the dumpster. They are doing everything to get it removed ASAP.

H. Ginn: One thing that has not been addressed is a permanent entrance off Lancaster Road and we do not want this.

B. Spencer: Reiterate commercial access in a residential neighborhood is just not acceptable. Very concerned what this will do for the Town and future projects. You must consider whether you want to open this Pandora's box.

A. Brown: Overall master plan that has been presented is the Tide's Inn's long-term vision of making sure the resort remains sustainable for the future both preserving the history of the what the Tide's Inn is at the present as well as remaining relevant to draw guests from all over the country. This must include improving the facility for the guests as well as employees as well as improves the experience of the neighbors/neighborhood. We have tried to accommodate all neighbors with respect to privacy/lighting/safety/landscape, etc., while maintaining efficiency.

M. Smith: Significant items have been addressed over the last 3 months. We stand where we are for consideration. Traffic study was performed. King Carter had 1,497 vehicles; Steamboat Road had 1,100. King Carter had 28 multiple axles; Steamboat had 72. Tractor-trailers King Carter 53, Steamboat 114. Tide's Inn averages about 7 deliveries on a "July" day. So one in and one out counts as two, so that's 14 which is 26.4% of the overall truck traffic on King Carter Drive. VDOT reports shows that the highest traffic is on Steamboat not King Carter Drive. We need to grow. We have engaged with good faith with our



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, OCTOBER 13, 2022; 6:30 P.M.**

neighbors. We have been good neighbors and are not asking for additional use beyond what we already do.

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

Chesapeake Bank has requested use of part of the Commons for 11/2/2022 for their booth's local campaign. Hazard Mitigation committee continues to meet hoping for report by January 2023.

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

Mr. McRoberts was not able to join via phone, he wanted it conveyed he is awaiting feedback regarding the Charter. He is working with staff on implementing the STR ordinances and will review the transient occupancy ordinance.

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

Two zoning permits, in addition to a Rowe's Point home and replacing a pier on The Lane. Mr. Fisher is continuing to bring receipts. New signage on gas station. Proposed changes to STR ordinance in November. An amendment to sign an ordinance in November as well as instituting a fence ordinance which we do not have at the moment.

J. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek*
Additional reports year-to-date versus actual July – September. All was included in the packet. Possible summaries are important by year, more work needs to be done by vendor for more detailed reports, (G. del Rio).
- Charter, Codes & Ordinances Committee, *J. Brown*
No vote on charter tonight. J. Brown wants thorough consideration about what we are doing with the charter concerning giving up authority. Workshop is needed for decision.
- H. R. Committee, *D. Patteson*
Report will be in November.
- Facilities Committee, *J. Brown, Co-Chair*
Broadband Telecom: Equipment has just arrived. Will be installed and running by end of October 2022.
- Community & Special Events Committee, *J. Penniman*
Christmas: Motion/discussion Christmas Tree lighting on Thursday, 12/01/2022, time to be decided. Lighting by the Mayor and will include golf cart parade. Christmas caroling should be done at the lighting as always. Discussion on Christmas decorations, homes, etc.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, OCTOBER 13, 2022; 6:30 P.M.**

Motion (J. Penniman) for Christmas Tree lighting on 12/01/2022.

Second (B. Schaschek).

Motion passes 6-0.

Time suggestion 5:00 (church bells ring) for lighting and all festivities after that.
Christmas Eve 5:30.

Christmas decoration (residential and business) judging done by community people (chosen by Mayor).

Golf Cart parade and Santa will be present.

- Playground Committee, *G. del Rio*

The Mayor thanked VIA for donation of swings and painting of equipment.

G. del Rio states that the Committee met and priorities discussed were safety, usable, use for full age range (toddlers through adult). Need direction on budget. Packet includes suggestions for low/high range plan, scope from \$50,000 to \$200,000.

- Planning Commission Update, *T. Chapman – Chair*

Tides Inn CUP – Substantial agreements are documented in the amendment. King Carter is considered a minor collector road by VDOT. Town survey discussion and committee agreed that the comprehensive plan doesn't need to be totally rewritten just updated. Should have a Town Hall meeting (possibly early November) to give residents another opportunity now that the results are in.

K. OLD BUSINESS

- Discussion of Tides CUP

G. del Rio discussed board fencing and service road along with safety issues regarding tractor-trailers, employee traffic.

D. Patteson said this has gone through the correct process and has been approved by the Planning Commission 6-1. The Tides has been here since 1947. Improvements are not only for the guests but for the Town. They need improvements to be a viable business. Concessions have been made.

W. Nunnally is concerned about unclear wording such as about, around. Why is the opposition to the 5'.

Tides (A. Brown/M. Smith) explained, the opposition to the 5' is to have maintenance only on the Tides side. They do not want to have to access the Elliott's property to maintain. Trying to avoid ongoing issues in the future. The landscaping is done by a full time Tides Inn employee.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, OCTOBER 13, 2022; 6:30 P.M.**

B. Schaschek stated that we have a choice, it gets documented and goes back to the PC.

G. del Rio suggested we add conditions to the CUP and we can pass it with those conditions.

J. Harris stated that this needs to be decided upon and move forward.

W. Nunnally wants a VDOT response to the service road off King Carter Drive.

Upon motion by J. Penniman, seconded by G. del Rio, the proposed Tides Inn CUP with the conditions listed below was approved by Council.

Screening Fence

The 8' fence will be moved 5' farther into the Tides Property. The fence will begin 30' from King Carter Drive and end at the last parking lot in the service area. A rail fence (to include acoustic material on Tides side to absorb sound) will continue from there to the water's edge. Trees, shrubs and bushes shall be planted on both sides of the screening fence, to hide fence and help with sound and beautification of fence area.

Lancaster Road

After construction work is completed, the access road will be under lock and key only used for emergency purposes.

Master Plan (checks and balances)

Minor deviations from the interpretation of the master plan may be made by the Town Zoning Administrator without further Town Council proceedings or approval but must seek concurrence with the chairman of the Planning Commission and the Mayor for their approval.

Council also requested as a courtesy that the Tides Inn report back to Council with the VDOT recommendations regarding the proposed service road entrance on King Carter Drive.

- Plaque for Jacqueline Burrell options.
Figure - \$869.18.

Motion (J. Penniman) to approve plaque.

Second (W. Nunnally)

Motion passes 6-0.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, OCTOBER 13, 2022; 6:30 P.M.**

L. NEW BUSINESS

- Updated Sign Ordinance was discussed. No decision. – *J. Nelson*
- Updated Fence Ordinance was discussed. No decision. – *J. Nelson*
- Sign Request was withdrawn
- No parking signs for Taste of the Bay event. In process.
- Request for use of the Commons for yoga mat classes

**Motion (G. del Rio) to approve use of Commons for yoga mat classes.
Second (J. Penniman).
Motion passes 6-0.**

M. ANNOUNCEMENTS

- Town Office closed, Tuesday, November 8, 2022, for Election Day
- Next Town Council Regular Called meeting, November 10, 2022, at 6:30 p.m. at Irvington **BAPTIST** Church
- Town Office closed, Friday, November 11, 2022, for Veteran's Day
- Town Office closed Thursday and Friday, November 24 & 25, 2022, for Thanksgiving.

N. ADJOURN

**Motion (W. Nunnally).
Second (D. Patteson).
Motion passes 6-0.**

The October 13, 2022, summary minutes were approved at the November 10, 2022, Town Council Meeting.

Motion: W. Nunnally
2nd: J. Brown

The vote was unanimous, 6 – 0 to approve.

Respectfully submitted *Laurel S. Taylor*, Town Clerk
Laurel S. Taylor

Julie W. Harris, Mayor
Julie W. Harris, Mayor of Irvington



TOWN OF IRVINGTON, VIRGINIA
Town Council Regular Meeting
IRVINGTON BAPTIST CHURCH
Thursday, October 13, 2022; 6:30 p.m.

Sign In Sheet

	Name	Address
1.	Steve Kinneth	10 CEDAR CIRCLE
2.	Alan + Carolyn Elliott	650 King Carter Drive
3.	Shauna ALounge	221 Broadway
4.	Aaron Brown	Todes Inn
5.	Wayne Savage	BDG, Inc.
6.	Ken Kiper	Hyndes Rd
7.	Mary Burgess	22 NA Rd
8.	Mary Cary Brndh	991 King Carter
9.	Holmes Ginn	142 Lancaster Rd
10.	Lee Taylor	4504 Irvington Rd
11.	Buddy Sue Spencer	33 Reynolds
12.		
13.		



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 8, 2022; 6:30 P.M.**

AGENDA – Amended at the table

A. CALL TO ORDER

Amended at the table to adopt the Electronic Participation Policy as the meeting begins, thus allowing Bonnie Schaschek to attend via phone. All members voted to adopt this.

B. ROLL CALL

- G. del Rio, present.
- J. Penniman, present.
- D. Patteson, present.
- J. Brown, present.
- W. Nunally, present.
- J. Harris, present.
- B. Schaschek, electronically present.

Staff Present

- J. Nelson.
- L. Taylor.
- A. McRoberts.

Motion (W. Nunnally) to adopt the policy to participate electronically.

Second, J. Brown.

Motion passes 5-0.

Motion to allow Ms. Schaschek to participate electronically.

Motion passes 5-0.

Motion (G. del Rio) to add new sign application to new business.

Second, W. Nunnally

Motion passes 6-0

C. APPROVE AGENDA

Motion (W. Nunnally) to approve amended Agenda.

Motion passes 6-0.

D. APPROVE MINUTES

- August 11 and 17, Town Council Regular Called Meeting Summary Minutes



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 8, 2022; 6:30 P.M.**

Motion (W. Nunnally) to approve Aug. 11 Summary Minutes.

Second, J. Penniman.

Motion passes 6-0.

Motion (W Nunnally) to approve minutes of reconvened meeting of Aug. 17.

Second, J. Penniman.

Motion passes 6-0.

E. FINANCIAL REPORT

- Treasurer's Report, Accepted.

F. PUBLIC COMMENT

T. Thurston - (45 Spring St): I participated in the STR committee and it was a wonderful experience. Reviewed the STR ordinance as posted this morning and have one area of concern, noise violations for guests. This should be in accordance with the current noise and trespassing ordinances.

M. Schmid- Been looking at different towns/counties that have STRs. None of the counties/towns have any caps on STRs. None of them have trespassing laws, etc. I think what we are trying to pass is the strictest STR. Virginia has laws concerning STRs. Need to think about if we want the strongest and strictest rules of anyone.

L. Caron (1560 Irvington Road): Was reading concerning the sale of STRs and how it is handled. So this means anyone that has an STR can just create an LLC and then sell the LLC to somebody and that property can remain as an STR because the LLC is transferred to the new owner.

A. McRoberts: That is what the STR Committee recommended so that is what is in this ordinance.

G. Del Rio: That loophole is there as it is now.

A. McRoberts: Once the ordinance is passed once title is changed the STR does not transfer. If there is currently an STR and they want to change LLC owners, they can currently do that. It allows it to stay a business. Does not create a new one. If it is currently a STR and they want to change it to an LLC they would lose their grandfather as it would change title. This is a draft. When you do a business transaction that is not a change of title.

G. del Rio: That loophole could be closed tonight.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 8, 2022; 6:30 P.M.**

J. Grieco: I represent about 6 others of our community of 19. We strongly support any ordinance that restricts STRs. We have 6 Airbnb's in our community, and this has impacted the life in our community from noise to traffic, to pool quality. Reviews were reviewed and there were thousands. These are strangers and we strongly support this ordinance. We are concentrated in a very small area, and it has definitely changed the atmosphere of our small community.

R. Fuller: This reads as an ordinance of fear. Can't do this, can't do that. The role should be to find that middle ground. There have been several additions to this ordinance than what the committee recommended. We are getting into dangerous territory. There are two styles of STRs and this ordinance doesn't address all kinds of STRs. STRs is a great way to supplement income. Ordinance does not look at all the types of STRs. Think about the fallout of parts of this ordinance. This ordinance needs to be scaled back. Instead of taxing and getting them to register it has turned into a nitpicking battle.

C. Elliott: After the joint meeting the planning commission met, and I wanted to share these comments. M. Smith sent a letter to address concerns regarding the Tides Inn LLC CUP application. My family's situation is quite different than everyone else's since our property adjoins the Tide's Inn. My family is not in agreement with installing a fence so close to the property line. If there was an additional 5' shift space would we agree to have maintenance personnel to come onto our property to maintain the space, I agreed. Virginia Code regulates divisional fencing between properties. The Tide's Inn CUP affects my family more than any other family in Irvington.

J. Taylor: There are several loopholes, so all loopholes need to be addressed concerning the STR.

C. Bradley: I have concerns because there were changes that were added to the ordinance that we received a copy of today that I do not remember being suggested at the PC meeting. How did this happen?

R. Stevens: There are different purposes for STRs. There is also a third STR which is keeping homes in families. We want to have the opportunity of STR to supplement the upkeep of family homes that are not used strictly for STRs.

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

Thank Sandra Matthews for painting the 'Welcome to Irvington' signs. Hazard Mitigation planning group continues to meet.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 8, 2022; 6:30 P.M.**

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

Charter – Bonnie and Jackie met with me about amendments. In 2022 General Assembly adopted a charter that is more streamlined, more modern, shorter. Less detailed would be good. The goal is to come up with something that we can submit this fall and get it introduced in December/January for consideration by the General Assembly.

Sheriff vehicle is on hold until the new vehicles arrive. To make it clear we are not developing a police department. We are acquiring a vehicle and paying some deputies for off-duty work to do some law enforcement. This is much more affordable.

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

Zoning permits: New swimming pool on King Carter, some renovations and a CUP for a café. Gas pumps at the market should open by the end of the month. Building will undergo extensive renovations and will be turned into an upscale market. No date when that will happen. Had extensive meetings with Ms. Hall and the Tides and things are moving forward. Abandoned cars have been taken care of.

J. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek*
 - No report.
 - G. del Rio requested a report next month to share numbers such as year to date expenses so they can be compared with last year's and this year's.
- Charter, Codes & Ordinances Committee, *B. Schaschek*
 - Charter Review, update awaiting draft. Town attorney will meet with J. Brown and B. Schaschek to write a draft.
- H. R. Committee, *D. Patteson*

No report. Conversations with VDOT is ongoing regarding several matters such as speed limit, etc. Awaiting a call with county supervisor. We are working on several things but there is a process we have to go through. Gabe and Wayne discussed the different things that can be done to calm traffic such as speed bumps, flower beds, etc.
- Facilities Committee, *J. Brown, Co-Chair*

Equipment is ordered for public Broadband and hoping to install by the end of September.
- Community & Special Events Committee, *J. Penniman*

December 2, lighting of the tree, decorated golf cart parade, and other festivities. Possible vote on at next meeting.
- Planning Commission Update, *T. Chapman – Chair*

Workshop on presentation for Survey coming up. Tides Inn CUP tabled until next meeting September 27. Hoping for agreement by all.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 8, 2022; 6:30 P.M.**

K. OLD BUSINESS

- 2nd Reading of Parallel Traffic Ordinance 2022-09

Motion (W. Nunnally) to adopt traffic ordinance.

Second, J. Penniman.

Motion passes 6-0.

- Short Term Rental draft Ordinance update- *J. Harris*

This was all started due to troubles with collecting tax for STR.

A. McRoberts: This draft has been drafted to try to adopt all the changes. PC recommended that boats, tents, etc. could be considered STRs. Wanted to put the language in the ordinance to prohibit these types of things. Posting these requirements in the units should be done and may be helpful so that everyone will know what is expected. PC recommended prohibiting fire pits. Misdemeanor concerning this ordinance is a concern. We cannot get the sheriff to respond to these matters without it listed in this ordinance in this manner. If it is not made a crime there is no way to enforce it. If you have a concern about your property or property lines, post your property.

G. del Rio: Is there a way to differentiate the homeowners that primarily live in their homes and rent out on occasion? Is there a way to have a provision for this such as if the owner occupies for X number of days of the year? Owner occupied would be the way to label this. (Note – G. del Rio noted before approving the minutes that his questions should have a question mark rather than a period.)

D. Patteson: We are forced to consider noise and trespassing as misdemeanors because the owners are not there to monitor.

A. McRoberts: There are 3 different types of STRs. Can't solve every problem. Owner/occupied minimum 280 days per year occupied by the owner is suggested. Keep it narrow and can change later to accommodate the people that rarely rent out. Two 10-day stays is recommended. Will be excluded from the CUP. This ordinance can take effect tonight.

B. Schaschek: Let's get what we want written so it can be passed as we want it.

G. del Rio: What do we gain for rushing voting on this ordinance until it is complete.

A. McRoberts: You can adopt what was advertised to the public and then make amendments. The changes from tonight can be done by next month's meeting. Draft language is discussed concerning the different levels of STRs and can be included.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 8, 2022; 6:30 P.M.**

G. del Rio: This is irresponsible to vote on this tonight.

Motion (W. Nunnally) to approve the ordinance as presented.

Second, J. Penniman.

W. Nunnally, yes.

B. Schaschek, no.

J. Brown, yes.

G. del Rio, yes.

D. Patteson, yes.

J. Penniman, yes.

Motion passes 5-1.

G. del Rio: Should set a time for the committee to review and see what tweaks need to be made to the ordinance.

- Discussion of River Realm vs. loveirvington.com, B. Schaschek
After review, River Realm and loveirvington.com looks very similar. However, loveirvington wasn't as helpful as River Realm and Town of Irvington website. Do we really need the loveirvington? We could keep the domain name in case in the future we may want to use it. Could redirect to Irvington website.

Motion (G. del Rio) to keep the domain name and redirect loveirvington.com to visitirvingtonva.com.

Second, B. Schaschek.

Motion passes 6-0.

- Playground equipment upgrade
Present equipment was purchased by VIA and donated to the town. One VIA member has offered to paint the current equipment if desired. Swings have been inspected and one has been removed. VIA has offered to replace the swing.

B. Schaschek: Should look into replacing the slide.

D. Patteson: Time to replace with commercial equipment.

J. Penniman: New baby swings have been donated.

S. Kirkbride: The playground equipment has deteriorated. The equipment needs to be cleaned, sanded and repainted. Help will be needed to replenish these.

G. del Rio: Steamboat Era Museum has agreed to help with the playground equipment. This is budgeted for and how do we move forward? Need to make a playground committee to include the public and bring a proposal to Council.

B. Schaschek: The playground should be moved; it is in a very dangerous spot. Need to look at the survey results.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 8, 2022; 6:30 P.M.**

D. Patteson: Families from the Town should be included in the committee.

Motion (W. Nunnally) to form playground committee and G. del Rio to be chairman.

Second, D. Patteson.

Motion passes 6-0.

L. NEW BUSINESS

- Appointment to Planning Commission.

Motion (J. Brown) to reappoint Mr. Chapman to the PC.

Second, Bonnie Schaschek.

Motion passes 6-0.

- Possible Need for Shed

Mr. Pollard has offered to rent the Town a shed until a permanent one is decided upon. The other suggestion is storage unit, however there are none available.

Motion (D. Patteson), to take up Mr. Pollard's offer for \$1 a month to rent a shed.

Second, G. del Rio.

Motion passes 6-0.

- Review draft of revised electronic participation policy – *A. McRoberts (This was moved to the top of the agenda and voted on to accept and approve)*

- Sign Application for Camp Irvington, Mr. Nelson

Motion (G. del Rio) to approve Camp sign.

Second, W. Nunnally.

Motion passes 6-0.

M. ANNOUNCEMENTS

- Joint Workshop – Town Council and Planning Commission regarding a presentation of Survey results. Public may attend but not speak. September 13, 2022, at Irvington Baptist Church at 5:30 p.m.
- Monday, October 10, 2022, Columbus Day – Town Office closed
- Next Town Council Regular Called meeting, October 13, 2022, at 6:30 p.m. at Irvington **BAPTIST** Church

N. ADJOURN

Motion (W. Nunnally) to adjourn.

Second, J. Brown.

Motion passes 6-0.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, SEPTEMBER 8, 2022; 6:30 P.M.**

The September 8, 2022, summary minutes of the Town Council Joint Public Hearing were approved at the October 13, 2022, Town Council Regular Called Meeting with a slight correction to punctuation posed by G. del Rio. The correction is made in this record.

Motion: W. Nunnally

2nd: B. Schaschek

Vote:	Aye	Opposed	Abstained
D. Patteson	X		
B. Schaschek	X		
J. Brown	X		
G. del Rio	X		
J. Penniman	X		
W. Nunnally	X		

The vote was 6 – 0- 0 and the minutes were approved.

Respectfully submitted Laurel S. Taylor Town Clerk
Laurel S. Taylor

Julie W. Harris
Julie W. Harris, Mayor



**TOWN OF IRVINGTON
ORDINANCE AMENDMENT # 2022-09**

AN ORDINANCE AMENDING CHAPTER 70 OF THE TOWN CODE TO ADOPT STATE TRAFFIC LAWS TO BE ENFORCED LOCALLY, TO PROVIDE PREDETERMINED COMPENSATION FOR TOWN OFFICERS, AND TO CLARIFY THAT TOWN OFFICERS AUTHORIZED TO MAKE ARRESTS AND ENFORCE TOWN TRAFFIC REGULATIONS INCLUDES THE SHERIFF AND DEPUTY SHERIFFS.

WHEREAS, having considered matters relevant and/or appropriate to consider, the Town Council of Irvington, Virginia, believes it is appropriate to amend Chapter 70 of the Town Code to adopt state traffic laws to be enforced locally, to provide predetermined compensation for town officers, and to clarify that town officers authorized to make arrests and enforce town traffic regulations includes the sheriff and deputy sheriffs and state troopers; and

WHEREAS, the legal authority for the proposed amendment is the Town Charter and Section 46.2-1313 of the Code of Virginia (1950), as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Town Council of the Town of Irvington, Virginia does hereby amend the Town Code as follows:

§ 70.04 0.0 DEFINITIONS.

...

PEACE OR POLICE OR TOWN OFFICER. Every officer authorized to direct or regulate traffic or to make arrests or issue summons or citations for violations of traffic regulations,

including without limitation the Lancaster County Sheriff or any deputy sheriff thereof.

...

§ 70.01 ADOPTION OF STATE LAW.

(a) Pursuant to the authority of Section 46.2-1313 of the Code of Virginia 1950 (as amended), all of the provisions and requirements of the laws of the state contained in Title 46.2 and in Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia as in force and effect on July 1, 2022, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the town. As permitted by Section 1-220 of the Code of Virginia (1950), as amended, all amendments to these applicable provisions and requirements of the laws shall be incorporated into this chapter upon their adoption as state law and shall become effective on the same date they become effective as state law. References to highways of the state contained in the provisions and requirements adopted in this section shall be deemed to refer to the streets, highways and other public ways (including private roads, streets or ways) within the town. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this chapter as fully as though set forth at length therein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia.

(b) All definitions of words and phrases contained in the state law adopted in this section shall apply to such words and phrases when used in this chapter unless clearly indicated to the contrary.

(c) The penalties imposed for the violation of any provision or requirement adopted by this section are:

- (1) As provided by general law for similar offenses under Title 46.2 or under Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia; or
- (2) As otherwise provided in this chapter, provided that in no event shall the penalty

imposed for the violation of any provision or requirement adopted by this section exceed the penalty imposed for similar offenses under Title 46.2 or under Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia.

(d) Any person who is convicted in the town of a DUI and his operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of any accident or incident resulting in an appropriate emergency response, shall be liable to the town for the reasonable expense thereof, in the flat amount of two hundred fifty dollars (\$250.00), or such greater amount of actual expenses, not to exceed one thousand dollars (\$1,000.00). As used in this section, "appropriate emergency response" includes all town-incurred costs of providing law-enforcement and also firefighting, rescue, and emergency medical services, if any. The provisions of this section shall not preempt or limit any remedy available to the town to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving or operation of a vehicle as set forth herein.

(e) The provisions of this section shall apply notwithstanding any provision of the Town Code to the contrary.

§ 70.02 ENFORCEMENT BY TOWN OFFICERS; OFFICERS TO BE UNIFORMED; OFFICERS TO BE PAID FIXED AND DETERMINED COMPENSATION ALARIES.

Every town officer shall enforce the provisions of this title; provided, that such officer shall be uniformed at the time of such enforcement or shall display his or her badge, or other sign of authority; and, provided further, that all officers making arrests incident to the enforcement of this title shall be paid fixed and determined ~~salaries~~ compensation by the Town for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this title. (1961 Code, § 8-2)

BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect immediately upon the adoption hereof.

Motion: W. Nunnally – to adopt traffic ordinance

2nd: J. Penniman

Motion passes 6-0-0

ADOPTED: This 8th day of September, 2022.

Vote:	Ayes:	Nays:
B. Schaschek	x	
D. Patteson	x	
J. Brown	x	
J. Penniman	x	
W. Nunnally	x	
G. del Rio	x	

ATTEST:

Laurel S. Taylor
Clerk of the Town Council of Irvington, Virginia

Julie W. Harris
Mayor, Julie Harris



TOWN ADOPTED POLICY
Remote Participation



Adopted: 09.08.22
(month day, year)

Revised: Effective September 1, 2022

IRVINGTON, VIRGINIA
POLICY FOR ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE
LOCATIONS

1.0 Purpose and Need

Town Council for the Town of Irvington, Virginia (the "Council") as a Virginia local public body and governing body desires to adopt a policy, as permitted by Virginia Code §§ 2.2-3708.2 and 2.2-3708.3, to provide for the use by Council and its Council Committees of all-virtual public meetings in the event of a state emergency under Virginia Code § 44-146.17 or a local state of emergency declared applicable within the Town of Irvington pursuant to Virginia Code § 44-146.21, and to afford a member thereof the opportunity to participate remotely in a Council meeting when such a member may be unable to attend the meeting thereof due to: (1) a physical disability or medical condition of a member, (2) a medical condition of a family member of the member for whom the member is required to provide care, (3) the member's principal residence is more than sixty (60) miles from the meeting location identified in the required notice for such meeting or (4) a personal matter.

2.0 Definitions

2.1. Personal matter – Any matter deemed by a member of Council that prevents their attendance in person at a meeting of Council. Examples include but are not limited to personal, family or business matters that prevent attendance at the meeting location; severe weather conditions or unexpected traffic or travel conditions that prevent travel to the meeting location.

2.2. Physical disability or other medical condition of the Council member – Examples include but are not limited to temporary hospitalization or confinement to home, contagious illness, any temporary or permanent physical disability that prevents travel to the meeting location by the Council member.

2.3. Medical condition of a family member of a Council member – is limited to those situations in which the family member's medical condition requires the Council member to provide care for the family member and thus prevents the Council member from physically attending the meeting.

TOWN ADOPTED POLICY
Remote Participation



Adopted: 9/8/22
(month day, year)

Revised: Effective September 1, 2022

2.4. Council Committee – Any committee, subcommittee, or other entity however designated of the Council to perform delegated functions of the Council or to advise the Council.

3.0 Guiding Principles for Members to Participate Remotely in Council or Council Committee Meetings

3.1. The Council practices open and transparent governance in full compliance with the Virginia Freedom of Information Act (“FOIA”) and other applicable laws and regulations. Council members shall make every effort to physically attend every meeting of the Town Council. However, the Council desires to adopt this policy to allow for all-virtual meetings without a quorum physically assembled in the event of a state emergency declared pursuant to Virginia Code § 44-146.17 or in the event of a local state of emergency declared applicable within the Town of Irvington pursuant to Virginia Code § 44-146.21, and to allow for Council members to participate remotely in those circumstances recognized under Virginia Code §§ 2.2-3708.2 and 2.2-3708.3 when physical attendance is not reasonably possible or attendance in person would not be safe or practicable.

3.2. The Council further desires to adopt this policy on behalf of its Council Committees as allowed pursuant to Virginia Code §2.2-3708.3(D) to provide Committee members the opportunity to participate remotely in meetings of the Committees in those circumstances recognized under Virginia Code §§ 2.2-3708.2 and 2.2-3708.3 when physical attendance is not reasonably possible.

3.3. This policy shall apply strictly and uniformly to the entire membership of the Council and Council Committees without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at any meeting.

3.4 No action need to be taken by a Council Committee to apply the provisions of this policy to the Council Committee. This policy shall apply to every Council Committee as fully as it does to the Council, even if the policy does not make reference at times to its application to Council Committees, unless the contrary is evident. Provided, however, a Council Committee may also adopt a policy on its behalf that applies to the Council Committee’s use of individual remote participation and all-virtual public meetings in lieu of this policy.

TOWN ADOPTED POLICY
Remote Participation



Adopted: 09.08.22 (month day, year)	Revised: Effective September 1, 2022
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4.0 Procedures for All-Virtual Council Meetings During a Declared Public Emergency Without a Quorum Physically Assembled

4.1. As permitted by Virginia Code § 2.2-3708.2, at any of its meetings or joint meetings with another public body, Council may meet by electronic communication means without a quorum of the Council physically assembled at one location when the Governor has declared a state of emergency in accordance with Virginia Code § 44-146.17 or when there is a local state of emergency declared applicable within the Town of Irvington pursuant to Virginia Code § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the Council or the discharge of its lawful purposes, duties, and responsibilities. The Council convening a meeting in accordance with this section shall:

4.1.1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to its members;

4.1.2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by Council;

4.1.3. Provide the public with the opportunity to comment at its meetings when public comment is customarily received at such meetings; and

4.1.4. Otherwise comply with the provisions of this policy and Virginia Code §§ 2.2-3708.2 and 2.2-3708.3.

4.2. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

4.3. The provisions of this section shall be applicable only for the duration of the emergency declared pursuant to Virginia Code § 44-146.17 or § 44-146.21.

TOWN ADOPTED POLICY
Remote Participation



Adopted: 9/8/22
(month day, year)

Revised: Effective September 1, 2022

5.0 Procedures for a Council or Council Committee Member to Participate Remotely in a Meeting

5.1. As permitted by Virginia Code § 2.2-3708.3, in order to invoke the provisions of this Section 5.0, a member who is unable to physically attend a meeting shall be entitled to make a request to participate in the meeting remotely, if the inability to physically attend the meeting is due to one of the following reasons.

5.1.1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

5.1.2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;

5.1.3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

5.1.3. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

5.2. The process for invoking the provisions of Section 5.0 is as follows:

5.2.1. The member shall communicate the request to participate remotely to Council staff, including providing the reason for the inability to physically attend. Staff shall then relay such requests to the Council Chair or presiding officer.

5.2.2. At the meeting, a quorum of Council must be physically assembled at one location. Staff or the Chair or presiding officer shall inform the Council of the member's request to participate in the meeting through electronic means from a remote location. Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia.

TOWN ADOPTED POLICY
Remote Participation



Adopted: 9/8/22
(month day, year)

Revised: Effective September 1, 2022

5.2.3. If a member's participation from a remote location is challenged, then the members of Council physically assembled at one location shall vote whether to allow such participation.

5.3. The request for remote participation and the results of any vote taken on the request shall be recorded in the minutes of the meeting. If participation by a member through electronic communication means is approved pursuant to this Section 5.0, Council shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.

5.3.1. If participation is approved pursuant to subdivision 1 or 2, Council shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, Council shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, Council shall also include in its minutes the specific nature of the personal matter cited by the member.

5.3.2. If the Council votes to disapprove of the member's participation from a remote location, because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

6.0. All-Virtual Meetings of Council Committees

6.1 Council Committees may hold all-virtual public meetings, provided that the Council Committee follows the other requirements in this policy and Virginia Code §§ 2.2-3708.2 and 2.2-3708.3 for meetings, and:

6.1.1. An indication of whether the meeting will be an all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which the Council Committee chooses

TOWN ADOPTED POLICY
Remote Participation



Adopted: 9/8/22
(month day, year)

Revised: Effective September 1, 2022

to meet shall not be changed unless the Council Committee provides a new meeting notice in accordance with the provisions of Virginia Code § 2.2-3707;

6.1.2. Public access to the all-virtual public meeting is provided via electronic communication means;

6.1.3. The electronic communication means used allows the public to hear all members of the Council Committee participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the Council Committee as well;

6.1.4. A phone number or other live contact information is provided to alert the Council Committee if the audio or video transmission of the meeting provided by the Council Committee fails, the Council Committee monitors such designated means of communication during the meeting, and the Council Committee takes a recess until public access is restored if the transmission fails for the public;

6.1.5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Council Committee for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the Council Committee;

6.1.6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

6.1.7. No more than two members of the Council Committee are together in any one remote location unless that remote location is open to the public to physically access it;

6.1.8. If a closed session is held during an all-virtual Council Committee meeting, transmission of the meeting to the public resumes before the Council Committee votes to certify the closed meeting as required by subsection D of Virginia Code § 2.2-3712;

6.1.9. The Council Committee does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number,

TOWN ADOPTED POLICY
Remote Participation



Adopted: 9/8/22
(month day, year)

Revised: Effective September 1, 2022

whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

6.1.10. Minutes of all-virtual Council Committee meetings held by electronic communication means are taken as required by Virginia Code § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

7.0 Responsibility and Authority

This policy shall be reviewed annually and revised as required to conform to current law and regulations.

Approved:

Laurel S. Taylor, Clerk

9/8/22

Date

Laurel S. Taylor (Printed Name)

Clerk (Title)

Approved:

Julie W. Harris (Printed Name)

9/8/22

Date

Mayor (Title)





TOWN OF IRVINGTON, VIRGINIA
Town Council IRVINGTON BAPTIST CHURCH
SEPTEMBER 8, 2022
Town Council Regular Called Meeting

Sign In Sheet

	Name	Address
1.	Tara Thurston	45 Spring St
2.	Michael Shane & Dawn Fowle	5144 Irvington Rd
3.	Mary Cary Bradley	991 King Carter
4.	Robin Kinneth	10 Cedar Circle
5.	Steve Kinneth	10 Cedar Circle
6.	Carlynn Elliott	650 King Carter Drive
7.	Michelle Courin	334 King Carter Drive
8.	Ruth Fuller	341 The Lane
9.	Michael Schmid	341 The Lane
10.	Lizida Carson	5160 Irvington
11.	George Kupod	Hudson Hill
12.	Susan Kibbide	364 Chesapeake Dr,
13.	Greg Kinkbide	364 Chesapeake Dr

35. Jeremy TAYLOR 60 Westhamcra

36. _____

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**THE TOWN OF IRVINGTON
JOINT TOWN COUNCIL & PLANNING COMMISSION PUBLIC HEARING**

**IRVINGTON BAPTIST CHURCH, IRVINGTON, VA
TUESDAY, September 6, 2022; 5:30PM**

Preliminary Agenda

1. Call to order – Mayor Harris

2. Roll Call of Planning Commission

T. Chapman, present.
J. Taylor, present.
L. Capps, present.
A. Pollard, present.
D. Clarke, present.
R. Fuller, present.
P. Robinson, absent.

3. Roll Call of Town Council

D. Patteson, present.
W. Nunnally, present.
J. Penniman, present.
G. del Rio, present.
J. Harris, present.
B. Schaschek, absent.

4. Approval of agenda

Motion (W. Nunnally) to approve Agenda.
J. Penniman, second.
Motion passes. 4-0.

5. Tides Inn CUP

-Presentation by Tides Inn Representatives

M. Smith (Tides Inn): 2 months into the process. Significant concessions have been made on their plans. Moved entire footprint of property 10' to address the buffer issue between the Elliott property and our property. Noise issues have been addressed with more landscaping (trees). Additional noise

remediation is being looked into. Bamboo issue is going to be taken care of (it will be a battle). Entrance road has been addressed; the location has been designated by VDOT to be the safest. Parking and lighting has been addressed.

-Public Comment on CUP

S. Spencer: Not opposed to the renovations and growth that the Tides Inn has planned. Want to keep the relationship with Tide's Inn that it has enjoyed for many decades. Many amenities are available to the Tide's Inn guests in the Town of Irvington. All concessions and compromises are appreciated. Using residential roads for construction traffic is not acceptable (Lancaster Road). West Irvington neighborhood entrance is an issue as well. This is a safety concern for the roads involved in Irvington. There are other options available without compromising the safety and serenity of our town during this construction period.

C. Elliott (adjoining property owners to Tide's Inn): Comments on the email from September 2, 2022, from M. Smith. Proposed and enhanced drawings can be persuasive. Buffer is still not acceptable. Removal of bamboo is Tide's Inn issue. Buffer/fence/plantings is still not acceptable. Tide's Inn plans seem to change with every conversation. Errors and mistakes happen and have happened already such as improper drilling on our property and how will be able to trust that the Tide's Inn will do what is in the best interest of my family. We do not agree to the placement of the fence. Placement of storage containers and maintenance building is not clear. What other items do we not know about? What is not being told is concerning. Long history of things gone wrong. Appreciate the removal of the bamboo but do not appreciate the fence hugging the Hall property line. The family's original concerns that were presented in the July 25, 2022, letter still remain as strong as ever which are: 1) How the removal and eradication of bamboo will be handled, 2) Noise, 3) Fence/landscaping, 4) Parking lot/storm water, service entrance/exit. Who will be in charge to make sure The Tide's Inn stays in compliance?

C. Bradley: Recognize the value of the Tide's Inn to the community. There hasn't been sufficient time to digest the revised plan by the residents. I do not wish to stop the improvements the Tide's Inn is making but just want to make sure that it is done in such a way that in 10 years the changes are not regretted due to the impact it will have on Irvington.

S. Thaxter (abutting property owners to Tide's Inn): Thanks for allowing the residents to have comments. There are some deeper concerns such as environmental concerns, lighting, noise and safety matters. Letter addresses minimizing the impact on residents. Three fundamental concerns which include safety, noise and lighting. Requesting new HVAC system, not just moving the location. Acoustic sound panels need to be installed as well as appropriate vegetation. The noise from the current HVAC system is very annoying. Trash compactor should be placed inside the maintenance building to control the noise spillover to the neighbors. Use of Lancaster Road by construction traffic should be subject to conditions such as hours, speed. Use of this road for construction traffic disturbs the peaceful enjoyment and is a safety hazard. Noise of construction trucks unloading equipment and speed of the construction vehicles was a problem the last time.

There is no need for a third entrance off Lancaster Road after construction is completed. A physical barrier should be installed for the parking lot/maintenance area. A specific plan of how things will be done should be supplied concerning these issues. This is a tremendous opportunity for the Town. Appropriate measures need to be taken concerning the concerns of the Town residents.

B. Spencer: Addressing the sound barriers, we are missing specs and maybe a website that we can go to see the plans. Renderings are not specific concerning buffering/screening for the areas that there are concerns for. Did my own measuring, could see 340' in either direction. Has VDOT talked to the Town they are responsible for the road. Parking is another push beyond what we were expecting.

R. Camillo (resident across from the entrance to Tide's Inn): Asking to delay the decision on the CUP for the Tide's Inn. There are too many issues still at hand that need to be addressed. Only one entrance to Tide's Inn is needed. Safety is of utmost concern.

B. Spencer: VDOT limits access, and more access causes more problems.

K. Butler: Second entrance allows employees access in/out and separates them from the guest entrance. Trying to give a better workspace for our employees so that we can retain employees. Trying to improve conditions for the employees. Building has been ongoing since 1947. We cannot become dated; improvements are needed to keep the business alive and thriving. Noise level from the HVAC systems will not be increasing from the current level.

J. Trollip: We appreciate everyone's input; it is a highly emotional subject. All comments are very reasonable. We work together with the Town, it is important. We don't want residents to be unhappy with the Tide's Inn. We believe in the sanctity of Irvington and want to keep it that way. All money that has been put into the Tide's in the last 3 years has been to make improvements and help with the longevity of the Tide's Inn. We want to be proud of the improvements we make, we don't want it to be unsightly for anyone. The business has to be made viable to continue. Compromising is part of what we do and need to do. Changes to parking, entrance, etc. needs to be made to be more efficient and more aesthetically pleasing to everyone concerned. Separating deliveries/staff entrance from guest entrance is more feasible. Parking is an issue now. Intent to put a spa on the north side of the property. Our goal is to be a good neighbor. All improvements are needed for the survival of the Tide's Inn, and we are not intentionally doing anything to harm residents/neighbors of the Tide's Inn.

W. Savage: A lot of time has been spent developing the plans/renderings. The best development for all concerned has been designed by professionals. Significant landscaping is being done throughout the development. There is a budget and have to be reasonable with development. Conversations with VDOT has been had, however, the CUP has to be obtained first. The idea for the King Carter Road entrance is to help separate the staff and deliveries from the guests. Speed is currently a problem, and the hump is controlling that now but if we can make them make a turn it will help with the problem of speed. We can't control speed; all we can do is design something to

the best of our abilities. This will take away about half of the traffic during the day from the main entrance. Having to make that turn will make the larger vehicles slow down. We have talked to VDOT, and they agree with the locations. King Carter is considered a minor collector. There are a lot of factors in this. All of the plans are not final yet. VDOT will talk to the Town as soon as a final site plan is submitted, which will be after the CUP process. Drilling mistake was unfortunate, we remedied this ASAP and other options can be put in place during construction such as temporary construction fence. I will be onsite once per week to assure everything is going as planned. We will do everything in our power to assure no one will be affected outside of the Tide's Inn land. The noise issue is being addressed and will be better than the current situation. Some things just can't happen, we can just be as compliant as we can while also improving the property.

M. Smith: Two months has been an adequate time for us to address concerns. I just see this as an ongoing issue. We have been very forthcoming and engaging with the public. We are doing the best to accommodate our neighbors, but I do ask that this not drag on. I don't think another month will bring forth any other concerns than what we have already addressed. Decisions that make sense are important.

Male: Question concerning the entrance being on the north side if VDOT says yes, would Tide's Inn say yes.

M. Smith: The preferable entrance is where it is now. It is the most feasible entrance for the service/delivery entrance. Would not be feasible for tractor-trailer traffic, delivery trucks, etc.

6. Short Term Rental Ordinance – Presentation

- Public Comment on Ordinance

A. McRoberts: STR Committee has worked very long and hard on this. Town Council adopted registry/business license ordinance. The ordinance before you tonight has several purposes. Tight regulations are needed. STR Committee doesn't want to kick them out, just to be compliant so it doesn't change the neighborhoods and safety of the Town. Some further regulations were put in place by Council which restrict the number of STR's (cap of 35). There are exemptions from this such as Tide's Inn and Hope & Glory. Occupancy regulations are in place such as maximum of 10. Restriction of 20 overall per property. Safety and insurance requirements are listed. List of prohibitive things that can and cannot be done. Must operate as a STR. No other commercial uses are allowed. No nuisances. No inconsistent noise or activities. Everyone that has registered properly by Jan. 1, 2023, is grandfathered. Have to have been operating for 3 months, registered and taxes paid.

D. Fowle: Can real estate broker oversee several properties or is it one business license per property they manage. There are several real estate companies managing STR's here.

S. Thaxter: The property demand affects everyone. Have to be consciously aware of is it will dampen the market.

J. Dilday: Asking questions concerning smoke detectors, fire extinguishers. I have been compliant with the property I manage. The Town is getting 4% off the rentals.

S. Van Saun: There are different types of STR's in the Town. There are some people that did purchase the property to only rent out a couple of times per year and are not a full time STR. Consideration needs to be had for STR's that are not full time.

M. Getoff: I am a part-time STR. I am in favor of reasonable regulations. The tone of the STR ordinance is anti-STR. My renters are not a nuisance. People I rent to spend money in this Town. It is an economic boost for the Town. A lot of people want to stay in a private home versus hotel. Some of the prohibitive activities qualify as a misdemeanor such as no disruptive parties and no inconsistent noise. These are vague. I would recommend more specific language or remove it entirely since there is a noise ordinance in place. I paid a premium price because I bought it as a STR and the grandfathering is a business infringement. Trespassing wording needs to be looked at. Trespassing is already illegal. It should not be in the ordinance. Any change of circumstance could cause me to lose my grandfathering. This should be better explained. A misdemeanor follows you for the rest of your life. Some of this is silly, and I do respect the intent.

M. Schmid: I am all for regulations. I am not in favor of the cap. What are we afraid of? The Town is making money off these STR's. We have building codes for some of the things in the ordinance so is it needed? The people that rent STR's are just wanting to experience the beauty of Irvington.

G. Kuper: Yes, an economic boost is being brought to the town, but it is at the expense of our community. I bought a residence; I did not buy a business. Midnight occurs here around 9:00 and my suggestion would be to close things down around 10:00.

J. Allen: I bought a house in White Stone because of Irvington. Different areas have different regulations such as Williamsburg, Henrico, Harrisonburg, and even California. Some areas have stricter ordinances than what is being presented here. There are a lot of issues and problems other Towns/Counties have encountered and I applaud Irvington for what they are trying to accomplish.

L. Taylor (for a resident): Concerns about fire pits and charcoal grills being used by transient guests. The number of STR's owned by the same owner is of concern.

D. Patteson: Fire code is very strict concerning charcoal grills and fire pits and we may want to add in.

- **Adjournment**

Motion (T. Chapman) to adjourn.

Second: J. Penniman

Motion passes 4-0.

The September 6, 2022, summary minutes of the Town Council Joint Public Hearing were approved at the October 13, 2022, Town Council Regular Called Meeting.

Motion: W. Nunnally

2nd: J. Brown

Vote:	Aye	Opposed	Abstained
D. Patteson	X		
B. Schaschek	X		
J. Brown	X		
G. del Rio	X		
J. Penniman	X		
W. Nunnally	X		

The vote was 6 – 0- 0 and the minutes were approved.

Respectfully submitted Laurel S. Taylor, Town Clerk
Laurel S. Taylor

Julie W. Harris
Julie W. Harris, Mayor



TOWN OF IRVINGTON, VIRGINIA
JOINT PUBLIC HEARING
Planning Commission & Irvington Town Council
IRVINGTON BAPTIST CHURCH
TUESDAY, SEPTEMBER 6, 2022; 5:30 P.M.

Planning Commission Regular Called Meeting will Immediately follow

Sign In Sheet

Name	Address
1. Alan & Marilyn Elliott	650 King Carter Drive, Irvington
2. Sam Van Sam	24 The Pony Pasture
3. Melanie + Frank Maguire	121 Chason Corehouse
4. Robin Camillo	461 King Carter Dr, Irvington
5. Mary Burgess	22 Virginia Rd
6. Glenn Threl	27 Virginia Rd
7. Chris Doetschman	1011 Peaches Tree Circle
8. Michael Shane + Dawn Fawle	5144 Irvington Rd
9. Holmes + Kim Ginn	142 Lancaster
10. Jill Spencer	33 Reynolds Lindg
11. Michele Coover	334 King Carter

12. Gene Powers 269 The Lane
13. Buddy Spencer 33 Reynolds Ldg
14. Mary Campbell 991 King Carter
15. Jeff Allen 379 Highbank Rd
16. Douglas Humbley & 739 King Carter Dr.
17. Jeff Shugart & Larry Stephens 415 STEAMBOAT RD
18. Gene Huffman 71 Spring St.
19. Rebecca (Global) Thurman 45 Spring St
20. Vanida Carter 5100 Wingers Rd
21. Wayne Savage BDCI, Inc 40 Cross St, Urbanna, VA
22. Aaron Brown MDSLIP, The Tides Inn, Inn VA
23. Fred Santal 70 Lee Lane
24. Tim & Leah Golden 32 Water Drake
25. GEORGE KUPER Raydon Hall
26. _____
27. _____
28. _____
29. _____
30. _____
31. _____
32. _____
33. _____



**Town of Irvington - continuation of
August 11, 2022, meeting
Town Council Regular Called Meeting
Town Office
Wednesday, August 17, 2022, 5:00 p. m.**

AGENDA

A. CALL TO ORDER

B. ROLL CALL

Dudley Patteson, here.
Judy Penniman, here.
Jackie Brown, here.
Gabe del Rio, here.
Julie Harris, here.
Bonnie Schaschek, present electronically.
Wayne Nunnally, absent at roll call, arrived late.

C. APPROVE AGENDA

**Motion (D. Patteson) to approve Agenda.
Second J. Penniman.
Motion passes 5-0.**

D. SHORT TERM RENTAL ORDINANCE

A. McRoberts: Best way to deal with this is through zoning. Enforcement would be through zoning but through the registry would be the real tool to enforce. Registry states that if you don't register you violate the ordinance and you get kicked out. Ordinance says you can be grandfathered but you can be removed, e.g., property sold, violation. This implements mostly all the concerns. Taxes are not addressed. Insurance must be instituted stating it is a STR. All these issues can be handled on the registry form. Shouldn't

burden this ordinance with all of these particulars. This is ready for Town Council to consider.

Discussion concerning certain levels of management of the STR's (to enforce things such as noise enforcement, quiet hours). Should match Town's noise ordinance. When packets are given out at registry a signature should be required which will acknowledge receipt of packet.

Grandfathering discussed. Everyone must register annually. Ordinance should be mailed to STR's registrants. There is a renewal period. No new STR's issued during renewal period. STR's must currently be in business to be grandfathered in.

How do we identify grandfathered STR's. Paid taxes may be a way to identify STR's that are grandfathered. Taxation is an issue that is a mess. Taxes sometimes are not received by TOI due to how they are collected and paid such as on VRBO, Airbnb, etc.

Discussion about when a hotel becomes an STR.

All points required will become a certification that will be signed by the owner when registration occurs. If noncompliance is proven, you will lose grandfathering or CUP. Guests need to be notified that the ordinance/requirements needs to be met by the owners.

Discussion concerning maximum occupants/guests/visitors.

CUP's do transfer with the land. Needs to be made clear that when a property is sold new owners do not get the CUP automatically.

Business licenses will be required for STR's. There are things in the registry to help enforce the ordinance. Everything kind of works together.

Some STR's on the list are not operating yet. New law coming up in October will clarify tax issues and there should be better compliance.

This can be referred to the PC with the changes that have been discussed.

Sept. 6th JPH, and PC meeting ~ Do we want changes ready for this meeting and to have public comment. Sept. 8th would be the second reading. Trying to make this effective ASAP. Trespassing should be addressed.

Motion (G. del Rio) to refer to PC on Sept. 6, 2022, with all the changes.

Second J. Penniman.

Motion passes 5-0.

E. ADJOURN

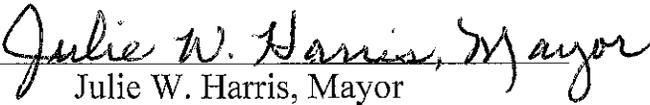
Motion (W. Nunnally) to adjourn.

Second J. Penniman.

Motion passes 5-0.

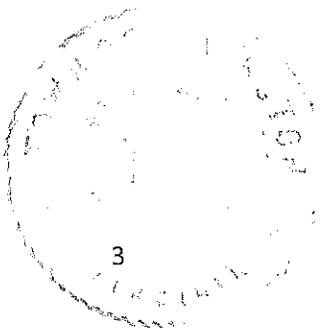
August 11 and August 17, 2022 minutes were approved at the September 8, 2022, Town Council meeting. The vote was: 6-0-0

	APPROVED	OPPOSED	ABSTAINED
J. Brown	X		
J. Penniman	X		
W. Nunnally	X		
B. Schaschek	X		
G. del Rio	X		
D. Patteson	X		


Julie W. Harris, Mayor

Attest:


Laurel S. Taylor, Town Clerk





**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, AUGUST 11, 2022; 6:30 P.M.**

AGENDA

A. CALL TO ORDER

B. ROLL CALL

Wayne Nunnally, here.
Judy Penniman, here.
Gabe del Rio, here.
Dudley Patteson, here.
Jackie Brown, here.
Julie Harris, here.
Bonnie Schaschek, absent.

Staff Present

Justin Nelson.
Laurel Taylor.
Andrew McRoberts.

C. APPROVE AGENDA

Motion (**W. Nunnally**) to approve Agenda.
Second, (**J. Penniman**).
Motion passes 5-0.

D. PUBLIC HEARING on FLOODPLAIN – *J. Nelson*

W. Nunnally: Why is the Ordinance needed?
A. McRoberts: It is required by Federal and State Law (short answer). If we don't have it then the Federal Government will not write reimbursement checks if storms hit Irvington.
No public comments were received.
Public Hearing Closed.
This will be adopted under Old Business.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, AUGUST 11, 2022; 6:30 P.M.**

E. APPROVE MINUTES

- July 14, 2022, Town Council Regular Called Meeting Summary Minutes

Motion (W. Nunnally) to approve July 14, 2022 Summary Minutes.

Second, (J. Penniman).

Motion passes 5-0.

F. FINANCIAL REPORT

- Treasurer's Report

J. Harris: Financial Report accepted.

G. PUBLIC COMMENT

A. Pollard: Opened Refuel Irvington. Tree Challenge discussed. Trees have been mapped (18 species).

S. Kimmeth: Aug. 28th, Jazz band coming. Insurance and ABC policy given to Clerk.

C. Bradley: Crab Festival Sept. 17. Tides Inn CUP concerns (access road concerns), hoping the Town gives it the time and consideration needed.

M. Burgess: Abutting property owner to Tides Inn – Spoken with all other abutting property owners – asking nothing to be done with CUP until ample opportunity has been given to discuss their concerns and negotiate with the Tides Inn.

M. Smith: Abutting property owner to Tides Inn & Director of Development for Tides Inn – Concerns have been received and time is needed to go through and receive comments and concerns. Will produce some images or renderings of what the entrance will look like. In 2 weeks all concerns will be addressed before the Sept. 8th, meeting. Breaking of zoning ordinance comments being expressed are just not true. Been a good process and will address concerns especially C. Elliott. Buffer will be a cedar fence with additional landscaping trees and marsh grasses.

J. Penniman: Some other material other than cedar fence may need to be considered due to upkeep and may be more effective as a sound barrier.

C. Elliott: I have not spoken with M. Smith, only received an email. Phase 1 – Borderline should be installed first. Family's concerns are with construction process and end result.

Letter to Justin Nelson was read from July 25, 2022)

- **Bamboo:** Their bamboo needs to be removed from our property as well. This was not planted by our family; it is bamboo that has spread from the Tide's Inn. Thousands of our personal dollars have been spent to combat the bamboo.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, AUGUST 11, 2022; 6:30 P.M.**

- Noise: Service Road – Mechanical equipment, trash compactors, dumpsters, trucks beeping, sewage treatment noise are all going to be a problem. Dumpsters: Problem with smell and buzzards.
- Fence/Landscaping: 10' Fence will be constructed and will be of the same material as the present fence. Cedar fence is now being considered along with other landscape materials/plants. This will not be sufficient to block noise/headlights. Service road should be moved 15-20' which would allow the fence to be moved over onto the Tides Inn property.
- Parking Lots: Discrepancy with respect to parking spaces. Parking light lighting will not be blocked by a 10' fence from their property. Picnic benches provided for employees to congregate will cause excessive noise and nuisance.
- Storm water: Due to significant parking lots there will be excessive storm water runoff.
- Letter from her E. Hall (mother) dated Aug. 2, 2022: Grandparents bought property April 1, 1891; members of the family have lived there constantly for 131 years. Heartbroken that The Tides Inn will destroy the peace and tranquility of their property.

D. Cheek: Addressed concerns of closed sessions, they should be rare, not the normal. This causes rumors when too many are being held. More transparency is needed. Local trust is important and paramount. Does feel that minutes of closed sessions should be taken to protect the Town Council.

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

Aug. 8, 2022: Met with adjacent property owners to Tides Inn (C. Elliott & E. Hall). Other Town Council members have walked the property as well as other PC members. There is a Hazard Mitigation Planning Group for the Northern Neck. The Mayor and L. Taylor are members of this group. Reports will be presented at the end of the work group meetings.

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

A. McRoberts: Several ordinances are being addressed. Please share concerns. Working on part-time deputy program and is moving forward. Electronic participation policy amendment. Disclosure of closed session topics discussed.

G. del Rio: Survey discussed, regarding the process. How to get on top and get things moving. Need a process and organization for moving forward.

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

Two new permits issued, both to do with dead tree removal in the RPA.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, AUGUST 11, 2022; 6:30 P.M.**

K. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek*
Contract awarded to Organic Green. There was a stipulation of having a sprinkler system. Need to see if it is in working order so contract can be signed (J. Penniman).
- Charter, Codes & Ordinances Committee, *B. Schaschek (J. Brown)*.
 - *Charter Review, update awaiting draft*
- H. R. Committee, *D. Patteson*
No report.
- Facilities Committee, *J. Brown, Co-Chair*
 - *Contract for Broadband with Broadband Telecom president Jeff Beekhoo*
W. Nunnally/J. Penniman: Why is it needed.

G. del Rio: Basic service that is needed and the Town can provide.

D. Patteson: Will this affect the strength of other WIFI services for other businesses.

J. Beekhoo, President of Broadband Telecom: Will not affect other businesses. Equipment will be on the sides of buildings. It will be commercial grade WIFI.

Motion (J. Brown) to move forward with Broadband, using infrastructure grant money.

Second (G. del Rio).

Motion passes: 5-0.

- Community & Special Events Committee, *J. Penniman*
No report.
- Planning Commission Update, *R. Fuller – Vice Chair*
P. Robinson: Tide's Inn CUP process was discussed. There will be a Public Hearing on Tuesday, September 6 at Irvington Baptist Church at 5:30 p.m. followed by the Planning Commission regular meeting. Survey was discussed stating the process to present the raw data results from EPR-PC with next steps to be discussed at a date in September.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, AUGUST 11, 2022; 6:30 P.M.**

L. OLD BUSINESS

- 2nd Reading Ordinance 2022-06 (modified)– An Ordinance Amendment to Prohibit Utility Scale Solar Facilities and Motorized Skateboards and Scooters for Hire, and to Update Zoning Definitions of Variance and Accessory Use and Unpermitted Uses

Motion (W. Nunnally) to accept Ordinance 2022-06.

Second J. Brown.

Motion passes 5-0.

- 2nd Reading Ordinance 2022-08 to Clarify Readings.

Motion (W. Nunnally).

Second J. Penniman.

Motion passes 5-0.

- 1st Reading of Parallel Traffic Ordinance 2022-09.
- 2nd Reading of Ordinance 2022-07- Floodplain.

Motion (W. Nunnally).

Second J. Penniman.

Motion passes 5-0.

- Short Term Rental Draft Ordinance / Council to set a date for reconvening this current meeting to August 17 rather than calling a special workshop.

Motion (W. Nunnally) to have a reconvened meeting on Aug. 17, 2022, 5:00.

This will be at the Town Office.

Second G. del Rio.

- Social Media update, *L. Taylor*
Info has been given to Whitney Law. Info from 2 other sources have been received, more expensive.
- No Thru Trucks- *D. Patteson*
Moving forward to provide info to Board of Supervisors.

G. del Rio: Some other things can be put in place to discourage thru trucks such as calming island which would make it more difficult for the trucks. Possibly make speed limit 25 through the town.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, AUGUST 11, 2022; 6:30 P.M.**

- Stump grinding estimates – *L. Taylor*
Three estimates received for 62 stumps.

**Motion (J. Penniman) to contract Alfred Davis for stump removal.
Second G. del Rio.
Motion passes 5-0.**

- Welcome to Irvington Signs, *L. Taylor*
Spoke to Ms. Matthews, three existing signs, good shape, poles just need to be painted.

G. del Rio: Bill Mitchell signs should be preserved.

**Motion (W. Nunnally) to allow L. Taylor to get poles painted.
Second J. Penniman.
Motion passes 5-0.**

M. NEW BUSINESS

W. Nunnally: Brass plaque for oak tree (Jackie Burrell), not been done, needs to be done. Clerk will follow up.

N. ANNOUNCEMENTS

- Aug. 17, Reconvene Town Council Meeting at town office at 5:00 p.m.
- Labor Day, Monday, September 5 – the Town Office will be closed
- Joint Public Hearing- Tides Inn Cup, to be held at Irvington Baptist Church, Tuesday, September 6, 2022, at 5:30 p.m. immediately followed by the Planning Commission Regular Called Meeting. Please note this is a change of location.
- Next Town Council Regular Called meeting, September 8, 2022, at 6:30 p.m. at Irvington **BAPTIST** Church.

O. MEETING RECESSED



TOWN OF IRVINGTON, VIRGINIA
Town Council IRVINGTON BAPTIST CHURCH
AUGUST 11, 2022
Town Council Regular Called Meeting

Sign In Sheet

	Name	Address
1.	Albert Pollard	48 Steam boat
2.	Steve Turner	10 Cedar Circle
3.	Michael Shane	5144 Irvington Road
4.	Dawn Fowle	5144 Irvington Rd
5.	Nancy Ann Bradley	991 King Carter
6.	Mary Burgess	22 VA RD
7.	Sam Van Saun	24 the Pony Pasture
8.	Jeremy TAYLOR	60 Westham Cir
9.	Gene Edmonds	204 Old Mill Cove Rd.
10.	Jason Troup	572 King Carter Dr.
11.	Stacey Moore	11 Spring St P.O. Box 134, St. Stephens Church, VA 23148
12.	Carolyn & Alan Elliott	650 King Carter Drive
13.	Gita Pagano	143 Broadway

14. Gary Heaper 656 Glebe Rd.

15. _____

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**TOWN OF IRVINGTON
ORDINANCE AMENDMENT #2022-06**

An Ordinance Amendment To Prohibit Utility Scale Solar Facilities and Motorized Skateboards and Scooters for Hire One-Way, and to Update Zoning Definitions of Variance and Accessory Use and Unpermitted Uses

WHEREAS, having considered matters relevant and/or appropriate to consider, the Town Council of Irvington, Virginia, believes it is appropriate to expressly prohibit utility scale solar facilities and also motorized skateboards and scooters for hire on a one-way rental basis in the Town of Irvington as inconsistent with the comprehensive plan and inappropriate for the health, safety and welfare of citizens and visitors of the Town, to reflect updated definitions and state code provisions, and accordingly, amend the Irvington zoning ordinance; and

WHEREAS, the legal authority for the proposed amendment is the Town Charter and §§ 15.2-2201, 15.2-2280, 15.2-2285 and 15.2-2286 of the Code of Virginia (1950), as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Town Council of the Town of Irvington, Virginia does hereby amend the Town code and zoning ordinances as follows:

TITLE XV: LAND USAGE

Chapter 154. ZONING

....

§ 154.004 DEFINITIONS.

(A) For the purpose of this chapter, certain words and terms used herein shall be interpreted or defined as follows. Words used in the present tense include the future, words in the singular number include the plural, and the plural, the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the "parcel;" the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved;" any reference to this chapter includes all ordinances amending or supplementing the same; all distance and areas refer to measurement in a vertical or horizontal plane.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

....

MOTORIZED SKATEBOARD OR SCOOTER FOR HIRE means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, (v) has a speed of no more than 20

miles per hour on a paved level surface when powered solely by the electric motor, and (vi) is available for hire or for any form of compensation to the owner or operator. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices", as defined in Virginia Code §46.2-100.

....

ONE-WAY RENTAL (of Motorized Skateboard or Scooter for Hire). Rental, license, lease or other similar arrangement in which the motorized skateboard or scooter for hire may be used but is not required to return to the original location of the rental once the rental, license, lease or other arrangement for the use of the motorized skateboard or scooter for hire has concluded.

....

USE, ACCESSORY. A subordinate use customarily incidental to and located upon the same lot occupied by the primary permitted use main house. An accessory use may not be either (i) a prohibited use under § 154.018 or (ii) a permitted or conditional use listed elsewhere in the zoning ordinance.

UTILITY-SCALE SOLAR GENERATION FACILITIES. Solar generation facilities and equipment designed alone or in conjunction with other facilities and equipment to produce one (1) or more megawatt of electricity per day and to transfer or sell electricity generated to the electrical grid.

VARIANCE. In the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning. A relaxation of the terms of the zoning ordinance granted by the Board of Zoning Appeals where such VARIANCE will not to contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this chapter, a VARIANCE is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by VARIANCE, nor shall a VARIANCE Zoning 93 be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts. The Virginia Supreme Court has made it clear (Cochran v. Fairfax County Board of Zoning Appeals, 594 S.E. 2d 571) that for a locality's Board of Zoning Appeals to grant a VARIANCE from the zoning ordinance, the landowner applying for the VARIANCE must prove that not granting the variance would deprive him or her of an use of the property. Therefore, the Court has made it clear that unless the ordinance would deny the use of the property, the BZA lacks any jurisdiction to grant a VARIANCE.

....

§ 154.018 USES NOT PROVIDED.

(A) Permitted uses and conditional uses listed in the district regulations shall be lawful in the respective districts, provided they comply with all applicable provisions of this ordinance. All other uses shall be prohibited.

(B) If in any district established under this chapter a use is not specifically permitted and ~~on an~~ application is made by a property owner to the Planning Commission for such use, the Planning Commission, in consultation with, and study by, the Zoning Administrator, shall make its recommendations to the governing body within 100 days.

(C)(B) If the recommendation of the Planning Commission is approved by the governing body, the chapter shall be amended to list the use as a permitted use in that district in accordance with the provisions contained herein.

(D) Without limiting the generality of § 154.018(A) and any other reference in this ordinance to a prohibited or unpermitted use, the following uses shall be specifically and expressly prohibited in the Town of Irvington:

1. Use of Motorized Skateboards and Scooters for Hire in a One-Way Rental
2. Utility-scale solar generation facilities

BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect immediately.

ADOPTED: This 11th day of August, 2022.

Motion made by: W. Nunnally

2nd: J. Brown

<u>Vote:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
J. Brown	X		
W. Nunnally	X		
J. Penniman	X		
G. del Rio	X		
D. Patteson	X		
B. Schaschek			X

Vote passes 5-0

ATTEST:

Laurel S. Taylor
Irvington Town Clerk, Laurel S. Taylor

Julie W. Harris, Mayor
Mayor, Julie W. Harris



ORDINANCE 2022-07
Town of Irvington, Virginia Zoning Ordinance

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TOWN OF IRVINGTON, VIRGINIA BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY Town of Irvington, Virginia, as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 – Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

Va. Code § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life, health, or property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and,
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 – Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Town of Irvington, Virginia and identified as areas of special flood hazard identified by the

community or shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to Town of Irvington, Virginia by FEMA.

Section 1.3 – Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of Town of Irvington, Virginia or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

Section 1.5 – Abrogation and Greater Restrictions [44 CFR 60.1(b)]

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

Section 1.6 – Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 1.7 – Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of Town of Irvington, Virginia shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of Town of Irvington, Virginia are addressed in the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by Town of Irvington, Virginia to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

ARTICLE II - ADMINISTRATION

Section 2.1 -- Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Irvington, Virginia Zoning Administrator.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 2.2 -- Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross

section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.

- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
- F. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- G. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- H. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- I. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- J. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by Town of Irvington, Virginia, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- K. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
 - 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- L. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- M. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- N. Administer the requirements related to proposed work on existing buildings:

1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- O. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- P. Notify the Federal Emergency Management Agency when the corporate boundaries of Town of Irvington, Virginia have been modified and:
1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- Q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- R. It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g., via mapping or surveying).

Section 2.3 – Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:
 - 1. Are below the base flood elevation in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 - 2. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - 1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Article III, Section 3.1.A.3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - 3. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

The Town floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the governing body shall prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Section 2.5 – District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by Town of Irvington, Virginia where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed LOMR is a record of this approval.

Section 2.6 – Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Council and to submit his own technical evidence if he so desires.

Section 2.7 – Submitting Model Backed Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

Section 2.8 – Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*.

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 – Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Town of Irvington, Virginia prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated July 5, 2022, and any subsequent revisions or amendments thereto.

Town of Irvington, Virginia may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high-water marks, or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance, and which shall be kept on file at the Town of Irvington, Virginia offices.

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 1 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in

accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with Town of Irvington, Virginia endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Article III, Section 3.1.A.1.a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
2. The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30, AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Town of Irvington, Virginia .

Development activities in Zones A1-30, AE, or AH on the Town of Irvington, Virginia FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with Town of Irvington, Virginia endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the bottom of the lowest horizontal structural member of the lowest floor shall be elevated to or above the base flood level.

During the permitting process, the Floodplain Administrator shall obtain:

- a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- b. If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

4. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
 - b. All new construction and substantial improvements of non-residential structures shall

- (1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
5. The **Coastal A Zone** is labelled as AE on the FIRM; it is those areas that are seaward of the limit of moderate wave action (LiMWA) line. As defined by the VA USBC, these areas are subject to wave heights between 1.5 feet and 3 feet. For these areas, the following provisions shall apply:

Buildings and structures within this zone shall have the bottom of the lowest horizontal structural member of the lowest floor elevated to or above the base flood elevation plus eighteen inches of freeCouncil, and must comply with the provisions in Article III, Section 3.1.A.2 and Article IV, Sections 4.2 and 4.3.

6. The **VE or V Zones** on FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast or other areas subject to high velocity waves. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:
- a. All new construction and substantial improvements in Zones V and VE, including manufactured homes, shall be elevated on pilings or columns so that:
 - (1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus eighteen inches if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least two feet above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,
 - (2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).
 - b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted

standards of practice for meeting the provisions of Article III, Section A.6.a.

- c. The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The Floodplain Management Administrator shall maintain a record of all such information.
- d. All new construction shall be located landward of the reach of mean high tide.
- e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this Section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - (1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.
- f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.
- g. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a permit.
- h. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

Section 3.2 – Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

ARTICLE IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

Section 4.1 – Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Town of Irvington, Virginia Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable State and Federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. For structures to be elevated, the elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.
3. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
4. Topographic information showing existing and proposed ground elevations.

Section 4.2 – General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.

- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 – Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Article III, Section 3.1.A.3 the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH, and A with detailed base flood elevations

shall have the bottom of the lowest horizontal structural member of the lowest floor, including basement, elevated to or above the base flood level. See Article III, Section 3.1.A.5 and Article III, Section 3.1.A.6 for requirements in the Coastal A, VE, and V zones.

B. Non-Residential Construction

1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the bottom of the lowest horizontal structural member of the lowest floor, including basement, elevated to or above the base flood level. See Article III, Section 3.1.A.5 and Article III, Section 3.1.A.6 for requirements in the Coastal A, VE, and V zones.
2. Non-residential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by (title of community administrator).

C. Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

- c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Accessory Structures

- 1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Article IV, Section 4.3.B or, if not elevated or dry floodproofed, shall:
 - a. Not be used for human habitation;
 - b. Be limited to no more than 600 square feet in total floor area;
 - c. Be useable only for parking of vehicles or limited storage;
 - d. Be constructed with flood damage-resistant materials below the base flood elevation;
 - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
 - f. Be anchored to prevent flotation;
 - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
 - h. Shall be provided with flood openings which shall meet the following criteria:
 - (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
 - (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual

certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.

- (3) The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
- (4) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

E. Standards for Manufactured Homes and Recreational Vehicles

1. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article III, Section 3.1.A.6 and Article IV, Sections 4.2 and 4.3.
2. All recreational vehicles placed on sites must either:
 - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - b. Meet all the requirements for manufactured homes in Article IV, Section 4.3.E.1.

Section 4.4 – Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

ARTICLE V - EXISTING STRUCTURES IN FLOODPLAIN AREAS

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The floodplain manager has determined that:
 - 1. Change is not a substantial repair or substantial improvement AND
 - 2. No new square footage is being built in the floodplain that is not compliant AND
 - 3. No new square footage is being built in the floodway AND
 - 4. The change complies with this ordinance and the VA USBC AND
 - 5. The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

ARTICLE VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

Variations shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variations generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variations may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Section.

Variations may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variations, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.

- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. No variance shall be granted for an accessory structure exceeding 600 square feet. (Note: See Article IV, Section 4.3.D.2).
- N. Such other factors which are relevant to the purposes of this Ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

ARTICLE VII - GLOSSARY [44 CFR 59.1]

- A. Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed 600 square feet.
- B. Base flood - The flood having a one percent chance of being equalled or exceeded in any given year.
- C. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
- D. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. Board of Zoning Appeals - The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. Coastal A Zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
- G. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities or permanent or temporary storage of equipment or materials.
- H. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- I. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- J. Existing construction - For the purposes of the insurance program, structures for which the

“start of construction” commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures” and “pre-FIRM.”

- K. Flood or flooding -
1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; or,
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- L. Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- M. Flood Insurance Study (FIS) - A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- N. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- O. Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- P. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
- Q. FreeCouncil - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “FreeCouncil” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- R. Functionally dependent use - A use which cannot perform its intended purpose unless it is

located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

S. Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

T. Historic structure - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or,
 - b. Directly by the Secretary of the Interior in states without approved programs.

U. Hydrologic and Hydraulic Engineering Analysis - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

V. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA) - An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR) - A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR) - A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard

areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

- W. Lowest adjacent grade - The lowest natural elevation of the ground surface next to the walls of a structure.
- X. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- Y. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- Z. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- AA. Mean Sea Level -- for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.
- BB. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after March 4, 1988, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- CC. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after March 4, 1988
- DD. Pre-FIRM structures - A structure for which construction or substantial improvement occurred before March 4, 1988.
- EE. Primary frontal dune - A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.
- FF. Recreational vehicle - A vehicle which is:
1. Built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. Designed to be self-propelled or permanently towable by a light duty truck; and,
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters

for recreational camping, travel, or seasonal use.

- GG. Repetitive Loss Structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- HH. Severe repetitive loss structure - A structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- II. Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- JJ. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.1 of this ordinance.
- KK. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- LL. Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- MM. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent

of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

NN. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

OO. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

PP. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE VIII - ENACTMENT

Enacted and ordained this 9th day of June, 2022. This amendment of the Town of Irvington, Virginia Zoning Ordinance shall be effective July 1, 2022. At that time, any existing floodplain ordinance in the Town of Irvington shall be repealed.

Title

Mayor
B. Schaschek - aye
J. Brown - aye
D. Patterson - aye
J. Penniman - aye
G. del Rio - aye
vote 5-0 to pass

Signature

Julie W. Harris

attested by:

Laurel S. Taylor
Town Clerk

ARTICLE VIII - ENACTMENT

Enacted and ordained as of 9th day of June, 2022. This amendment of the Town of Irvington, Virginia Zoning Ordinance shall be effective July 1, 2022. At that time, the then-existing floodplain ordinance in the Town of Irvington, codified as then-existing Chapter 152 of the Town Code, shall be repealed and replaced by this ordinance.

Readoption of this ordinance was done as of the 11th day of August, 2022.

Motion to readopt this Ordinance: W. Nunnally

Second: J. Penniman

AYES: 5 W. Nunnally, D. Patteson, J. Penniman, G. del Rio, J. Brown

NAYS: 0

ABSTENTIONS: 0

ABSENT: 1 B. Schaschek

ATTEST:

Laurel S. Taylor
Clerk of the Town Council of Irvington, Virginia

Julie W. Harris, Mayor
Mayor, Julie W. Harris



**TOWN OF IRVINGTON
ORDINANCE AMENDMENT # 2022-08**

AN ORDINANCE AMENDING CHAPTERS 10 AND 30 OF THE TOWN CODE TO CLARIFY THE “READINGS” REQUIREMENT AND OTHER PROCEDURES TO ADOPT AN ORDINANCE, AND TO CLARIFY THE EFFECTIVE DATE OF ORDINANCES, RESOLUTIONS AND BYLAWS

WHEREAS, having considered matters relevant and/or appropriate to consider, the Town Council of Irvington, Virginia, believes it is appropriate to amend Chapters 10 and 30 of the Town Code to clarify the “readings” requirement to adopt an ordinance and to clarify the effective dates of adopted ordinances; and

WHEREAS, the legal authority for the proposed amendment is the Town Charter and the Code of Virginia (1950), as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Town Council of the Town of Irvington, Virginia does hereby amend the Town Code as follows:

§ 10.12 ~~EFFECTIVE DATE OF ORDINANCES.~~ Reserved.

~~All ordinances passed by the legislative body requiring publication shall take effect upon adoption, unless otherwise expressly provided.~~

§ 10.13 REPEAL OR MODIFICATION OF ORDINANCE.

(A) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(B) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section ~~may~~ shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

(1961 Code, § 1-7) Cross-reference: Passage of ordinances, see §§ 30.15 through 30.17

§ 30.15 PASSAGE GENERALLY; READING AT TWO MEETINGS OF TOWN COUNCIL REQUIRED; EXCEPTION AS TO EMERGENCY ORDINANCES; AMENDMENTS. No ordinance ~~or resolution having the effect of an ordinance~~, unless it be an emergency, shall be passed until it has been read at two meetings of the Town Council not less than one week apart,

one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting; provided, that the requirement of a second reading may be waived by the affirmative vote of ~~any two members of the Council~~ may be confined to the reading of the title only. Any ordinance or resolution read at one such meeting may be amended, and passed as amended, provided the amendment does not materially change the ordinance. A "reading" under this section shall require the reading of the title of the proposed ordinance only; a full reading of the ordinance shall not be required.

(1961 Code, § 2-1) Cross-reference: Enactment of ordinances as amendments or additions to code, see § 10.14

§ 30.16 EFFECTIVE DATE. All ordinances, resolutions, or bylaws and other matters passed by the Town Council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in the event no effective date shall be set forth in such ordinance, resolution or bylaws, the same shall become effective 30 days from the passage thereof.

(1961 Code, § 2-2) Charter reference: Effective date of ordinances, see Char. Art. III, § 18

§ 30.17 EMERGENCY MEASURES. An ordinance passed by the Town Council involving an emergency measure, when properly designated as such, shall become effective immediately. An emergency measure is an ordinance for the immediate preservation of the public peace, property health or safety or providing for the daily operation of a municipal department. The emergency shall be stated in every such measure.

(1961 Code, § 2-3)

BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect immediately upon the adoption hereof.

ADOPTED: This 11th day of August, 2022. Motion: W. Nunnally, 2nd: J. Penniman

AYES: 5 W. Nunnally, J. Penniman, J. Brown, G. del Rio, D. Patteson

NAYS: 0

ABSTENTIONS: 0

ABSENT: 1 B. Schaschek

ATTEST:

Laurel S. Taylor
Town Clerk, Laurel S. Taylor

Julie W. Harris, Mayor
Mayor, Julie Harris





**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JULY 14, 2022; 6:30 P.M.**

AGENDA – Amended at the table

A. CALL TO ORDER

B. ROLL CALL

Town Council Present

G. del Rio, present.

D. Patteson, present.

J. Penniman, present.

J. Brown, present.

B. Schaschek, present.

W. Nunnally, present.

J. Harris, present.

Staff Present

A. McRoberts, Town Attorney.

J. Nelson, Zoning Administrator.

L. Taylor, Clerk.

C. APPROVE AGENDA

Amend the Agenda to include discussion about No-Thru-truck issue.

Motion (G. del Rio) to approve Agenda.

J. Penniman, second.

Motion passes 6-0.

D. APPROVE MINUTES

- June 9 Town Council Special Called Meeting Summary Minutes
 - Correction Ms. Penniman was listed as Ms. Brown.
 - Female notated was Ms. Schaschek.

Motion (B. Schachek) to note corrections to speakers and approve minutes.

Second: G. del Rio.

Motion passes: 6-0.

- June 9 Town Council Regular Called Meeting Summary Minutes



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JULY 14, 2022; 6:30 P.M.**

- Correction (Report from Mayor): Flag donated was for the Main Commons not North Commons.

Motion (B. Schachek) to note corrections and approve minutes.

Second: D. Patteson.

Motion passes: 6-0.

E. FINANCIAL REPORT

- Treasurer's Report

Treasurer's report was accepted.

F. PUBLIC COMMENT

M. Tran: 5144 Irvington Road. Question regarding the survey, did not receive one in the mail, filled out online and was concerned surveys were not being received. Addresses were determined from the land records from the County, and it has been discovered they are not up to date as several people have stated they did not receive their survey in the mail (J. Harris). Mr. Tran offered to volunteer to cross check the lists to ensure that surveys were being received by all.

D. Cheek: Will there be discussion of purchasing a town police vehicle and will a decision be made tonight.

J. Harris: It will be discussed later in the meeting.

B. Spencer: 33 Reynolds Landing. Survey mentioned acquisition of land for public use. Is there a specific location and specific use. Is this going to be made known to the citizens so that they can participate before any action is made by Council. Proposed Tide's Inn development, hopes that the residents are aware of the impact that this will have.

I. Ormisher: 19 Pony Pasture: Very interested to hear what is the purchase for town property and hope to see clarification of whether the Council is acting on behalf of the residents or is acting on behalf of the businesses. There is quite some concern about this.

M. Smith, 110 Lancaster Road: Happy to talk with anyone about the developments at the Tide's Inn. Agree to 2.5% meals tax but it would have to be prescribed to sewer, otherwise do not agree to any other expenditures of that tax.

G. Kuper: Four questions were asked at last month's meeting (Marsha Chapman), no response has been given. Repeating the four questions asking for responses "now" before proceeding with the Agenda.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JULY 14, 2022; 6:30 P.M.**

1. What real property is under discussion for potential acquisition.
2. What public purposes are proposed for this property.
3. What is the price range of this property.
4. Will acquisition of this property require new taxes and borrowing.

G. del Rio: Mayor is responsible for setting the Agenda for the Council and what's on it. (Clerk's Note: Clerk sends email to entire Town Council for anything that should be on each agenda. These emails/calls are put in place with consultation in agenda planning with Mayor, Vice Mayor and Clerk.)

G. Kuper: Discussion regarding Ian's concerns about the town's cohesion issues with STR's. Small things are done well. It's the big things that need to be discussed/addressed. Suggestion I made a few years ago was lost concerning STR's being owned/operated by a resident of the town which would address issues regarding compliance with issues and having 24 contact makes it a community agenda. 90-minute proximity is not effective. No control over surveys.

J. Harris: Survey was discussed with company, EPR-PC.

R. Fuller: Not votes, it is high level opinions, not a one for one. There is not a problem currently with more surveys than residents.

J. Harris: Precautions have been made regarding hard copies with using special paper.

R. Fuller: No issues have been found.

J. Harris: Discussions later in the meeting regarding several questions made.

J. Penniman: Every town council member always considers with any comments, topics, suggestions, if it is good for the residents of the Town of Irvington.

D. Patteson: The residents' concerns and what's best for the Town is always considered. There is a process that must be followed by the Council. Process has to be completed and no actions are taken without a public hearing and hearing concerns before a vote is made. Patience is needed.

J. Harris: Irvington is a community and should be treated as such, not a business.

M.Coiron, 334 King Carter: How many committee members live next door to a STR.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JULY 14, 2022; 6:30 P.M.**

G. del Rio: There was a lot of meetings and notices for this, the process was there to engage the public and it is disappointing to have folks not engage in those processes and to now come at the end to criticize or ask questions. The process is there and should be followed.

S. Kimmeth, 10 Cedar Circle: Congratulations for July 4th weekend.

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

J. Harris: Special thank you to everyone involved for the July 4th weekend. Thanks to Bill Penniman for the new flag for the Commons.

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

Part-time Deputy: Still working with the Sheriff with some issues with the County, which is wear and tear on their vehicles, etc. The County will be receiving two vehicles so therefore 2 "old" vehicles will be available to be sold and are willing to sell to us for a low amount (\$1,500 to \$1,800). This car will already have markings, etc. Parallel traffic ordinance was discussed. Various ordinances will be discussed later. Readings ordinance was discussed.

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

Zoning permit 932 King Carter (garage). Fisher's Pit will begin removing tires this month. Site visit on old house on King Carter that is to be torn down. Spoke with Chesapeake Academy regarding overgrown bamboo. Site visit for Lee Lane. Final inspection with Department of Environmental Quality regarding several issues. Tide's Inn CUP on the August agenda and is on the website. Budget approved to hire an intern to take all the files and digitize them. Ballpark installation of sidewalks \$500,000.

J. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek*

Motion to appropriate (B. Schaschek) \$1,250.00 to Steamboat Museum for the Crab Festival in September.

D. Patteson: Second.

Motion passes: 6-0.

Motion (B. Schaschek) to move forward with the intern position to digitize records.

D. Patteson: Second.

Motion passes: 6-0.

- Charter, Codes & Ordinances Committee, *B. Schaschek*
 - *Charter Review* – Due to COVID and vacations could not meet with the attorney and will be done next week (Thursday, 4:00).



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JULY 14, 2022; 6:30 P.M.**

- H. R. Committee, *D. Patteson*
Annual review has been given and will be discussed in closed session.

- Facilities Committee, *W. Nunnally*
Sidewalks (*J. Nelson*): It would be done in phases over many years.
W. Nunnally: Committee will be looking into this.

Tri-Way was discussed regarding sidewalks, right of ways, etc.

Broadband/Telecom: Price/contract was provided. \$4,950 initial investment for equipment/labor and then \$95.00 month thereafter. Is WIFI connectivity going to be affected.

Motion (*J. Brown*) to get a formal contract and bring to the next meeting.

W. Nunnally, second.

Motion passes 6-0.

Arrowhead estimate (*L. Taylor*) discussed. Arrowhead suggested to go with Organic Green for the triangle, it would be more cost effective from start to finish.

Motion (*W. Nunnally*) to go with Organic Green for the triangle.

Second (*J. Brown*)

Motion passes 6-0.

Welcome To Irvington Sign (Triangle) *J. Brown*: *S. Matthews* gave an estimate but we should proceed with beautifying the triangle. *J. Nelson* to check with VDOT on requirements and *L. Taylor* will check with *S. Matthews* on proposals for choices.

- Community & Special Events Committee, *J. Penniman*
Fourth of July: Thanks to everyone. Biggest kudos to *Jeff Ewing* for bringing the Shriner's to the parade.

- Planning Commission Update, *R. Fuller, Vice Chair*

Last day of survey is tomorrow.

K. OLD BUSINESS

- Ordinance 2022-06 (modified)– An Ordinance Amendment to Prohibit Utility Scale Solar Facilities and Motorized Skateboards and Scooters for Hire, and to Update Zoning Definitions of Variance and Accessory Use and Unpermitted Uses.
- Discussion based on comments from *Phil Robinson*. Concerns about banning these. Could address the abandonment issues regarding scooters (allow *Mr. McRoberts* to redo ordinance). Will check with other localities to see how this is handled. One way rental could be a requirement.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JULY 14, 2022; 6:30 P.M.**

**Motion (W. Nunnally) to allow Mr. McRoberts to ban one-way scooter business.
Second, G. del Rio.
Motion passes 6-0.**

- Short Term Rental Committee Recommendations / discussion

W. Nunnally: May need to visit the discussion about number of beds.

L. Taylor: 32 STR, 4-5 exemptions.

B. Schaschek: Further discussion should be had regarding STR's regarding keeping the integrity of our community.

J. Brown: Some kind of length of restriction should be considered.

P. Thompson: Discussion concerning property value when STR's are sold, permits upon sale not valid. You are taking away a property owners rights with STR.

G. del Rio: This has been discussed. Consensus is needed.

Mr. McRoberts: My recommendation after hearing committee recommendations, I can draft the recommendations into an ordinance if you are comfortable with the committee's recommendations and you can look at it or tweak it.

**Motion (W. Nunnally), Mr. McRoberts to give us a draft for review.
Second, B. Schaschek.
Motion passes 6-0.**

- A discussion of proposed Ordinance 2022-09 Parallel Traffic –

**Motion (W. Nunnally), give us a draft for this ordinance.
Second, D. Patteson.
Motion passes 6-0.**

B. Schaschek: Discussion regarding tickets issues would there need to be an attorney to represent.

A. McRoberts: Deputy would be there to represent. No extra charges, etc.

- Continuation of FlackShack Contract

G. Del Rio: Not in favor, think we could find cheaper. It's overspending and out of our local area.

L. Taylor: Names I was given were more expensive. We can go month to month at this point.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JULY 14, 2022; 6:30 P.M.**

Motion (G. del Rio) to stop, not spend any further money with FlackShack, get it to a smaller amount and keep it local.

J. Brown, second.

Motion passes 6-0.

- No-Thru-truck discussion, D. Patteson

D. Patteson took his own survey and extrapolated from 30 minutes to an entire day to assume there would be 260 trucks coming through, this is not acceptable. It affects safety, shopping, visitors, etc. We will work to get the Board of Supervisors to understand this. Asked to have some citizen volunteers to help count trucks for 30-minute time slots. (Three volunteers came forward.) D. Patteson will develop a schedule and will present the results to the Board of Supervisors. After report is compiled we will report back to Council.

L. NEW BUSINESS

- 1st reading - Ordinance 2022-08 Clarifying Readings Amendment (A. McRoberts), if it is an emergency ordinance it can be passed tonight.

Motion (W. Nunnally) to clarify readings amendment ordinance.

Second, J. Brown.

Motion passes 6-0.

- Purchase Police Car
- Discussion/Vote

J. Harris: Speeding is a big issue. Need more police presence to help with this. Discussion was had about having a deputy and then the concern was brought up with wear and tear on the County's cars so the point to purchase an older car was brought up.

A. McRoberts: The purchase of the older car makes sense, there will be some expense but not a lot. There will be an expense one way or the other and this will be a more feasible less expensive option.

Motion (W. Nunnally) to purchase police car if one becomes available at a reasonable price.

Second, D. Patteson.

Motion carries: 6-0.

- Reappointment to Planning Commission

Motion (W. Nunnally) to reappoint R. Fuller to PC.

Second, G. del Rio.

Motion carries: 6-0.

M. ANNOUNCEMENTS

- Next Town Council Regular Called meeting, August 11, 2022, at 6:30 p.m. at Irvington **BAPTIST** Church



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JULY 14, 2022; 6:30 P.M.**

N. CLOSED SESSION

- Under State Code 2.2-3711 (A) (1) for discussion regarding performance and salaries of staff personnel after one year review.

O. RETURN TO OPEN SESSION

- Certifying only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the closed meeting.

Roll Call Certification

I, W. Nunnally, so certify.

I, J. Penniman, so certify.

I, J. Brown, so certify.

I, B. Schaschek, so certify.

I, J. Harris, so certify.

I, G. del Rio, so certify.

I, D. Patteson, so certify.

Motion, (B. Schaschek), that D. Patteson and B. Schaschek meet with the staff to review the feedback from the Council and go over the performance reviews one last last time before increases are given.

Second, W. Nunnally.

Motion passes: 6-0.

P. ADJOURN

Motion, (W. Nunnally) to adjourn.

Second, D. Patteson.

Motion passes: 6-0.



TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JULY 14, 2022; 6:30 P.M.

Motion to approve minutes of July 14, 2022 : W. Nunnally

2nd: J. Penniman

Vote:	Aye	Nay	Abstain	Absent
W. Nunnally	X			
D. Patteson	X			
J. Penniman	X			
J. Brown	X			
G. del Rio	X			
B. Schaschek				X

Vote passes 5 – 0

Attest:

Laurel S. Taylor
Town Clerk, Laurel S. Taylor

Julie W. Harris, Mayor
Mayor, Julie W. Harris



TOWN OF IRVINGTON, VIRGINIA
Town Council IRVINGTON BAPTIST CHURCH
JULY 14, 2022
Town Council Regular Called Meeting

Sign In Sheet

	Name	Address
1.	Steve Kummer	10 Cedar Circle
2.	Buddy Spencer	33 Reynolds Ldg.
3.	Michelle Corri	334 King Carter Dr
4.	George Kuper	Haydon Hall
5.	Shirley Gentry	45 Lee Ln
6.	MICHAEL SHANE	PO Box 547
7.	Dawn Fowle	P.O. Box 547
8.	Tim D. Corwin	PO Box 694
9.	David Chest	OMC Rd.
10.	Maryann Brady	991 King Carter Rd
11.	Ruth Fuller	341 The Lane
12.	Tristin Cheyna	603 Haydon Hall Lane
13.	Fred Sanford	70 Lee Lane

14. Marston Smith

110 Lane Rd

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**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JUNE 9, 2022; immediately following SPECIAL
CALLED MEETING**

AGENDA

A. CALL TO ORDER, J. Harris.

B. ROLL CALL

Town Council Members Present

Julie Harris, present.

Dudley Patteson, present.

Gabe del Rio, present.

Bonnie Schaschek, present.

Jackie Brown, present.

Judy Penniman, present.

Wayne Nunnally, absent.

Town Staff Present

L. Taylor

J. Nelson

Mr. McRoberts, present via telephone.

C. APPROVE AGENDA (Amend)

- Adopt a flood plan ordinance, Mr. McRoberts will report.

Motion (*B. Schaschek*) to amend the Agenda.

Second J. Brown

Motion passes 5-0.

D. APPROVE MINUTES

- May 12 and May 16, 2022, Town Council Summary Minutes

Motion (*G. del Rio*) to approve May 12, 2022, Summary Minutes.

Second J. Brown

Motion passes 5-0.

Motion (*B. Schaschek*) to approve May 16, 2022, reconvened meeting Summary Minutes.

D. Patteson Second

Motion passes 5-0.



TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JUNE 9, 2022; immediately following SPECIAL
CALLED MEETING

E. FINANCIAL REPORT

- Treasurer's Report – Accepted.

F. PUBLIC COMMENT

- Sheriff Patrick McCranie -- Have come up with a resolution to go over with Mr. McRoberts and must be approved by Board of Supervisors. Deputies will run radar off-duty. County Administrator liked the plan. Town will pay deputies directly. They are authorized to run radar and write tickets off-duty.
- J. McGeorge – Is there a state law that requires a municipality that is incorporated to have a Town cop?
- B. Smith (through trucks) – Police presence will hopefully solve the speed issue. Safety is very important.
- Public comments included a survey was done and results revealed there is heavy traffic through the town. Safety is important and help is needed from Board of Supervisors.
- Council comments – Traffic between White Stone and Irvington. Hard shoulder would be a solution for a safe bike path between the two towns. Portable mobile radar equipped with the camera could be effective to deter speeding. Mr. Smith expressed tickets could not be issued from this method.
- Public Comment:
 - P. Robinson. Scooter ordinance. Comprehensive plan seems to be encouraging other modes of transportation. Need to make it consistent. Several issues regarding motorized bikes, Bird scooters. Focus on abandonment of rented scooters/bikes. Ordinance will not prevent scooters rented elsewhere from being abandoned in Irvington.
 - I. Cheyne. STR – Community cohesion discussed. STR's tear apart communities and it is starting to happen in the Town. Regulations of STR are being considered but community and social side of STR should be considered. Address all aspects of STR's.
 - S. Kimmeth – Concerts and events discussed.
 - Sam Van Saun – Flyer is being distributed to undermine the survey and it is not okay. Information is incorrect on the flyer.
 - J. Trollip – Tides Inn – Cannot be open to everyone all the time, will close on some public holidays.
 - M. Chapman – Closed sessions concerning acquiring property. Baseline questions need to be answered. Closed sessions discussing this has been done to limit information to town residents.
 - C. Bradley – Survey – Thanks for all the help. Need to make sure raw data is obtained without recommendations.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JUNE 9, 2022; immediately following SPECIAL
CALLED MEETING**

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

- New flags were installed.
- Larger flag donated by Bill Penniman for the Commons. Thank you.

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

- Flood plan ordinance – July 5th deadline. Bring ordinance in-line with mandate. Recommends adopting the ordinance. Adoption of ordinance procedure, is a full reading necessary. No state law requires two readings or full reading. Recommend that the Council authorize for Mr. McRoberts to come up with a draft amendment to do away with or clarify that no full text readings are required.

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

- Four permits issued.
- Completed second phase audit of DEQ.
- Two engineering quotes for expansion of the sidewalks (\$90,000 & \$100,000). \$100,000 was allocated in the budget for sidewalks. To be taken up at the next meeting. Need to get a cost of linear foot cost.
- New cell tower – no news.

J. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek*

Motion (*B. Schaschek*) to appropriate the remaining \$4,683 under community support for July 4, parade.

D. Patteson second.

Motion passes 5-0.

- Charter, Codes & Ordinances Committee, *B. Schaschek*
 - *Charter Review* Meeting with attorney to make changes to go to the Assembly by Sept.

Motion (*B. Schaschek*) to authorize the town attorney to draft an amendment to the town code to clarify that readings and heading only in ordinances going forward.

D. Patteson second.

Motion carries 5-0.

- H. R. Committee, *D. Patteson*
 - Annual review of two new staff members, Laurel and Justin. Asking for feedback from Town Council. Email comments to Bonnie and Dudley. Recommendation will be made in closed session at the next meeting. Need to make sure we have the proper staff to serve the town community.
- Facilities Committee, *J. Brown, Co-Chair*
 - Public Broadband – Jeff Beekhoo to discuss proposal for broadband. Coverage is cheaper and better. To be addressed next month.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JUNE 9, 2022; immediately following SPECIAL
CALLED MEETING**

- Community & Special Events Committee, *J. Penniman*
 - July 4th parade discussed (time, floats, participants, etc.).
- Planning Commission Update, *T. Chapman, Chair*
 - Survey will give us the results we are looking for. Some responses have been received and most were 94% complete.
 - Broadband was discussed. Need to discuss Breezeline updated services that are being installed in the rest of the county to be installed in Irvington.
 - Cell Tower – Need to contact Verizon to see what plans are in the works to improve cell service.

K. OLD BUSINESS

- 2nd Reading Ordinance 2022-06 – An Ordinance Amendment to Prohibit Utility Scale Solar Facilities and Motorized Skateboards and Scooters for Hire, and to Update Zoning Definitions of Variance and Accessory Use and Unpermitted Uses - Needs to be tweaked. Will be discussed July 14, 2022, Town Council meeting.
- 2nd Reading Ordinance 2022-05 – An Ordinance Amendment Adopting a Business, Professional, and Occupational License Requirement on Certain Businesses and Creating a Registry for Short-Term Rentals in Irvington Beginning January 1, 2023

Motion to Adopt Ordinance 2022-05

Vote called- All those in favor? 5 – Aye, Any opposed? 0

Motion Carries 5-0.

2nd Reading Ordinance 2022-04.uc Adopting Fee Rate Schedule – *L. Taylor*

Motion to Adopt Ordinance 2022-04

Vote called- All those in favor? 5 – Aye, Any opposed? 0

Motion Carries 5-0.

2nd Reading Ordinance 2022-03.uc Adopting Transient Occupancy Tax Rate – *L. Taylor*

Motion to Adopt Ordinance 2022-03

Vote called- All those in favor? 5 – Aye, Any opposed? 0

Motion Carries 5-0.

2nd Reading Ordinance 2022-01.uc Adopting Real Estate Tax Rate – *L. Taylor*

Motion to Adopt Ordinance 2022-01

Vote called- All those in favor? 5 – Aye, Any opposed? 0

Motion Carries 5-0.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JUNE 9, 2022; immediately following SPECIAL
CALLED MEETING**

2nd Reading Ordinance 2022-02.uc Adopting an Annual FY 22/23 Budget – *L. Taylor*

Motion to Adopt Ordinance 2022-02

Vote called- All those in favor? 5 – Aye; Any opposed? 0

Motion Carries 5-0.

Vote on approving the Budget

Motion to approve Budget

Vote called- All those in favor? 5 – Aye, Any opposed? 0

Motion Carries 5-0.

L. NEW BUSINESS

Appropriate Operating Expenses for FY 22/23

- **Motion to Appropriate Operating Expenses for FY 22/23**
- **Vote called- All those in favor? 5 – Aye, Any opposed? 0**
- **Motion Carries 5-0.**

- Discuss plans for Triangle
 - Organic Green proposal
 - Arrowhead proposal
 - Vote to authorize Mayor to sign agreement – Hold off until next meeting.

Motion (B. Schaschek) to adopt flood plain ordinance as an emergency measure.

G. del Rio second.

Vote called- All those in favor? 5 – Aye, Any opposed? 0

Motion Carries 5-0.

M. ANNOUNCEMENTS

- Town Office will be closed Monday, July 4, 2022, for the Fourth of July.
- Next Town Council Regular Called meeting, July 14, 2022, at 6:30 p.m. at Irvington **BAPTIST** Church
- Discussion about political signage.

N. ADJOURN

Motion (D. Patteson) to adjourn.

B. Schaschek second

Motion passes 5-0.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JUNE 9, 2022; immediately following SPECIAL
CALLED MEETING**

The June 9, 2022, summary minutes of the Town Council Regular Called Meeting were amended and approved at the Town Council Regular Called Meeting of July 14, 2022.

Vote:	Aye	Opposed	Abstained
Dudley Patteson	X		
Bonnie Schaschek	X		
Jackie Brown	X		
Gabe del Rio	X		
Judy Penniman	X		
Wayne Nunnally	<i>absent</i>		

The vote was 5-0 and the amended minutes were approved.

Respectfully submitted,

Laurel S. Taylor, Town Clerk & FOIA Officer *Laurel S. Taylor*

Julie W. Harris, Mayor
Julie W. Harris, Mayor



TOWN OF IRVINGTON, VIRGINIA
Town Council RIVINGTON BAPTIST CHURCH
JUNE 9, 2022
Town Council Regular Called Meeting

Sign In Sheet

	Name	Address
1.	Steve Kimmeth	10 Cedar Circle
2.	Robin Kimmeth	10 Cedar Circle
3.	MELANIE & FRANK MAQUIRE	121 CHASES CONECLINE
4.	Mary Burgess	22 VARD
5.	Walter Chepe	103 Hayden Hall Lane
6.	Jan Chepe	103 Hayden Hall Lane.
7.	Sam Van Saun	24 The Pony Pasture
8.	Jane McGeorge	220 Sanders Lane
9.	Snowy McGeorge	220 Sanders Lane
10.	Danielle & George KUPER	Hayden Hall
11.	Jasen Trokip	480 King Center Drive
12.	Mary Ann Brady	991 King Center Dr
13.	TARA THURSTON	15 Spring St
	Fred Sanford	70 Lee Lane
	Plu	

14. Phil Robinson 90 Lancing Rd.

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ORDINANCE 2022-04.uc

ADOPTING 2022-23 FEE RATE SCHEDULE

WHEREAS, the Irvington Town Council (“Council”) desires to adopt the attached FY 2022-23 Fee Rate Schedule of certain administrative and zoning fees.

WHEREAS, this Ordinance was advertised in the Rappahannock Record on May 12 and June 2, 2022; and

WHEREAS, the public had an opportunity to comment on this Ordinance in a public hearing on May 12, 2022; and

WHEREAS, this Ordinance was considered at two readings by Council on May 12, 2022 and June 9, 2022.

BE IT ENACTED AND ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA:

1. Council hereby adopts Ordinance 2022-04.uc, with the attached FY 2022-23 Fee Rate Schedule, incorporated herein by this reference, with effect from July 1, 2022
2. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this uncodified Ordinance in the Minutes of its June 9, 2022 meeting.

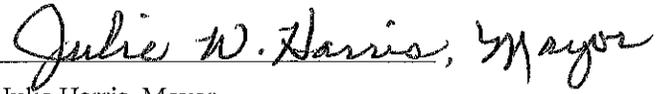
Attachment – Fee Rate Schedule

Certification

I, Julie Harris, Mayor, do hereby certify that Ordinance 2022-04.uc was adopted at its June 9, 2022 Meeting, at which a quorum was present and voting. The Vote was:

IN FAVOR - 5 OPPOSED - 0

Jackie Brown	X
Gabe del Rio	X
Wayne Nunnally <i>absent</i>	
Dudley M. Patteson	X
Judy Penniman	X
Bonnie Schaschek	X


Julie Harris, Mayor

ATTEST:


Laurel Taylor, Town Clerk



TOWN OF IRVINGTON
FY 21/22 FEE RATE SCHEDULE

ADMINISTRATIVE	FEE
· Precious Metals Dealer Registration	· \$200
ZONING RELATED PERMITS	FEE
· Sign	· \$20
· Subdivision	· \$200 + \$30/LOT
· Zoning	· \$100
· Board of Zoning Appeals	· \$300
ADDITIONAL ORDINANCES	FEE
· Golf Cart	FEE
○ Individual	· \$25
○ Commercial	· \$200
· Conditional Use Permit	· \$200
Business License Fee	\$30
STR Registration Fee	\$50

*Anyone who applies for a permit after the fact for zoning will be charged double the original fee.

ORDINANCE 2022-01.uc
ADOPTING REAL ESTATE TAX RATE

WHEREAS, the Irvington Town Council ("Council") adopted an ordinance authorizing a levy of real estate taxes on March 17, 2016, now codified as Town Code Sections 34.30-34.34; and

WHEREAS, the Council desires to re-adopt the current real estate tax rate for the 2022-23 fiscal year; and

WHEREAS, this Ordinance was advertised in the Rappahannock Record on April 28 and May 5, 2022; and

WHEREAS, this Ordinance was considered at a May 12, 2022 public hearing, and two readings by Council on May 12 and June 9, 2022.

BE IT ENACTED AND ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA:

1. Council hereby adopts Ordinance 2022-01.uc, which re-adopts the rate of \$.03 per \$100 assessed value, with effect from July 1, 2022.
2. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this uncodified Ordinance in the Minutes of its June 9, 2022 meeting.

Certification

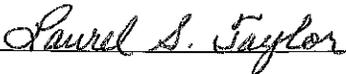
I, Julie Harris, Mayor, do hereby certify that Ordinance 2022-01.uc was adopted at its June 9, 2022 Meeting, at which a quorum was present and voting. The Vote was:

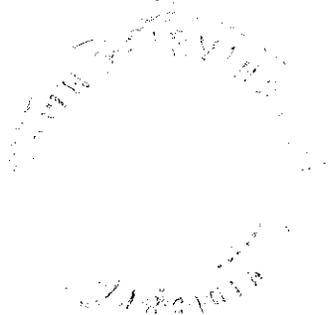
IN FAVOR - 5 OPPOSED - 0

Jackie Brown	X
Gabe del Rio	X
Wayne Nunnally <i>--absent</i>	
Dudley M. Patteson	X
Judy Penniman	X
Bonnie Schaschek	X


Julie Harris, Mayor

ATTEST:


Laurel Taylor, Town Clerk



ORDINANCE 2022-02. uc

ADOPTING FY 2022-23 BUDGET

WHEREAS, the Irvington Town Council ("Council") proposes to adopt a FY 2022-23 Budget for Irvington; and

WHEREAS, a synopsis of the proposed FY 2022-22 Budget and a notice of a public hearing on the Budget were advertised in the Rappahannock Record on April 28 and May 5, 2021 pursuant to VA Code Ann. Section 15.2-2506; and

WHEREAS, a public hearing on the proposed FY 2022-23 Budget was held on May 12, 2022 and the public also had the opportunity to speak about the FY 2022-23 Budget at meetings on May 12 and June 9, 2022; and

WHEREAS, this Ordinance was read twice before approval, at the May 12 and June 9, 2022 Council meetings.

BE IT ENACTED AND ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA, AS FOLLOWS:

1. Council hereby adopts Ordinance 2022-02.uc Adopting FY 2022-23 Budget, with a copy of the full Budget attached hereto and incorporated herein by this reference.
2. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this uncodified Ordinance, and the attached FY 2022-23 Budget, in the Minutes of its June 9, 2022..

Attachment – FY 2022-23 Budget

Certification

I, Julie Harris, Mayor, do hereby certify that Ordinance 2022-02.uc was adopted at its June 9, 2022 Meeting, at which a quorum was present and voting. The Vote was:

IN FAVOR ~ 5 OPPOSED ~ 0

Jackie Brown	X
Gabe del Rio	X
Wayne Nunnally -absent	
Dudley M. Patteson	X
Judy Penniman	X
Bonnie Schaschek	X

Julie W. Harris, Mayor
Julie Harris, Mayor

Attest:
Laurel S. Taylor
Town Clerk



ORDINANCE 2022-03-uc

ADOPTING TRANSIENT OCCUPANCY TAX RATE

WHEREAS, the Irvington Town Council (“Council”) adopted an ordinance authorizing a levy of taxes for transient occupancy in Irvington, on July 18, 2002, with effect from January 1, 2003, codified on February 12, 2015 as Town Code Sections 34.01 *et seq*; and

WHEREAS, Council desires to re-adopt the current transient occupancy tax rate of 4%; and

WHEREAS, this Ordinance was advertised in the Rappahannock Record on April 28 and May 5, 2022; and

WHEREAS, the public had the opportunity to comment on this Ordinance in a public hearing on May 12, 2022; and

WHEREAS, this Ordinance was considered at two readings by Council on May 12, 2022 and June 9, 2022.

BE IT ENACTED AND ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA:

Council hereby adopts the following:

1. Council hereby adopts Ordinance 2022-03.uc which re-adopts the rate of 4% of the charge made for each room rented, with effect from July 1, 2022.
2. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this uncodified Ordinance in the Minutes of its June 9, 2022 meeting.

Certification

I, Julie Harris, Mayor, do hereby certify that Ordinance 2022-03.uc was adopted at its June 9, 2022 Meeting, at which a quorum was present and voting. The Vote was:

IN FAVOR - 5 OPPOSED - 0

Jackie Brown	×
Gabe del Rio	×
Wayne Nunnally - <i>absent</i>	
Dudley M. Patteson	×
Judy Penniman	×
Bonnie Schaschek	×


Julie W. Harris, Mayor
Julie Harris, Mayor

ATTEST:

Laurel S. Taylor
Laurel Taylor, Town Clerk

ORDINANCE 2022-07
Town of Irvington, Virginia Zoning Ordinance

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TOWN OF IRVINGTON, VIRGINIA BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY Town of Irvington, Virginia, as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 – Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

Va. Code § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life, health, or property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and,
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 – Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Town of Irvington, Virginia and identified as areas of special flood hazard identified by the

community or shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to Town of Irvington, Virginia by FEMA.

Section 1.3 – Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of Town of Irvington, Virginia or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

Section 1.5 – Abrogation and Greater Restrictions [44 CFR 60.1(b)]

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

Section 1.6 – Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 1.7 – Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of Town of Irvington, Virginia shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of Town of Irvington, Virginia are addressed in the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by Town of Irvington, Virginia to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

ARTICLE II - ADMINISTRATION

Section 2.1 – Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Irvington, Virginia Zoning Administrator.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 2.2 – Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross

section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.

- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
- F. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- G. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- H. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- I. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- J. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by Town of Irvington, Virginia, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- K. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
 - 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- L. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- M. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- N. Administer the requirements related to proposed work on existing buildings:

1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- O. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- P. Notify the Federal Emergency Management Agency when the corporate boundaries of Town of Irvington, Virginia have been modified and:
1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- Q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- R. It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g., via mapping or surveying).

Section 2.3 – Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:
 - 1. Are below the base flood elevation in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 - 2. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - 1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Article III, Section 3.1.A.3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - 3. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

The Town floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the governing body shall prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Section 2.5 – District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by Town of Irvington, Virginia where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed LOMR is a record of this approval.

Section 2.6 – Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Council and to submit his own technical evidence if he so desires.

Section 2.7 – Submitting Model Backed Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

Section 2.8 – Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*.

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 – Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Town of Irvington, Virginia prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated July 5, 2022, and any subsequent revisions or amendments thereto.

Town of Irvington, Virginia may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high-water marks, or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance, and which shall be kept on file at the Town of Irvington, Virginia offices.

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 1 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in

accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with Town of Irvington, Virginia endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Article III, Section 3.1.A.1.a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
2. The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30, AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Town of Irvington, Virginia .

Development activities in Zones A1-30, AE, or AH on the Town of Irvington, Virginia FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with Town of Irvington, Virginia endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the bottom of the lowest horizontal structural member of the lowest floor shall be elevated to or above the base flood level.

During the permitting process, the Floodplain Administrator shall obtain:

- a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- b. If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

4. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
 - b. All new construction and substantial improvements of non-residential structures shall

(1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,

(2) Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

5. The **Coastal A Zone** is labelled as AE on the FIRM; it is those areas that are seaward of the limit of moderate wave action (LiMWA) line. As defined by the VA USBC, these areas are subject to wave heights between 1.5 feet and 3 feet. For these areas, the following provisions shall apply:

Buildings and structures within this zone shall have the bottom of the lowest horizontal structural member of the lowest floor elevated to or above the base flood elevation plus eighteen inches of freeCouncil, and must comply with the provisions in Article III, Section 3.1.A.2 and Article IV, Sections 4.2 and 4.3.

6. The **VE or V Zones** on FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast or other areas subject to high velocity waves. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:

a. All new construction and substantial improvements in Zones V and VE, including manufactured homes, shall be elevated on pilings or columns so that:

(1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus eighteen inches if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least two feet above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,

(2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).

b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted

standards of practice for meeting the provisions of Article III, Section A.6.a.

- c. The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The Floodplain Management Administrator shall maintain a record of all such information.
- d. All new construction shall be located landward of the reach of mean high tide.
- e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this Section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - (1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.
- f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.
- g. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a permit.
- h. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

Section 3.2 – Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

ARTICLE IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

Section 4.1 – Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Town of Irvington, Virginia Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable State and Federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. For structures to be elevated, the elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.
3. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
4. Topographic information showing existing and proposed ground elevations.

Section 4.2 – General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.

- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 – Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Article III, Section 3.1.A.3 the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH, and A with detailed base flood elevations

shall have the bottom of the lowest horizontal structural member of the lowest floor, including basement, elevated to or above the base flood level. See Article III, Section 3.1.A.5 and Article III, Section 3.1.A.6 for requirements in the Coastal A, VE, and V zones.

B. Non-Residential Construction

1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the bottom of the lowest horizontal structural member of the lowest floor, including basement, elevated to or above the base flood level. See Article III, Section 3.1.A.5 and Article III, Section 3.1.A.6 for requirements in the Coastal A, VE, and V zones.
2. Non-residential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by (title of community administrator).

C. Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

- c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Accessory Structures

- 1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Article IV, Section 4.3.B or, if not elevated or dry floodproofed, shall:
 - a. Not be used for human habitation;
 - b. Be limited to no more than 600 square feet in total floor area;
 - c. Be useable only for parking of vehicles or limited storage;
 - d. Be constructed with flood damage-resistant materials below the base flood elevation;
 - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
 - f. Be anchored to prevent flotation;
 - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
 - h. Shall be provided with flood openings which shall meet the following criteria:
 - (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
 - (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual

certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.

- (3) The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
- (4) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

E. Standards for Manufactured Homes and Recreational Vehicles

1. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article III, Section 3.1.A.6 and Article IV, Sections 4.2 and 4.3.
2. All recreational vehicles placed on sites must either:
 - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - b. Meet all the requirements for manufactured homes in Article IV, Section 4.3.E.1.

Section 4.4 – Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

ARTICLE V - EXISTING STRUCTURES IN FLOODPLAIN AREAS

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The floodplain manager has determined that:
 - 1. Change is not a substantial repair or substantial improvement AND
 - 2. No new square footage is being built in the floodplain that is not compliant AND
 - 3. No new square footage is being built in the floodway AND
 - 4. The change complies with this ordinance and the VA USBC AND
 - 5. The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

ARTICLE VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

Variations shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variations may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Section.

Variations may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.

- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. No variance shall be granted for an accessory structure exceeding 600 square feet. (Note: See Article IV, Section 4.3.D.2).
- N. Such other factors which are relevant to the purposes of this Ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

ARTICLE VII - GLOSSARY [44 CFR 59.1]

- A. Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed 600 square feet.
- B. Base flood - The flood having a one percent chance of being equalled or exceeded in any given year.
- C. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
- D. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. Board of Zoning Appeals - The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. Coastal A Zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
- G. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities or permanent or temporary storage of equipment or materials.
- H. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- I. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- J. Existing construction - For the purposes of the insurance program, structures for which the

“start of construction” commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures” and “pre-FIRM.”

- K. Flood or flooding -
1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; or,
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- L. Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- M. Flood Insurance Study (FIS) - A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- N. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- O. Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- P. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
- Q. FreeCouncil - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “FreeCouncil” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- R. Functionally dependent use - A use which cannot perform its intended purpose unless it is

located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

S. Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

T. Historic structure - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or,
 - b. Directly by the Secretary of the Interior in states without approved programs.

U. Hydrologic and Hydraulic Engineering Analysis - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

V. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA) - An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR) - A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR) - A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard

areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

- W. Lowest adjacent grade - The lowest natural elevation of the ground surface next to the walls of a structure.
- X. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- Y. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- Z. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- AA. Mean Sea Level - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.
- BB. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after March 4, 1988, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- CC. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after March 4, 1988
- DD. Pre-FIRM structures - A structure for which construction or substantial improvement occurred before March 4, 1988.
- EE. Primary frontal dune - A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.
- FF. Recreational vehicle - A vehicle which is:
 - 1. Built on a single chassis;
 - 2. 400 square feet or less when measured at the largest horizontal projection;
 - 3. Designed to be self-propelled or permanently towable by a light duty truck; and,
 - 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters

for recreational camping, travel, or seasonal use.

- GG. Repetitive Loss Structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- HH. Severe repetitive loss structure - A structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- II. Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- JJ. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.1 of this ordinance.
- KK. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- LL. Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- MM. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent

of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

NN. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

OO. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

PP. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE VIII - ENACTMENT

Enacted and ordained this 9th day of June, 2022. This amendment of the Town of Irvington, Virginia Zoning Ordinance shall be effective July 1, 2022. At that time, any existing floodplain ordinance in the Town of Irvington shall be repealed.

Mayor
Title

B. Schaschek - aye
J. Brown - aye
D. Patterson - aye
J. Penniman - aye
G. del Rio - aye
vote 5-0 to pass

Julie W. Harris
Signature

attested by:
Suzanne S. Taylor
Town Clerk

**TOWN OF IRVINGTON, VIRGINIA
ORDINANCE AMENDMENT #2022-05.**

**An Ordinance Amendment Adopting a Business, Professional, and
Occupational License Requirement on Certain Businesses and Creating a
Registry for Short-Term Rentals in Irvington Beginning January 1, 2023**

WHEREAS, the Town Council of Irvington, Virginia, believes it is appropriate to adopt a requirement that a business, professional, occupational license (BPOL) and accompanying licensure fee be imposed on certain businesses, professions and occupations (hereafter “businesses”) which are not exempted by state law, and amend the Irvington Town Code accordingly; and

WHEREAS, the legal authority for the proposed business license permit and licensure fee is §§ 58.1-3700 and 58.1-3703 of the Code of Virginia (1950), as amended, Article IV, § 1 and Article XI, §§ 2 and 3 and of the Town Charter; and

WHEREAS, the Town Council also believes it is appropriate to establish a registry of short-term rentals operating within the Town of Irvington, as authorized by § 15.2-983 of the Code of Virginia (1950), as amended; and

WHEREAS, recognizing the similarity of the business license permit and the short-term rental registry processes, the Town Council intends to adopt this combined registry/license permit ordinance for the businesses and short-term rentals operating in the Town of Irvington as allowed by law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Town Council of the Town of Irvington, Virginia does hereby amend Chapter 110 of the Irvington Town Code as follows to require a business license permit and adopt a business licensure fee of thirty dollars (\$30) annually, applicable to all non-exempt businesses in the Town of Irvington, and also to require short-term rental operators to tender an annual registration form and thirty dollars (\$30) fee, both effective for the calendar year beginning January 1, 2023.

TITLE XI – BUSINESS REGULATIONS

CHAPTER 110: PEDDLERS Reserved.

§ 110.01 DEFINITION.

~~For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~PEDDLER. An itinerant trader; a person who sells small wares, which he or she carries with him or her in traveling about from place to place. Persons who sell or offers to sell at retail: goods, wares or other commodities, traveling from place to place in the street.~~

§ 110.02 PROHIBITION.

~~It shall be unlawful for a peddler to engage in activities defined in § 110.01 without obtaining a license from the town.~~

CHAPTER 120. – BUSINESS LICENSE AND SHORT-TERM RENTAL REGISTRY

Sec. 120.00 – Business License Required.

- a. Unless exempted below, it shall be unlawful to engage in a business, occupation or profession (hereafter “business”) within the Town without first obtaining a required business license.

- b. Every person shall apply for a license for each business when engaging in such a business in the Town if (i) the person has a definite place of business in the Town; (ii) there is no definite place of business anywhere and the person resides in this Town; or (iii) there is no definite place of business in this jurisdiction but the person operates amusement machines or is classified as an itinerant merchant, peddler, carnival, circus, contractor subject to Virginia Code § 58.1-3715 as it may be amended from time to time, or public service corporation.

Sec. 120.01 – Exemptions from Business License.

- a. The license requirements of this section shall not apply to those businesses exempted from a licensure fee by Virginia Code § 58.1-3703, as it may be amended from time to time.
- b. Short-term rentals, to the extent that they may be exempt from the business license permit requirements of this Chapter, are expressly subject to the short-term rental registry requirements set forth below.

Sec. 120.02 – Short-Term Rental Registry.

- a. The Town hereby establishes a short-term rental registry (hereinafter “Town STR Registry”) and requires operators of short-term rentals within the town to register annually. The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator, the address of each property in the Town offered for short-term rental by the operator, and other information that is required for the Town’s efficient administration of the Town STR Registry. The information required for the Town STR Registry is to be provided by the operator in a form to be established by the town treasurer, who is hereby authorized to establish such registration form.
- b. There shall be a fee of \$30.00 for each such registration.
- c. Submitting a registration form for consideration of acceptance by the Town is not the same as registration or being registered. The town treasurer shall have 30 days from application to approve or deny registration, and to consult the zoning administrator on zoning compliance as needed. Only once the registration form has been submitted and considered and accepted by the town treasurer and the short-term rental added to the Town STR Registry is the short-term rental considered “registered.”
- d. This section shall not apply if the person is (i) licensed by the real estate board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (Code of Virginia, § 55-360 et seq.); (iii) licensed or registered with the department of health, related to the provision of room or space for

lodging; or (iv) licensed or registered with the town, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments. Provided, however, that the requirement to obtain a business license permit as provided above shall apply to such a person if exempted from the Town STR Registry.

Sec. 120.03. - Regulation of Short-term Rental of Property.

Except as provided in this Chapter, nothing herein related to the Town STR Registry shall be construed to prohibit, limit, or otherwise supersede existing town authority to regulate the short-term rental of property through general land use and zoning or other authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (Code of Virginia, § 55-79.39 et seq.), the declaration of a common interest community as defined in Code of Virginia, § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Code of Virginia, § 55-424 et seq.), or any declaration of a property owners association created pursuant to the Property Owners Association Act (Code of Virginia, § 55-508 et seq.).

Sec. 120.04 – Application and Due Dates.

- a. Each person required to have a business license permit shall receive one before beginning operation in the Town.
- b. Each person required to submit a registration form for a short-term rental shall submit a completed registration form to the town treasurer and be registered on the Town STR Registry prior to beginning operation.
- c. Renewal of annual business license permit or short-term rental registration:

1. Persons holding a business license permit who wish to renew the business license permit must file an application form with the town treasurer on or before March 1 of each subsequent year.
 2. Registered operators of short-term rentals who wish to remain on the Town STR Registry must submit a registration form to the town treasurer on or before March 1 of each subsequent year.
- d. The licensure or registration fee shall be paid with the license application or registration form.
 - e. The tendered registration fee for short-term rental operators shall be returned if, for any reason, the operator is not registered and included on the Town STR Registry.
 - f. For reasonable cause, the town treasurer may grant an extension of up to 30 days in which to file a license application or to submit a short-term rental registration form.
 - g. No business license permit shall be issued or short-term rental included in the Town STR Registry by the town treasurer until the town treasurer is satisfied that the applicant/operator has paid all Town business licensure fees and Town real estate, personal property, meals, transient occupancy, and other Town taxes which have been properly assessed against the business, short-term rental or operator.
 - h. No business license permit application or registration form shall be accepted by the town treasurer if the zoning administrator determines that the applicant/registrant is in violation of the town zoning ordinance.

Sec. 120.05 – Penalties.

a. Businesses.

1. A business who fails to obtain a business license permit as provided by this Chapter or in any other way fails to comply with the requirements of this Chapter shall be penalized by the

imposition of a \$500.00 civil fine. There shall be a 30-day written notice given prior to the assessment of the initial penalty.

2. Unless and until a business pays the penalty and complies with the requirements of this Chapter, it shall be unlawful for the business to operate in the Town.
3. Each day of operation after notice of the initial violation shall be a separate offense. Each subsequent offense shall be punishable by a \$500.00 civil fine. Non-exempt businesses operating without a business license permit shall also be required to apply for and obtain a business license permit for each calendar year in which the business was doing business.

b. Short-term rentals.

1. An operator who fails to comply with the requirements of this Chapter (e.g., by offering for rent a short-term rental when the operator is not listed on the Town STR Registry) or otherwise violates this Chapter or other applicable state and local laws, ordinances, and regulations as they relate to the short-term rental (i.e., zoning, health, parking, noise, building code, etc.) shall initially be given ten (10) days notice that the operator is being penalized by the imposition of a \$500.00 civil fine. If the operator comes into full compliance within the ten (10) days, the initial fine will be waived but the violation will remain on the town record.
2. Each additional instance of an operator offering a short-term rental for rent without being registered on the Town STR Registry, or otherwise violating this Chapter or other applicable state and local laws, ordinances, and regulations as they relate to the short-term rental shall be a separate offense and subject to a separate \$500.00 civil fine immediately upon issuance of a subsequent written notice.
3. Upon the third instance of violation of this Chapter or other applicable state and local laws, ordinances, and regulations, as

they relate to a specific short-term rental, the operator short-term rental shall be barred from the Town STR Registry and the operator prohibited offering that specific property for short-term rental for a one-year period from written notice of that third violation.

4. Upon an operator's fourth instance of violation of this Chapter or other applicable state and local laws, ordinances, and regulations as they relate to short-term rentals, the operator and any of the operator's short-term rentals shall be excluded from the Town STR Registry and prohibited from offering any property for short-term rental in the Town for a five-year period.

c. The penalties in this section shall be in addition to all other penalties otherwise provided by law.

Sec. 120.06 – Definitions.

All terms used in this Chapter 120 have the same definitions as set forth in Virginia Code § 58.1-3700.1 and in Virginia Code § 15.2-983, as they may be amended from time to time.

BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect on January 1, 2023, after a second reading of Council, with the 2023 calendar year as the first year a business license permit or short-term rental registry is required, with the deadline for application for business license permit and/or submission of a short-term rental registration form for calendar year 2023 set at March 1, 2023;

AND, BE IT FURTHER ORDAINED AND ENACTED, that the Town Council of Irvington, Virginia, does establish the initial annual BPOL license permit fee at thirty (\$30) dollars for each business (This fee may be adjusted from time to time by the Town Council as fees are normally set and adjusted.);

AND, BE IT FURTHER ORDAINED AND ENACTED, that the Town Council of Irvington, Virginia, does establish the initial annual short-term rental registration fee for the 2023 calendar year and beyond at thirty (\$30) dollars for each short-term

rental (This fee may be adjusted from time to time by the Town Council as fees are normally set and adjusted.).

ADOPTED: This 9th day of JUNE 2022.

AYES: - 5

J. Brown
B. Schaschek
J. Pennimeu

D. Patterson
G. del Rio

NAYS: - 0

ABSTENTIONS: - 0

ABSENT: - 1

W. Nunnally

ATTEST:

Laurel S. Taylor
Clerk of the Town Council of Irvington,
Virginia





**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JUNE 9, 2022; 5:30 PM**

AGENDA

A. CALL TO ORDER

B. ROLL CALL

Town Council Members Present

Julie Harris, present.
Dudley Patteson, present.
Gabe del Rio, present.
Bonnie Schaschek, present.
Jackie Brown, present.
Judy Penniman, present.
Wayne Nunnally, absent.

STR Committee Members Present

P. Robinson, Chair.
T. Thurston, present.
M. Burgess, present.
M. Taylor, present via phone.
W. Nunnally, absent.

Town Staff Present

L. Taylor
J. Nelson

C. APPROVE AGENDA

Motion (D. Patteson) to approve the Agenda.

Second (J. Penniman).

Motion passes 5-0.

D. OLD BUSINESS

- Discussion with Short Term Rental Committee regarding Committee Recommendations – Council thanks the Committee for a very thorough report.
- G. del Rio: Have we compared what is on VRBO, Air bnb and cross referenced with the registrations.
- P. Robinson: There are a few that are not registered. So, what you see on VRBO and Air bnb plus a few more.
- J. Harris: Do we want to limit the number of STR's.
- P. Robinson: Town Council can limit the number. Question is how to go about it. Mr. McRoberts advised that there may be some back and forth of details to make



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JUNE 9, 2022; 5:30 PM**

it stand up in court if it is challenged. We can say how many STR's we think is appropriate, but it must be done correctly legally. Recommendation was 35.

- J. Brown: A lot of these properties were bought and are being rented with no CUP and they are a business. There must be some regulations and not let every house become a STR. There needs to be some management of these properties and not rely on neighbors to make complaints to have the properties managed.
- P. Robinson: There is a provision of someone must be within 90 minutes of the property.
- J. Brown: Ordinances are to protect our property and our town. Concerns about TOI becoming a transient community due to STR's such as Lake Anna.
- P. Robinson: The number of 35 will allow the STR's that are currently operating and limit the new ones. The limit will hopefully stop the community from becoming a transient community.
- G. de Rio: Is there a survey or comparison in Lake Anna. Do we adopt a number or percentage?
- L. Taylor: 27 are registered right now.
- P. Robinson: Current ones would be grandfathered in.
- J. Brown: Issues with receipts with VRBO and Air bnb.
- S. Tara: (has a STR through Air bnb). Air bnb does not collect the taxes on her behalf. She pays her taxes straight to the town. Senate Bill 651 is intending to bring more clarity to the collection and remittance of taxes for STR's.
- P. Robinson: New bill takes effect Oct. 1, will clarify, and resolve the Air bnb issue. There is still a monthly form stating how much tax should be coming in.
- J. Brown: Tax collection from STR's shouldn't be a burden for the Town.
- G. del Rio: Any revenue sources that the Town has require some management. This is just another one of them.
- J. Harris: Does Town Council want Mr. McRoberts to work out an ordinance that does a flat-out number of percentages as regards STR's.
- D. Patteson: STR's can be beneficial but we need to make sure that everyone benefits from STR's, so a finite number is good.
- P. Robinson: Hotels/motels are exempt from STR.
- G. del Rio: Fine with number (35). Need to make sure to consult Mr. McRoberts on the process.
- J. Harris: Question of insurance on STR.
- P. Robinson: We don't have any safety inspections in Irvington.
- D. Patteson: It is in the Town's best interest to require liability insurance.
- P. Robinson: Town or Urbana has inspections by the Town Manager/designee to make sure the STR is abiding by the ordinances and provisions.
- Discussion that CUP stays with the property, not the owner.
- B. Schaschek: Who has oversight and enforcement over the number of STR's.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JUNE 9, 2022; 5:30 PM**

- B. Schaschek: STR's should follow same rules and regulations as the Tide's Inn & Hope & Glory. Should be inspected by Board of Health also.
- P. Robinson: Problems is enforcement and who is going to do it.
- J. Harris: Rental rules and renter conduct. Use of taxes. All recommendations will be forwarded to Mr. McRoberts.

E. ADJOURN

Motion (Dudley Patteson) to adjourn.

J. Brown second.

Motion passes 5-0.

The June 9, 2022, summary minutes of the Town Council Special Called Meeting were amended and approved at the Town Council Regular Called Meeting of July 14, 2022.

Vote:	Aye	Opposed	Abstained
Dudley Patteson	X		
Bonnie Schaschek	X		
Jackie Brown	X		
Gabe del Rio	X		
Judy Penniman	X		
Wayne Nunnally	<i>absent</i>		

The vote was 5-0 and the amended minutes were approved.

Respectfully submitted, *Laurel S. Taylor*
Laurel S. Taylor, Town Clerk & FOIA Officer

Julie W. Harris, Mayor
Julie W. Harris, Mayor



TOWN OF IRVINGTON, VIRGINIA
Town Council Special Called Meeting
IRVINGTON BAPTIST CHURCH
JUNE 9, 2022; 5:30 P.M.
IMMEDIATELY FOLLOWED BY:
Town Council Regular Called Meeting

Sign In Sheet

*adjourn
51:58 on
rec 2*

*56:27
TC-Rem*

	Name	Address
1.	<i>Robin Kinneth</i>	<i>10 Cedar Circle</i>
2.	<i>Steve Kinneth</i>	<i>10 Cedar Circle</i>
3.	<i>Melanie + FRANK MAGUIRE</i>	<i>121 CHASIES COVE LANE</i>
4.	<i>Mary Burgess</i>	<i>22 VARD</i>
5.	<i>Kristi Chume</i>	<i>63 Haydon Hall Lane</i>
6.	<i>Ian Cheyne</i>	<i>63 Haydon Hall Lane</i>
7.	<i>Sam Van Sam</i>	<i>24 The Pony Pasture</i>
8.		
9.		
10.		
11.		
12.		



**TOWN OF IRVINGTON, VIRGINIA
RECONVENED TOWN COUNCIL
REGULAR MONTHLY MEETING
IRVINGTON UNITED METHODIST CHURCH
MONDAY, MAY 16, 2022**

AGENDA

A. CALL TO ORDER – J. Harris, Mayor

B. ROLL CALL

D. Patteson, present.

J. Penniman, present.

B. Schaschek, present.

W. Nunnally, present.

J. Brown, present.

J. Harris, present.

G. Del Rio, absent, but will participate electronically. Remote location is New York.

C. APPROVE AGENDA

D. Patteson – Amend agenda. Add closed session at the end of the meeting.

Motion (D. Patteson) to go into closed session for acquisition of property.

Second: J. Penniman.

Motion passes: 5-0.

Motion (D. Patteson) to amend the agenda.

Second: W. Nunnally.

Motion passes 5-0.

D. REPORT FROM SEWER PANEL COMMITTEE – T. Chapman and A. Pollard, Jr.

- Eight areas of interest were covered in a PowerPoint presentation, along with handouts. Primary interest in a town sewer system comes from the businesses. Tide's Inn wants to shut down two very effective treatment plants. ICN Inc. and KC Holdings believes sewer will be important to business development. Vineyard Grove and Meadows feels sewer connection would help the sale and development of that property. Septic failures in past years on some residential properties with very shallow soil conditions sparks residential interest. Environmental impacts for central sewer revealed that Irvington has a good record in this regard. Pollution issues of different types were explained and discussed including accidental discharge. Soil conditions and types of soil in Irvington was discussed. Soil conditions are critical to septic systems. A lot of septic systems were allowed years and years ago to get rid of outhouses. Alternative systems were explained and discussed including conventional septic tanks with drain fields, which work very well; advanced on-site systems and finally; a clustered, decentralized system. Chapman noted that conventional septic systems are very effective as long as they are properly maintained and installed. Advanced systems are more expensive but necessary in some soil conditions. Due to Irvington's income levels, funding by grants similar to White Stone are not available. There



**TOWN OF IRVINGTON, VIRGINIA
RECONVENED TOWN COUNCIL
REGULAR MONTHLY MEETING
IRVINGTON UNITED METHODIST CHURCH
MONDAY, MAY 16, 2022**

may be some federal infrastructure funding we can apply for in the future. Search for grants or loans will be ongoing. We will have a workshop.

E. REPORT FROM PLANNING COMMISSION

- Town Survey Discussion – Concern about how counting will be done for answers to several questions in gauging interest. There are concerns about people really spending their time to take the survey. Sewer questions may complicate completion of the surveys. Full time, part-time residents, and business owners. Concerns about certain questions with multiple answers and variations of answers. There will be two types of surveys, paper copy which can be picked up at the Town Office or digitally. The last survey was completed by approximately 80%. Surveys should be made available to fill out as easy as possible. Need to have every available way to complete the survey, mail a paper survey, QR code, online. Town Council agrees for PC to move forward with survey. There are 380 houses. Survey could be advertised in the Rappahannock Record. The Town will be mailing the surveys. Advertisement for reminding people to fill out their survey, not just posting it in the Post Office should be considered.

F. CLOSED SESSION – Pursuant to State Code §2.2-3711 (A) (3) for discussion of potential acquisition of real property for various public purposes.

G. RETURN TO OPEN SESSION – Certification that Closed Session was lawfully conducted. No further action was taken at this time.

- D. Patteson, I so certify.
- J. Penniman, I so certify.
- B. Schaschek, I so certify.
- W. Nunnally, I so certify.
- J. Brown, I so certify.
- J. Harris, I so certify.

H. ADJOURN



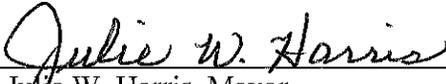
TOWN OF IRVINGTON, VIRGINIA
RECONVENED TOWN COUNCIL
REGULAR MONTHLY MEETING
IRVINGTON UNITED METHODIST CHURCH
MONDAY, MAY 16, 2022

The May 16, 2022, minutes were approved at the Town Council meeting Regular Called Meeting of June 9, 2022.

Vote:	Aye - 5	Opposed - 0	Abstained
Dudley Patteson	X		
Bonnie Schaschek	X		
Jackie Brown	X		
Gabe del Rio	X		
Judy Penniman	← X		
Wayne Nunnally (absent)			

The vote was 5 – 0 with one member absent, and the minutes were approved.

Respectfully Submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer



Julie W. Harris, Mayor



TOWN OF IRVINGTON, VIRGINIA
Town Council Public Hearing
(continuation of May 12, 2022)
Town Council Regular Called Meeting
IRVINGTON UNITED METHODIST CHURCH
MAY 16, 2022; 6:00 P.M.

Sign In Sheet

	Name	Address
1.	Ruth Fuller	341 The Lane
2.	DAVID CLARKE	477 THE LANE
3.	GEORGE KUPED	Hepton Hill
4.	Klaus J. Schaschek	394 KING CALLED
5.	Marston Smith	110 Lancaster Rd
6.		
7.		
8.		
9.		
10.		
11.		
12.		



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MAY 12, 2022; Immediately following Budget
PUBLIC HEARING**

AGENDA

A. CALL TO ORDER - *J. Harris, Mayor*

B. ROLL CALL –

- *J. Brown*
- *W. Nunnally*
- *D. Patteson*
- *J. Penniman*
- *G. del Rio*
- *B. Schaschek*

Staff Present:

- *J. Nelson, Zoning Administrator*
- *A. McRoberts, Town Attorney*
- *L. Taylor, Town Clerk*

C. APPROVE AGENDA – Amended at the table to add a vote on the sign for Refuel under New Business.

D. APPROVE MINUTES

- April 14, 2022, Town Council Summary – approved by all.

E. FINANCIAL REPORT

- Treasurer's Report – accepted by all.

F. PUBLIC COMMENT –

- S. Kimmeth, president of the VIA, requested use of the Commons on August 28th for the Heritage of America Jazz Band. Council unanimously approved this. Kimmeth reminded residents of the Boot Sale, May 28.
- Mayor Harris informed everyone that Lancaster County Board of Supervisors representative, Bill Smith, will attend the June 9th Town Council meeting.

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

- Mayor Harris welcomed Gabe del Rio to Council and thanked all town officials for their hard work this Spring. Our new flags have arrived and will be up for Memorial Day.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MAY 12, 2022; Immediately following Budget
PUBLIC HEARING**

H. REPORT FROM TOWN ATTORNEY, *A. McRoberts* - An agreement for the Sheriff has been drafted, however the County was not pleased with the agreement. They did not want their Sheriff providing services that could result in overtime. The County wants a different arrangement. A new agreement is being drafted where the Town contracts directly with the deputies with the current pay rate. The Sheriff has been very cooperative.

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

- The property at 254 King Carter Drive has been sold and a demolition permit issued. Nelson also stated he has been getting engineering estimates for new sidewalks from two companies, as required by VDOT.

J. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek*
 - The budget was discussed in a Public Hearing held directly before this meeting, and Ordinances will have their first reading in Old Business.
- Charter, Codes & Ordinances Committee, *J. Brown*
 - J. Brown and B. Schaschek had reviewed the Town Charter and are preparing recommendations to give the Town Attorney to bring outdated parts of the charter into compliance with state election law. The General Assembly requires changes to be submitted by September.
- H. R. Committee, *D. Patteson* – *no report at this time.*
- Facilities Committee, *W. Nunnally*
 - Nunnally introduced L. Orly from Aqua Virginia:
- Aqua - Maintaining water system, make necessary repairs for leaks that come up. Planning process is underway to try to assess water mains that need to be replaced. Orly assured Council and residents there are no lead pipes in Irvington and that pipe maintenance and repair of leaks are Aqua's main focus. Our water has a slippery feel and naturally high sodium levels.
- Sidewalks, Wayne Nunnally – Some sidewalks need repair, two engineers will provide bids on necessary work to add new sidewalks which is what VDOT requires. This will be further addressed in the June 9th meeting.
- Estimate for public broadband and the person will be at next month's meeting to make a presentation.
- Community & Special Events Committee, *J. Penniman* – Two meetings were held. Parade will be Sunday, July 3, 2022, at 3:00 p.m. Thanks to Harris Family for allowing us to use their field for staging. Social media sites and applications will go online next week. Similar parade as to last year. Asking for bands or float ideas, such as local high school.
- Planning Commission Update, *T. Chapman, Chair* – Elections were held, and T. Chapman, Chapman is Chairman. R. Fuller is Vice-Chair, and P. Robinson remains as Secretary. Final update of town survey and final form to be presented to Town Council for review. A copy will be sent over tomorrow and will be reviewed on the 16th.
- Grant Study Committee Update, *D. Patteson* - No report.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MAY 12, 2022; Immediately following Budget
PUBLIC HEARING**

K. OLD BUSINESS

- Sewer Panel Update – *T. Chapman* – Report will be presented on May 16th; Laurel will send out electronically and also provide paper copies. Workshop is scheduled for Monday, May 16th, at the reconvened meeting at Irvington United Methodist Church at 6:00 to discuss the survey and further review the sewer work. Public is invited to attend but not comment.
- Arrowhead Lawncare – Estimate – *J. Harris* – Estimates were provided in the packet. Weeds need to be addressed, VDOT is responsible. This needs to be corrected and will be taken care of. The first spray has been done; however, it has rained. Efficacy needs to be addressed. Our expectation is that all weeds are to be taken care of. Stump removal at the curb on Chesapeake Drive, this was never followed through with, the stump is still there and is causing a traffic hazard on Chesapeake Drive due to tall grass. Estimate was \$2,000, however COVID happened and nothing further was done.

Motion (W. Nunnally) to accept estimate from Arrowhead for grass cutting.

J. Penniman: Second.

Motion passes: 6-0.

- Short Term Registry Report – *P. Robinson* – Town Council would like to review this report. Robinson covered main highlights of the report and thanked committee members for their work. Five main areas of concern were Occupancy Tax collections; Number of Short Term Rentals permitted in Town; Safety rules and regulations; Registration; Possible use of taxes collected. To date, 22 STR's are registered.
- 1st reading - Ordinance for Prohibiting Electric Vehicles for hire 2022-06 – *A. McRoberts*
- 1st reading - Ordinance 2022-05 Combining / Business/Professional/Occupational Licensing and STR Registry in one document- *A. McRoberts* –
 - This enforces both to register with the Town, fill out our form. Registry is easy just lets us know that you are there. Suggest assigning code numbers and amend town code. \$30 is state business license fee and is the suggested rate. This makes it simple, fill in the form and pay the same fee.

L. NEW BUSINESS

- Lancaster County 2035 Initiative report- *J. Szyperski* – Goal is to complete a strategic plan for 2035 that the County can use. Szyperski reported a 9% decline in the workforce. This affects schools, services, and taxes, therefore, the need for a strategic plan to sustain economic growth. An effort needs to be made to increase appropriate workforce housing and to attract people and businesses in the 20-55 age demographic. The means to accomplish this goal would involve planning and development grants and public/private partnerships. Volunteers are being sought.
- Overtime Deputy Use & Cost Update – *J. Harris*
- Stephens Resolution 2022-17 TC Adoption – *J. Nelson* – The Point on Steamboat Road was renamed to honor the Stephens. This is approved to be renamed to Stephens' Point to honor Bob Lee and Suzy Stephens to recognize the important impact they had on the Town of Irvington.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MAY 12, 2022; Immediately following Budget
PUBLIC HEARING**

Motion (W. Nunnally) to rename a portion of Steamboat Road to Stephens Point.

B. Schaschek: Second.

Motion passes: 6-0.

- Records Officer Designation – *L. Taylor* – A lot of old records that need to be put in order, destroyed, or categorized.

Motion (W. Nunnally) to designate Laurel Taylor as Records Officer Designation.

J. Brown: Second.

Motion passes: 6-0.

- Banking Resolutions 2022-01 and 2022-02 change of signatories for Blue Ridge and Chesapeake Bank – *L. Taylor*
 - These changes were made necessary when the former Vice Mayor, Anthony Marchetti, resigned as of April 1, 2022, and a new Vice Mayor, Bonnie Schaschek was appointed on April 14, 2022.

Motion (W. Nunnally) to conform to the law concerning signatures.

G. del Rio: Second.

Motion passes: 6-0.

- 1st Reading Ordinance 2022-04.uc Adopting Fee Rate Schedule – *L. Taylor*
- 1st Reading Ordinance 2022-03.uc Adopting Transient Occupancy Tax Rate – *L. Taylor*
- 1st Reading Ordinance 2022-01.uc Adopting Real Estate Tax Rate – *L. Taylor*
- 1st Reading Ordinance 2022-02.uc Adopting an Annual FY 22/23 Budget – *L. Taylor*
- Organic Green proposal discussion, J. Penniman – Proposal for killing the grass, reseeding and also maintain next year, the triangle.
- Francos Fruits & Vegetables to use a spot in the Commons once weekly.

Motion (J. Penniman) to allow Francos Fruits & Vegetables to use a spot in the Commons once a week (probably Tuesdays) from 2:00 to 6:00 in the evening.

Second: B. Schaschek

Motion passes: 6-0.

- Application for conforming signage.

Motion (W. Nunnally) to accept the conforming sign.

J. Penniman: Second.

Motion passes: 6-0.

- Application for Refuel nonconforming sign. Signs should not be grandfathered (Wayne Nunnally). There is a sign ordinance in place.

Motion (G. del Rio) to accept the nonconforming sign.

J. Penniman: Second.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MAY 12, 2022; Immediately following Budget
PUBLIC HEARING**

Motion does not pass: 1-0-5.

M. ANNOUNCEMENTS

- Town Council to Reconvene Regular Called Meeting on Monday, May 16, 2022, at 6:00 p.m., at the Irvington **METHODIST** Church.
- Next Town Council Regular Called meeting, Thursday, June 9, 2022, at 6:30 p.m. at Irvington **BAPTIST** Church
- Town Office closed for Federal Holiday-Memorial Day, Monday, May 30, 2022

N. CLOSED SESSION, J. Harris

- Pursuant to State Code §2.2-3711 (A) (1) for discussion, consideration of prospective candidate for appointment to the vacancy on Planning Commission and for discussion of qualifications of new personnel for accounting.
- Pursuant to State Code §2.2-3711 (A) (3) discussion of potential acquisition of real property for various public purposes.

O. RETURN TO OPEN SESSION, J. Harris - Certification that Closed Session was lawfully conducted.

ROLL CALL CERTIFICATION

- I, Wayne Nunnally, so certify.
- I, Jackie Brown, so certify.
- I, Judy Penniman, so certify.
- I, Bonnie Schaschek, so certify.
- I, Gabe del Rio, so certify.
- I, Dudley Patteson, so certify.
- I, Julie Harris, so certify.

Motion (W. Nunnally) to appoint David Clarke to the Planning Commission.

J. Penniman: Second.

Motion passes: 6-0.

Motion (W. Nunnally) to direct the Town Attorney to create a nonbinding Letter of Intent to investigate the town purchase of property and work in good faith terms that may be included in a future binding contract, and the Mayor to sign the letter.

D. Patteson: Second.

Motion passes: 6-0.

Motion (W. Nunnally) to have Laurel to get agreements from local accounting firms and work with the bookkeeper that has the application in.

Second: D. Patteson.

Motion passes: 5-0.

**P. RECESS TO RECONVENE TOWN COUNCIL REGULAR CALLED MEETING ON
MONDAY, MAY 16, 6:00 P.M. at IRVINGTON METHODIST CHURCH**



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MAY 12, 2022; Immediately following Budget
PUBLIC HEARING**

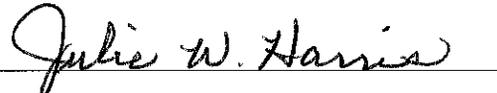
The May 12, 2022, minutes were approved at the Town Council meeting Regular Called Meeting of June 9, 2022.

Vote:	Aye	Opposed	Abstained
Dudley Patteson	X		
Bonnie Schaschek	X		
Jackie Brown	X		
Gabe del Rio	X		
Judy Penniman	X		
Wayne Nunnally (absent)			

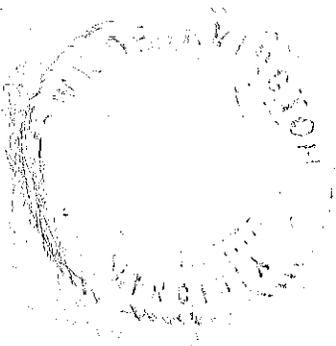
The vote was 5 – 0 with one member absent, and the minutes were approved.

Respectfully Submitted,

Laurel S. Taylor, Town Clerk & FOIA Officer



Julie W. Harris, Mayor





**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 14, 2022; 6:30 PM**

AGENDA

A. CALL TO ORDER, Mayor J. Harris.

B. ROLL CALL

J. Harris	Present
B. Schaschek	Present
W. Nunnally	Present via telephone.
J. Brown	Present
J. Penniman	Present
D. Patteson	Present

Also Present

J. Nelson, Zoning Administrator
L. Taylor, Town Clerk
A. McRoberts, Town Attorney

C. APPROVE AGENDA (amended at the table).

- Move Davenport report to beginning of Old Business.
- Move River Realm discussion to beginning of New Business.

Motion to move amend the agenda- W. Nunnally

Second, D. Patteson.

Motion passes 5-0.

Motion to accept the amended agenda. W. Nunnally

Second: D. Patteson.

Motion passes: 5-0.

D. APPROVE MINUTES

- March 10, 2022, Town Council Summary.

Motion to accept March 10, 2022, minutes. W. Nunnally

Second: D. Patteson.

Motion passes: 5-0.

- March 15, 2022, Special Called Meeting - Town Council/Planning Commission with EPR-PC Joint Public Meeting Summary.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 14, 2022; 6:30 PM**

Motion (B. Schaschek) to accept March 15, 2022, minutes.

Second: D. Patteson.

Motion passes: 5-0.

E. FINANCIAL REPORT

- Treasurer's Report/Balance sheet as of March 31, 2022, is accepted.

F. PUBLIC COMMENT

- Large expenditure for updating electricity on the poles. Mr. Paul Elbourn to discuss. New regulations on power poles concerning Town's use of Christmas lighting. Joint Use Commission (Dominion Power) has safety zones on these poles. Town is in violation of the joint use (infrastructure for Christmas lighting is in the communication zone). The company installing high speed broadband internet will not work on the poles with the Christmas lighting in that zone. Poles must be brought up to spec and then Christmas lights will be allowed to be used this year. Heavy expenditure (\$30-\$32,000). Letters were initially sent to Town Office in 2019 regarding this. No negotiations. Lighting must come down for Breezeline to do their work. Payment should be made to Dominion. The sooner you pay, the better to get in the rotation for having the work done (with hopes to get work completed in time for this year's Christmas light usage). Five municipalities have this issue. Will have motion to approve later during Facilities Committee Report.
- Sam Van Saun: Supports Gabe del Rio for interim candidate/Town Council appointment.
- Heather Sheehan: Discuss process of appointment. Expressed disappointment in not advertising a call for candidates. Most important is "not who but how".
- Marston Smith (Tide's Inn): Discussed meals tax and using the tax for something such as bringing sewer in. Excited to hear Davenport report.
- Jason Trollip (Tide's Inn): Discussed process for choosing interim Town Council member. Supports Gabe del Rio.
- Mary Cay Bradley (Steamboat Era Museum): Reminder for print sponsorship for Crab Festival (\$1,250), sending packet. Requesting \$2,500 for donation (last year's amount).
- George Kuper: Discusses Davenport report. Three actions Council needs to address: 1. Repeal real estate tax, 2. Drop any consideration of a new Town Hall, 3. Size the budget per the size of the town and residents. Discourages borrowing funds.
- Lee Taylor: Sewlovelee recognized as Top Ten. Asking for contributions to gift basket.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 14, 2022; 6:30 PM**

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

- Letter sent in March to Lancaster County Planning Commission regarding change in zoning along Route 200. Letter also sent to Lancaster Board of Supervisors requesting a No Through Trucks on Route 200 and be diverted to Harris Road. A few additional comments – wonderful town. All Town Council members are volunteers. Survey is being generated based upon the entire community of neighbor's wants.

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

- Deputy Assistance: Spoke with Sheriff and suggested having a more permanent solution for hiring a deputy that would be off-duty and could be assigned. Draft agreement has been generated (90-95% ready), it is in the review process with the Mayor and Town Council.
- Meeting held at the County to discuss new flood plains from FEMA. Need Town's direction to proceed.

Motion to allow A. McRoberts to proceed to review the Town flood plain ordinances to confirm them to what the County is doing. W. Nunnally

Second: J. Brown

Motion passes: 5-0.

- A. McRoberts: Business license permit could serve the same purpose as the registry and has advantages such as enforcement and zoning compliance and will provide a list of businesses in the town. Small, minimal or no fee, not a business license tax.
- B. Schaschek: Finance report recommend moving forward with creating a business license and ordinance with no fee but leave optional. Want to get it on the fee schedule when it comes for passage. Is this doable?
- A. McRoberts: Very doable and could be accomplished in the next few weeks.

Motion B. Schaschek- to allow A. McRoberts to draft the business license ordinance to be presented at the Public Hearing on 05/12/2022.

Second: J. Penniman.

Motion passes: 5-0.

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

- Received additional receipts from Mr. Fisher.
- Site visit 915 King Carter, site lots (swimming pool, new home). Vote on sign for new business Dear Neighbor (301 Steamboat Road).
- Zoom presentation (Bird Electric Scooters) – They want to put electric scooters in town. Some issues with the scooters such as “dumping the scooters wherever”. Nothing that can prevent them at this point from dumping the scooters.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 14, 2022; 6:30 PM**

J. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek* – Updated schedule. 04/19 – Committee meeting, Council Workshop 04/21/2022, 04/22/2022 meeting scheduled to address changes. Public Hearing 05/12/2022 and first reading at Council meeting 05/12/2022. Problems with Town computer.

Motion B. Schaschek- to authorize the Mayor to sign a contract with the servicer for new computer (middle of the road computer).

Second: J. Penniman.

Motion passes 5-0.

- Arrowhead Services: Grass cutting King Carter (benches) not included in estimate nor is the Triangle.

Motion B. Schaschek- to refurbish the Triangle.

Second: W. Nunnally.

Motion passes 5-0.

- H. R. Committee, *D. Patteson* – *No report.*
- Facilities Committee, *J. Brown, Co-Chair* – (*W. Nunnally*). Meeting next week with Mr. Nelson concerning sidewalks. D. Patteson would like to see possible grant money used instead of Town funds for sidewalks. Needs proper review of all options. Sidewalks are in dire need of repair for public safety.
- Julie Harris: Need a motion to pay the Dominion bill and review Elbourn estimate.
- J. Penniman: Amount for Dominion is not in the current budget.
- D. Patteson: Take a vote and it will be in the budget.
- Laurel Taylor: Dominion must be paid first (\$9,150.17).

Motion (W. Nunnally) to approve the entire expense to update the electrical to accommodate Christmas lights/high speed internet and include the \$9,150.17 in the current budget).

Second: D. Patteson.

Motion passes 5-0.

- Community & Special Events Committee, *J. Penniman*: Create a permanent subcommittee (1 VIA, 1 business owner, 3 residents) for Christmas Events and July 4th parade.

Motion (J. Penniman) to create a permanent subcommittee.

Second: W. Nunnally.

Motion passes 5-0.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 14, 2022; 6:30 PM**

- Planning Commission Update, *T. Chapman, Chair*: Survey reviewed and changes sent to EPR-PC for consideration prior to sending out the survey. Scooters are inappropriate at this time. No vote, just opinion. Request Breezeline come in and discuss how we will get to the current capacity.

K. OLD BUSINESS

- Davenport Report – *T. Cole*: Hope that report will help FY2023 budget and decision making. (Hard copy provided, electronic copy also can be provided). May be some reserves available for spending for capital project. Revenue from real estate taxes is generated. Occupancy tax revenue is ahead of budget. Potential for meals tax (average \$6,000,000 in potential revenue estimate) with 1% meals tax could generate about \$62,000. Should consult with legal counsel about steps regarding meals tax. Kilmarnock has meals tax 5%, White Stone meals tax 2.5%. Have had surplus since 2017. Three options are available to governments in Virginia. Bank loan/VRA options better solution for the Town as regards borrowing. If needs and desires are greater than what can be afforded in the current budget, then you may be looking at debt. Have surplus so far for 2022, however economy does change. Have to make decisions on what you are comfortable doing. Decision is what you want to achieve in the next 3-5 years.
- Sewer Panel Update – *T. Chapman*: Finished preliminary report.
- Grant Study Committee Update – *D. Patteson*: Will have a report at the May meeting concerning what grants need to be pursued now that have a long-term possibility with the Town.
- Trolley funding – *L. Taylor*: Trolley needs more money if they will be able to continue. White Stone and Kilmarnock have committed to \$2,500 each and they wanted to know if we were able to increase our funding. Compass will be adding and Northern Neck Burger also, no figure provided. About 2,000 to 2,500 riders per year, \$10,000 operating budget per year. No growth with the trolley. Trolley route will change according to the funders.
- Tri-Ways Trail – *J. Harris*: Letter of support from the Town was sent. No money has been requested at this time.

L. NEW BUSINESS

- Virginia River Realm – *S. Cockrell*: Asking for a \$5,000 participation in the marketing of the region. Social media over 2,000,000 reached. Irvington campaign video delivered to 126,000 people. Social media and marketing were very good for Irvington.
- Overtime Deputy use/cost updates. More information next month.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 14, 2022; 6:30 PM**

Motion (W. Nunnally) to approve \$5,000 to River Realm.

Second: D. Patteson.

Motion passes 5-0.

- Consideration of an ordinance requiring Town approval for any for rent transportation, which is not a licensed taxi, or registered with Uber/Lyft. -*J. Harris*: Related to scooters. Mr. Nelson written a possible ordinance and will be shared with the Ordinance Review Committee. Need Town Attorney to review as it is a legal document.
- Business Registry ordinance - *J. Harris*: Motion was previously passed for business license concept to be looked into by the Town Attorney according to B. Schaschek.
- Boy's & Girl's Club donation - *J. Harris*: Request for donation for scholarship of \$1,500 for 5 children from Irvington to attend summer camps.

Motion (J. Penniman) to approve \$1,500 scholarship to Boys & Girls Club.

Second: D. Patteson.

Motion passes 5-0.

- Sign Ordinance -*J. Harris*: Proposed sign ordinance for a clothing store on Steamboat Road, one ordinance for a permanent sign located at the building and one for a temporary sign in the Triangle through October. No signs allowed in the Triangle. Will discuss Zoning Administrator to handle the design of the sign specification and requirements.

Motion (J. Brown) to approve permanent sign only for building for clothing store.

Second: B. Schaschek.

Motion passes 5-0.

- Election of Vice-Mayor -*J. Harris*:

Motion (W. Nunnally) to nominate B. Schaschek for Vice-Mayor.

Second: J. Brown.

Motion passes 5-0.

- Public Comment guidelines -*J. Harris*: Mr. McRoberts has suggested Rules of Procedure be adopted to ensure meetings are run smoothly.
- Appointment to Planning Commission -*J. Harris*: Will be made in closed session on May 12, 2022, Town Council meeting. One applicant, Dave Clark.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 14, 2022; 6:30 PM**

M. CLOSED SESSION – *J. Harris*: Pursuant to State Code §2.2-3711 (A) (1) for discussion, consideration, or interviews of prospective candidates for appointment to the vacancy on Town Council.

N. RETURN TO OPEN SESSION -

- Certification that Closed Session was lawfully conducted: *J. Harris*.

D. Patteson, I so certify.

J. Penniman, I so certify.

B. Schaschek, I so certify.

W. Nunnally, I so certify.

J. Brown, I so certify.

J. Harris, I so certify.

Motion (W. Nunnally) to nominate Gabe del Rio to serve on Town Council through the election in November.

D. Patteson: Second.

B. Schaschek, yes.

J. Brown, yes.

J. Penniman, yes.

D. Patteson, yes.

W. Nunnally, yes.

Motion passes 5-0.

O. ANNOUNCEMENTS

- B&F Workshop with Town Council on Thursday, April 21, 2022, at 6:00 p.m. at Irvington Baptist Church. The public is invited to attend but not to speak.
- Public Hearing May 12, 2022, at 5:30 for the budget held at the Irvington Baptist Church **immediately followed by:**
- Next Town Council Regular Called meeting, May 12, 2022, at Irvington Baptist Church.

P. ADJOURN

Motion (B. Schaschek) to adjourn.

W. Nunnally: Second.

Motion passes: 5-0.

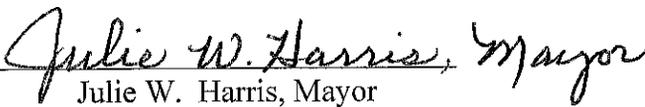


TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, APRIL 14, 2022; 6:30 PM

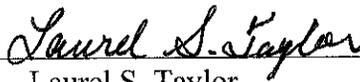
The minutes of April 14, 2022, were approved at the May 12, 2022 Town Council Regular Called Meeting:

Vote:	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Dudley Patteson		X	
Judy Penniman		X	
Jackie Brown		X	
Wayne Nunnally		X	
Gabe del Rio		X	

The vote was 6 – 0 – 0


Julie W. Harris, Mayor

Respectfully submitted:

 Clerk
Laurel S. Taylor



TOWN OF IRVINGTON, VIRGINIA
Town Council Regular Called Meeting
IRVINGTON BAPTIST CHURCH
APRIL 14, 2022; 6:30 P.M.

Sign In Sheet

	Name	Address
1.	Mary Ann Parikh	991 King Carter Dr
2.	George Kuper	Madison Hall
3.	Sam Van Sann	24 The Pony Pasture
4.	Mary Burgess	22 VA Rd
5.	Jason Troops	572 King Carter Dr.
6.	Ann Perkins	69 Chinn's Lane
7.		
8.		
9.		
10.		
11.		
12.		
13.		



**Town of Irvington, Virginia Joint Town Council and Planning Commission
Special Called Meeting, March 15, 2022
Irvington Methodist Church, 26 King Carter Drive, Irvington, VA**

Summary Minutes from the March 15 Special Called Meeting

1. **Call To Order** – Julie Harris, Mayor 5:00 PM
2. **Roll Call to Determine Quorum – Planning Commission**

Fuller	Absent
Chapman	Present
Robinson	Present
Taylor	Present
Capps	Absent
Forrester	Present
Pollard	Present

Chairman of the Planning Commission Determines Quorum is Present

Roll Call to Determine Quorum – Town Council

Harris	Present
Schaschek	Present
Nunnally	Absent
Brown	Present
Penniman	Present
Marchetti	Absent
Patteson	Present

The Mayor Determines Quorum of the Town Council is Present

3. **Old Business** – None
4. **New Business**
 - a. **Review of the first draft of the Town of Irvington Comprehensive Plan Survey**
 - i. Mr. Will Cockrell of EPR-PC, went through the first draft of the Town of Irvington Comprehensive Plan Survey. (Attached)
 - ii. Various Commissioners and Council Members asked various general and specific questions about the proposed survey content, to include:



1. Mayor Harris and Commissioner Chapman noted the tone of some of the questions sometimes reversed, starting out as being positive, and then becoming negative.
2. Commissioner Pollard questioned the relevance of demographic and length of residence questions.
3. Councilmember Schaschek noted that in the previous survey, the "other comments" section had a heavy response.
4. There was significant discussion on Question 14, ranking or approving the use of funds for various capital initiatives. Councilmember Brown asked that the question include the costs that citizens would or would not be willing to pay.
5. Councilmember Patteson asked why there was no reference to a Town Master Plan, and no reference to the fragility and environmental impact of the current septic infrastructure.
6. Commissioner Chapman requested that the vision statement of the town be included in the survey. Mr. Cockrell agreed to put these questions together and send to the Planning Commission for review.
7. Commissioner Robinson noted that there was no mention of Irvington's communications infrastructure as a topic. Other members agreed that this was an important issue to explore.

iii. Commissioner Chapman suggested, and members of the joint meeting agreed, that all questions be provided to the Planning Commission ahead of the April 5 Planning Commission meeting. At the April meeting, the Planning Commission will review and consolidate all comments from the Town Council, the Planning Commission, and the public. All in attendance agreed.

iv. Some of the members in attendance thought that more work needed to be done to bring the survey into line with Council and Commission expectations. Others thought that only "tweaks" were needed.

5. Adjournment

Motion to Adjourn: **Robinson**
Second: **Pollard**

Fuller	Absent
Chapman	Approve
Robinson	Approve
Taylor	Approve
Capps	Absent
Forrester	Approve
Pollard	Approve
Schaschek	Approve



Nunnally	Absent
Brown	Approve
Penniman	Approve
Marchetti	Absent
Patteson	Approve

Total: Yes= 9 No = 0 Motion Approved

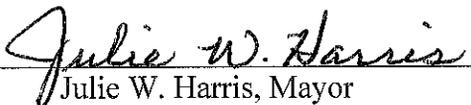
Meeting Adjourned at 5:59 PM

The minutes of March 15, 2022, were approved at the April 14, 2022 Town Council Regular Called Meeting.

Vote:	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Wayne Nunnally	X		
Jackie Brown	X		
Judith Penniman	X		
Dudley Patteson	X		

The vote was 5 – 0 – 0

Respectfully Submitted - Philip A. Robinson, Secretary



Julie W. Harris, Mayor

Attachments:

- 1) Town of Irvington Comprehensive Plan Survey Draft

Town of Irvington: Comprehensive Plan Survey

Report on Survey Methodology





Town of Irvington: Comprehensive Plan Survey

Report on Survey Methodology

In January 2022, the Town of Irvington contracted with EPR to develop a community survey that would help to guide a comprehensive plan update and audit of the Town's zoning code. Over six years ago, the Town initiated a similar survey, which received 235 responses. However, some local officials disagreed with the past effort's methodology and conclusions. Since 2016, significant events, such as the COVID-19 pandemic have reshaped how and where people live and work. For these reasons, the Town decided to initiate a new outreach effort to collect public opinions on various questions.

To avoid some of the concerns from the 2016 survey, EPR developed this report that details lessons learned from the Town's past engagement, best practices, and methodology for the 2022 effort. The following pages also document a discussion between the Town Council and Planning Commission, which occurred on Wednesday, February 16th. To prepare this document, EPR adopted a systematic process that included:

- Reviewing the Town's Comprehensive Plan and other past documents,
- Thoroughly evaluating the 2016 community survey and methodology,
- Touring the community on February 16th,
- Collecting comments from the Town Council and Planning Commission on February 16th, and
- Reviewing public comments from a March 10th meeting.

PURPOSE

Any surveying effort should have a clear and coherent purpose to be successful. The Town of Irvington expressed this purpose in the Request for Proposal (RFP) for this project. The document reads, "The Comprehensive Plan Survey will assist the Town Council and the Planning Commission in **identifying a common direction** identified by residents, business owners, stakeholders, and the community. The Survey output can then **inform** an update to the existing Comprehensive Plan to **establish a shared vision** for the future and an **action plan** to achieve it."

The RFP further explains the survey's role, and local officials provided additional insight at the February 16th meeting. From these sources, EPR draft the following objectives:

- **Collect Input on Community Goals** – The RFP states that the survey should "seek valuable public input toward the creation of new community goals and objectives." This statement implies that the survey should have a "goals-driven" purpose to refine a vision.
- **Evaluate and Prioritize Actions** – At the February 16th meeting, local officials wanted respondents to choose between different actions or investments. This purpose calls for an "opportunities-driven" approach to select actions.

While many surveys aim to identify concerns or needs, that purpose did not explicitly arise from the joint discussion with the Council and Planning Commission. The RFP also excluded any language on "issue-driven" topics.



Survey Limitations

While a survey is an effective way to reach a larger group of people, it should be part of a more holistic engagement process to be most valuable. In this case, Irvington will use the survey as a strategy to guide an upcoming review of the Comprehensive Plan, which may include additional interaction with the public later in the process.

While surveys are broadly accepted as an effective and efficient way to collect feedback on defined questions, there are limitations. The Town should take into account these restrictions when considering results and guiding potential changes to the Comprehensive Plan review. In general, surveys are:

- **Not referendums.** In planning, surveys collect opinions on goals, opportunities, community needs, and other topics. Local officials should consider responses as one piece of information that brings additional insight into decision-making.
- **Not statistically significant.** While some surveys aim to have a statistically significant community sample, most efforts accept that it is unreasonable to secure that response rate. Survey results are still meaningful, however. Again, respondents provide valuable information that helps to guide local decisions.
- **Not able to collect “deep” data.** While interviews allow for deeper discussions that explore complicated concepts, surveys must be simple. Because clarifying or follow-up questions are impossible with a survey, the questions will need to be simple and clear. There could be deeper discussions with the community during the Comprehensive Plan review.
- **Not tools for making technical decisions.** The Town expressed a need to have survey respondents select budget items, considering costs. Generally, surveys are tools for evaluating opinions on more general topics. Budget expenses require a technical dialogue that considers additional datasets on need, financial costs, alternatives, legal requirements, and other information beyond a survey’s scope.

METHODOLOGY

EPR used a systematic approach to drafting the 2022 Comprehensive Plan Survey. The following summary informs local officials and offers insight into the question selection and exact wording. Consequently, the subsequent text should help local officials review the survey and provide better feedback on revisions.

Comprehensive Plan

The Town adopted its existing Comprehensive Plan in 2017, after the last 2016 survey. The Council amended this plan two years later, removing a goal and objectives involving planned unit developments (PUDs). While reviewing this document, EPR identified several themes that the survey could cover. Despite the 2016 survey and a subsequent public meeting, there appear to be several questions unanswered.

Finetuning the Balance with Growth

The Comprehensive Plan explains how the Town can “orchestrate growth” on its opening page. The plan also says, “As the Town looks to the future, it will need to strike a balance between preserving the village feel and promoting and facilitating the development of its remaining undeveloped land.” Yet, the Town’s plan does not finetune what that balance entails.



Finetuning the Role as a Seasonal Community

The Comprehensive Plan states that “Irvington needs to find a balance between being a premier vacation and seasonal destination and positioning itself to attract younger generations and family households that prefer quaint small-town living.” There needs to be clarity on how much the Town should embrace its role as a place for second homes. Conversely, should the Town try to attract more full-time residents?

Refining the Stances on Attracting Young Families

The plan’s Vision Statement raises this topic, stating that Irvington should recognize “our attraction for retirement and resort living as well as our appeal to young families seeking a close-knit community.” If the Town would like to attract younger families, it would need to invest in specific amenities and strategies desirable to those potential residents. Conversely, existing residents may want Irvington to remain a destination for retirees and second homes. The survey can help to answer that question.

Defining Economic Development Objectives

The existing plan discusses economic development and local businesses. The Vision Statement asserts that the Irvington will “support local small businesses.” This topic also centers on a downtown. “The planned improvements for the central business district of Irvington, in conjunction with the long-term plans for improvements at the Tides Inn, should bring much-needed business activity to the Town of Irvington in 2018 and beyond.” The survey should include questions on clarifying these statements.

Finetuning the Waterfront Question

Under the Vision Statement, the plan states that the Town supports “redevelopment of a working waterfront and innovative efforts to expand public access to the water.” While the 2016 survey touched on this topic, it did not find a clear answer. There may be a need to define “working waterfront,” as well.

Clarifying Stances on Housing Types

The 2016 survey asked questions about housing types but avoided the core issues on need. The Comprehensive Plan discusses the limited diversity of housing types. “Of the 379 units, 371 or 98%, are single-family homes. The only other housing type delineated in the data from 2014 is one multifamily building with two units.” This topic touches on “aging-in-place” issues. “Coupled with an aging population that loves living in Irvington and would like to continue living in Town as their life situation changes, more housing options for older adults is an idea that seems to be rising to the top.”

Refining the Role of Affordable Housing Options

The plan mentions housing affordability. This issue touches on many different questions, including aging-in-place, employees housing, and attracting younger families. There could be further refinement into the role of affordable housing options.

Defining Irvington’s Role in the Region

Irvington draws visitors to its various events and festivals. This may make the Town a social or cultural center. The Comprehensive Plan has an objective, “To boost visitation and interest in Irvington through having a venue for regular outdoor concerts and other special events.” Otherwise, the vision is not clear on how Irvington should fit into the Northern Neck’s economic, social, or cultural landscape.



Finalizing Opinions on Infrastructure

The opinions on infrastructure investments are complicated. There appears to be disagreement and a lack of clarity on the implications of those investments. Infrastructure is tightly engrained with other questions, including growth and economic development. The Comprehensive Plan states, "The lack of a central sanitary sewer system has often been cited as a reason that new development in Irvington has been very slow." The plan also indicates "a need for better internet service to promote the ability to work at home."

Determining Opinions on Transportation

The Comprehensive Plan discusses the lack of "formal bicycle infrastructure, such as shared lane markings and/or protected bicycle lanes... This lack of infrastructure is a safety concern that must be mitigated." However, the plan does not offer a more detailed vision. The survey could bring clarity to what and where these improvements are needed.

Past Engagement

For the previous Comprehensive Plan update, the Town hosted a public meeting on September 15, 2016. About 65 people attended, plus the Planning Commission. Local officials presented ten questions and the Community Survey to spur discussion. Because of the "non-scheduled" dialogue and time constraints, participants only addressed two of the questions. However, the two questions generated significant feedback.

While the community survey indicated a particular bias toward the status quo, the public meeting and subsequent comments indicated a stronger willingness to see change come to Irvington. Participants commented on:

- Attracting younger people and families,
- Having additional and more affordable housing options,
- Allowing clustered development,
- Promoting more businesses downtown,
- Providing more pedestrian and bicycle facilities,
- Creating public water access, and
- Constructing a public sewer system.

At the same time, every speaker and respondent wanted to maintain the village atmosphere of Irvington. They survey should make clear that this goal is not in questions.

In 2018, the Commons Development Committee launched a survey and focus group to gather current, detailed information on what residents would like to see on the Town Commons. The goal was to learn what residents wanted at the site. There were 221 valid responses to the survey. The Committee presented data in PowerPoint slides from a Town Hall Meeting on Monday, June 25, 2018. Additionally, the Committee developed a table that summarized the data by item.

Joint Meeting of the Planning Commission and Town Council

At the joint meeting on February 16th, 2022, the Council and Planning Commission discussed the upcoming survey with EPR consultants. Local officials described their expectations and opinions on the target audience (the sample frame). Those at the meeting indicated that the survey should focus on:



- Engaging residents, property owners, and local business owners,
- Prioritizing capital projects,
- Clarifying ambiguities in the Comprehensive Plan,
- Correcting issues and gaps from the 2016 survey,
- Gathering opinions on:
 - Public safety services,
 - Water and sewer investments,
 - Traffic calming,
 - Quality of life,
 - Business amenities,
 - Bike and pedestrian amenities,
 - Golf cart access and connections,
 - Options for waterfront developments,
 - Appropriate revenues,
 - Internet services, and
 - What people like most about the Town.

The survey will not be able to address all these items, partly because of available space for an appropriate number of questions. Other inquiries are more suitable for focus group or stakeholder discussions, which could occur during the Comprehensive Plan review.

March 10, 2022, Meeting and Public Comments

On Thursday, March 10, the Town held a public session to collect feedback on topics that the survey should address. Residents came to the podium and suggested various questions that they would like addressed in this effort. The Town also collected comments through email. The following is a complete list of all suggested questions that arose from this discussion. EPR reviewed these suggestions when drafting the survey but was unable to include every question, to maintain an appropriate length.

Vision

- What is the vision for where we want to Town to go?
- What brought you to the Town and what are reasons why you would leave?

Sewer System Investments

- Is your septic system working properly under normal circumstances?"
- During seasonal periods of wet weather, do you have difficulties with your septic system functioning correctly?
- Do we want or need sewer?
- Are you interested in a new village-wide sewer system?

Traffic

- Would you support a traffic circle in the intersection between Windswept and the gas station?
- Are you interested in enforcing the 25 mph speed limit throughout the Village (not just in the Irvington Road business district)?
- Would you approve of speed bumps being placed in strategic areas to slow traffic?
- Would you like to see more speed limit signs and/or flashing speed limit indicators?



- Do you want to see through truck traffic rerouted away from the Village of Irvington?
- Do you want to reduce large vehicles traffic on Rt 200 through Irvington?

Bike or Pedestrian

- In order to slow the speed of vehicles flying through the village's shopping district and allow for pedestrians to safely cross the street, would you be in favor of three-way stop signs at the intersection of Irvington and King Carter roads?
- Should we have a flashing light crosswalk from Chesapeake Drive (next to The Office Bistro) across Irvington Road, much like the crosswalk at the post office?

Law Enforcement

- Do we want more law enforcement and traffic control in town?
- Would you approve of having a village police officer manage speeding infractions?

Short-Term Rentals

- Do we want to build a new town office or just keep renting space?
- Do we want to have short-term rental property as our next-door neighbor?
- Do you feel it necessary to restrict the number of short-term rentals in Irvington?
- Should housing in Irvington be used for Residents or Short-Term Rentals?
- Should Short Term Rentals be limited in number?

Town Hall

- Do you want to build a Town Office on the North Commons?
- Do you feel the need for the Town to spend money on a new town hall building?

Tourism Promotion

- Do we want to keep donating our tax money to websites that promote tourism?
- Do you want Irvington to be further developed as a retail and tourism location?
- Do residents want to encourage more tourism in the town?

Town Character and Growth

- Do we want to change Irvington or keep it the way it is?
- Do residents want increased density and development in the town?
- The charm of Irvington's streets and its 2 "Commons" need a master plan

The Town Commons

- Would you like to see new playground equipment in the Town Commons?
- Do you want exercise facilities on the Commons?

Housing

- Do you want increased housing density?
- What are resident housing-type preferences for the community?

Other Suggested Questions

- If you have a school-age child, where do they attend school? Public/Private?



- Would you like to see placement of dog waste stations (i.e. poop bag dispensers and receptacles) in a few areas around Irvington?
- Should there be a leash law in Irvington for dogs?
- Do you feel the need for age restrictions for drivers of golf carts and penalties for those disobeying?
- What future capital projects would command community support if cost estimates are attached to them?
- Do you want an Irvington Environmental Policy that addresses issues such as: single use plastics by businesses and at events?
- Do you want tax money to be collected without a designated purpose for that money?

PREVIOUS COMMUNITY SURVEY

The 2022 survey should acknowledge the 2016 effort, even though the community appeared to disagree with its methodology, results, or interpretation. Over six years later, the latest questions can help track changes in public opinion while addressing gaps or shortcomings from the previous process. The following is a summary and commentary on the 2016 approach.

Sample Frame and Distribution from the Previous Survey

The Town assembled and distributed the Community Survey by mail to every property owner within Irvington's municipal limits. The Planning Commission received 235 survey responses, a significant result for a town this size. It is important to note that both full-time and part-time residents had a chance to respond. Non-resident property owners had the same opportunity to respond.

Previous Survey Questions

Overall, the 2016 survey asked essential questions that focused on the Town's core issues. Responses tended to support a status quo approach. The question design could have introduced some bias, given the wording and structure. The survey had repetitive elements that could cause potential confusion. Other questions had poor formatting that may skew results. Refer to **Appendix A** for a copy of the 2016 survey.

Categorical Questions

The first six questions were "categorical," identifying characteristics of the respondents. Many of these items are not meaningful because they do not provide additional insight into the responses. EPR recommends deleting elements that do not provide insight into the public's opinions.

Close-Ended Questions on Values

The next two questions focused on values. Both hinted at characteristics that respondents liked most about Irvington and those qualities they liked least. According to best practices, there are too many options (14 to 16) for both questions. This design can skew and invalidate results. Respondents are more likely to select options at the top or bottom of a long list, while ignoring options in the middle. The current design can also reduce response rates.

Matrix Questions on Services and Facilities

The last section consists of matrix questions that present a range of options indicating the level of agreement. There are potential issues with these questions. First, matrix questions tend to decrease response rates. Second, the wording for each statement can introduce bias. Third, the questions are



repetitive on some topics, potentially confusing respondents. Fourth, the question structure changes unexpectedly, from matrix to multiple choice. This format can cause additional confusion.

Commentary on the Past Survey

The 2016 survey had several shortcomings, according to industry standards. It might have missed some core questions or fallen short of offering more refined conclusions. The distribution methodology might have undercounted specific cohorts, further skewing results. The final report on survey results was more subjective and appeared to have spurred disagreement with local officials. However, while the 2016 survey breaks from best practices, it may still yield valid responses. In the following section, EPR presents draft questions and processes to fill these gaps.

PROPOSED 2022 SURVEY

The 2022 Comprehensive Plan Survey consists of the following questions and will serve the objectives listed in this report. Town Council and the Planning Commission will review this draft and provide feedback to EPR. The preliminary timeline involves an April 1st launch date, including an online and printed version of the survey.

Sample Frame

The Survey will target three groups:

- **Residents:** The latest ACS indicated 453 residents over the age of 18 years old. These numbers indicate a potential uptick in population.
- **Town property owners:** According to the Lancaster County property records, there are approximately 490 property owners in the Town limits. EPR combed through the property owner list and attempted to create an accurate count from available data.
- **Business owners with locations in the Town:** EPR found records of 34 businesses within the town limits. They survey would target business owners. There may be overlap with current residents in this count.

EPR estimates that the total sample frame is about 700 people. Others who are not in these groups may respond to the survey. Categorical questions will identify who responded to the questions.

Distribution

The Town should adopt a holistic approach to distribution. To increase response rates, people should see multiple reminders. EPR recommends an online format, along with printed copies. Distribution should include:

- Mailers to every property owner,
- A press release in the local paper(s),
- Flyers posted at local businesses,
- Flyers and hardcopies at local events and church services,
- Hardcopies available at businesses and other public locations,
- Information in local newsletters, and
- A phone tree to encourage people to take the survey.



Reporting

EPR recommends that the Town consider the survey responses as one of multiple considerations. To develop policies, objectives, and actions, local officials should weigh various pieces of information. As such, EPR will assemble survey responses into a user-friendly format that has minimal analysis. Local officials can view the results and draw their own conclusions, while EPR's consultants will offer common approaches on how to interpret results.

Proposed Survey Questions

Welcome to the Town of Irvington's Community Survey! If you are a Town resident, property owner, or business owner, we ask that you take a moment to answer the following questions. By providing your opinions and feedback, local officials will revise the Town's Plan accordingly. This effort will guide Irvington's vision of the future, goals, and investments. We welcome survey responses from each adult in your household. **We anticipate that your response time will be about 5 minutes.** An online version of the plan automatically sends responses to Town officials. For the hardcopy version, please return survey to the Town Office located at 235 Steamboat Road, or by mail to: P.O. Box 174, Irvington, VA 22480.

Note: The Town is committed to maintaining Irvington's village character. For all questions, know that all questions assume this pledge to preserving the Town's aesthetics, positive qualities, and feeling it evokes in its residents.

Tell us more about you

1. Please circle all that apply:
 - a. I own property in town
 - b. I am a seasonal town resident
 - c. I am a full-time town resident
 - d. I own or manage a business in town
 - e. Other: [open response]
2. What is your year of birth? [open response]
3. If you would like to stay connected with this effort and receive updates, provide your email (optional)

Main Questions

4. What are the top reasons that brought you to Irvington? (Circle all that apply)
 - a. Small town atmosphere
 - b. Waterfront lots
 - c. Natural beauty
 - d. Proximity to work
 - e. Seclusion
 - f. Family ties or raised here
 - g. Other: [open response]
5. What are your opinions on new growth in the Town of Irvington? (Circle all that apply)
 - a. I would welcome new homes that match the town's character
 - b. I would welcome new businesses and restaurants that match the town's character
 - c. I would oppose any new homes or businesses – keep the town as it is



- d. Other [clarify your opinion]:
6. What are your opinions on attracting young families and full-time residents to Irvington?
- I would like to see the town take actions and make investments to attract more full-time residents and young families
 - I would like to see new young families and full-time residents, but do not think it is the Town's role to encourage this
 - I would prefer that the Town stay as it is – keep the town as it is
 - Other [clarify your opinion]:
7. What are your opinions on town businesses? (Circle all that apply)
- I would like to see more tourist-related retail and commercial in town
 - I would like to see more retail and commercial tailored to residents
 - I would support more locally owned businesses
 - I would welcome chain or national businesses
 - I would like for the Town to have a more active downtown or main street
 - I would prefer to keep the town as it is now
 - Other [clarify your opinion]:
8. What are your opinions on the waterfront and public water access? (Circle all that apply)
- There should be a space on the waterfront that allows for public access
 - There should be public boat access in the Town
 - There should be a public dock for fishing
 - There should be a public space for swimming
 - There should be park or waterfront gathering spaces
 - There is no need for public access beyond what is currently available
 - Other [clarify your opinion]:
9. What are your opinions on Short-Term Rentals, like Airbnb. (Circle all that apply)
- I have no concerns about Short-Term Rentals
 - I believe that Short-Term Rentals would help generate tourism and revenue
 - I am concerned that Short-Term Rentals will change the Town's character
 - I am concerned that Short-Term Rentals will generate additional traffic
 - Other [clarify your opinion]:
10. What are your opinions on housing types or mix? (Circle all that apply)
- I would support seeing more smaller homes that match the town's character
 - I would support laws that allowed homeowners to rent an apartment to a full-time resident (accessory apartments)
 - I would support apartments at lower densities if they matched the town character
 - I would prefer to keep the town as it is now
 - Other [clarify your opinion]:



11. What are your opinions on Irvington's role in the region? (Circle all that apply)
- a. Irvington should be a social center, with more community events
 - b. Irvington should be a recreational center, with water access, trails, and parks
 - c. Irvington should be a commercial center, with more retail and services
 - d. Irvington should be a residential center, with additional housing
 - e. Irvington should be a tourist center, with more tourism amenities
 - f. There should be no changes
 - g. Other [clarify your opinion]:

12. Are there any other opinions not reflected in these questions? [open response]

Questions on Services and Facilities

13. With water or sewer services, which of the following applies to you? (Circle all that apply)
- a. I have experienced difficulties with my septic system that required repair or service in the last 5 years
 - b. Wet or rainy weather causes issues with my septic system
 - c. I would connect to a public sewer system if it were available
 - d. I would be willing to pay \$12,000 to connect to a public sewer system
 - e. The Town should not invest in a public sewer system

14. How would you prioritize the following services and investments? (optional) (ranking)
- a. Town police services
 - b. A new Town Hall
 - c. Trash or waste collection
 - d. Playgrounds and recreation improvements
 - e. Trails that connect to surrounding communities

15. What are your opinions on transportation in the town? (Circle all that apply)
- a. The Town should invest in sidewalks on neighborhood streets
 - b. The Town should invest in crosswalks on Irvington Road or King Carter Drive
 - c. The Town should invest in nature trails that connect to destinations
 - d. The Town should invest in golf cart connections or paths to destinations
 - e. There should be no changes -- keep Irvington's streets as they are
 - f. Other [clarify your opinion]:



APPENDIX A: 2016 COMMUNITY SURVEY

If you live, work, or shop in Irvington and want to provide your input, please fill out the following survey. Limit 2 surveys per household. Surveys should be returned to the Town Office located at 235 Steamboat Road or by mail to P.O. Box 174, Irvington, VA 22480.

All responses will be treated anonymously.

1. Home Zip Code
2. Please circle all that apply:
 - a. I (live) in Irvington.
 - b. I (work) in Irvington.
 - c. I (shop) in Irvington.
3. Are you a:
 - a. Weekend resident
 - b. Seasonal resident
 - c. Year-round resident
4. Age:
 - a. (18-29)
 - b. (30-49)
 - c. (50-64)
 - d. (65+)
5. Gender:
 - a. M
 - b. F
6. Do you have children at home?
 - a. Y
 - b. N
7. What are the top three reasons you were drawn to Irvington? (circle the appropriate letter)
 - a. Small town atmosphere
 - b. Tides Inn/Hope & Glory Inn
 - c. Waterfront location
 - d. Sailing/boating/fishing
 - e. Golf
 - f. Nearness to work
 - g. Job opportunities
 - h. Safety
 - i. Low tax rates
 - j. Seclusion
 - k. Town services
 - l. Historic character
 - m. Cultural activities
 - n. Family ties
 - o. Raised here
 - o. Other:



8. What are the top three reasons you might leave and/or not recommend Irvington? (circle the appropriate letter)
- Lack of jobs
 - Lack of restaurants, stores, services
 - Lack of activities and events
 - Housing costs
 - Lack of medical services
 - Quality of schools
 - Lack of Town services
 - Lack of public water access
 - Town property tax
 - Flooding
 - Crime
 - Roads
 - Hard to get around without a car
 - Other:
9. Retail, Services, & Employment Opportunities: (circle an option for each from "strongly agree" to "no opinion")
- Retail, services, and employment are sufficient; there's no need to add more or change anything.
 - strongly agree
 - agree
 - disagree
 - strongly disagree
 - no opinion
 - Retail, services, and employment are insufficient; more and better opportunities need to be added.
 - strongly agree
 - agree
 - disagree
 - strongly disagree
 - no opinion
 - Specific recommendations for retail, services, & employment (circle the appropriate number):
 - More retail such as neighborhood retail, specialty stores
 - More restaurants such as pubs, cafes, rest. with entertainment
 - More services such as medical, personal care, home repair
 - More offices including local and regional businesses
 - Other, and additional detail:



As with question #9, for the remaining questions, where an opinion is asked for, circle an option for each from "strongly agree" to "no opinion."

10. Town Services:

- a. I would like to have more public services (e.g. water, sewer, etc.). strongly agree, agree, disagree, strongly disagree, no opinion
- b. If you would like to have more public services, what specifically would you like to have (circle the appropriate number):
 - i. Water
 - ii. Sewer
 - iii. Trash/recycling collection
 - iv. Police
 - v. Other:

11. Recreational Facilities:

- a. I would like to see more recreation facilities (e.g. playgrounds, sports fields, etc.).
 - i. strongly agree
 - ii. agree
 - iii. disagree
 - iv. strongly disagree
 - v. no opinion
- b. If you would like to see more recreational facilities, what specifically would you like to see (circle the appropriate number):
 - i. Tennis courts, basketball courts
 - ii. Fitness facilities, swimming facilities
 - iii. Playgrounds, picnic facilities
 - iv. Public water viewing area
 - v. Hiking/biking/golf cart paths
 - vi. Public watercraft launch
 - vii. Kayak/canoe/blue-way trails
 - viii. A more fully landscaped Commons
 - ix. A more fully landscaped North Commons
 - x. Community garden
 - xi. Dog park
 - xii. Other:

12. Other Town Facilities:

- a. I would like to see additional Town facilities, (e.g. meeting space, performance space, community center, etc.).
 - i. strongly agree
 - ii. agree
 - iii. disagree
 - iv. strongly disagree
 - v. no opinion
- b. If you would like to see additional Town facilities, what specifically would you like to see (circle the appropriate number):
 - i. New town office
 - ii. Meeting space



- iii. Community center
- iv. Farmer's market building
- v. Performance pavilion
- vi. Other:

13. Housing:

- a. There should be more apartments to meet housing needs.
 - i. strongly agree
 - ii. agree
 - iii. disagree
 - iv. strongly disagree
 - v. no opinion
- b. There should be more single-family homes to meet housing needs.
 - i. strongly agree
 - ii. agree
 - iii. disagree
 - iv. strongly disagree
 - v. no opinion
- c. There should be more duplexes and town houses to meet housing needs.
 - i. strongly agree
 - ii. agree, disagree
 - iii. strongly disagree
 - iv. no opinion
- d. There should be more mobile homes to meet housing needs.
 - i. strongly agree
 - ii. agree
 - iii. disagree
 - iv. strongly disagree
 - v. no opinion
- e. There should be more affordable housing for the elderly.
 - i. strongly agree
 - ii. agree
 - iii. disagree
 - iv. strongly disagree
 - v. no opinion
- f. There should be affordable housing for low- and moderate-income households.
 - i. strongly agree
 - ii. agree
 - iii. disagree
 - iv. strongly disagree
 - v. no opinion
- g. There should not be any new housing.
 - i. strongly agree
 - ii. agree
 - iii. disagree
 - iv. strongly disagree
 - v. no opinion
 - vi. Other:



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL /PLANNING COMMISSION
JOINT PUBLIC MEETING
IRVINGTON METHODIST CHURCH, IRVINGTON
MARCH 15, 2022; 5:00 P.M.**

Sign In Sheet

Name	Address
1.	
2.	
3.	
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11.	
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13.	



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MARCH 10, 2022; 6:30 PM**

AGENDA

A. CALL TO ORDER, J. Harris, Mayor, 6:30 p.m.

B. ROLL CALL

Julie Harris	Present
Bonnie Schaschek	Present
Wayne Nunnally	Present
Jackie Brown	Present
Judith Penniman	Present
Dudley Patteson	Present
Anthony Marchetti	Absent

Also Present

Justin Nelson, Zoning Administrator
Laurel Taylor, Town Clerk
Andrew McRoberts, Town Attorney

C. APPROVE AGENDA (amended at the table)

Motion (W. Nunnally) to amend Agenda to have a discussion under new business regarding revisions of the ordinances/code.

Second: J. Penniman.

Motion passes: 5-0.

D. APPROVE MINUTES

- February 10, 2022, Town Council Summary

Motion to Approve 02/10/2022 minutes: W. Nunnally.

Second: J. Penniman.

Motion passes: 5-0.

- February 16, 2022, Town Council/Planning Commission with EPR-PC Joint Public Meeting Summary

Motion to Approve 02/16/2022 TC/PC Meeting Summary: W. Nunnally.

Second: B. Schaschek.

Motion passes: 5-0.

E. FINANCIAL REPORT

- Treasurer's Reports for January, February, and March.

Treasurer's report accepted for January, February, and March.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MARCH 10, 2022; 6:30 PM**

F. PUBLIC COMMENT

- Any topic from the public.
 - VIA Request for Use of Town Commons and North Commons for certain dates (dates provided to staff) for events. Requirements were mentioned as far as volunteers, etc. Landscaping/decorations was also discussed for the events.
 - Seven Farmer's Markets, May through November on the first Saturday of each month. The Boot Sale on May 28, an October Halloween Children's Event on October 31, and the Turkey Trot on November 24. July 2 evening after the Farmer's Market will be an Evening Concert with the United States Air Force Band. At a date to be determined, there will be a September outdoor concert on the Commons.

Motion to Approve dates for VIA events: W. Nunnally.

J. Penniman: Second.

Motion Passes: 5-0.

- G. Kuper: Thank Justin Nelson, zoning administer for the handling of a recent permit request and return to good governance practice.
- G. Kuper: Concern regarding approval of two C1/C2 approvals and the two pending approvals regarding commercialization of Route 200.

Motion made for Mayor to write the Lancaster Board of Supervisors and express our concern over the commercialization of Route 200: W. Nunnally.

J. Penniman: Second.

Motion passes: 5-0.

- Survey Questions/Suggestions
 - J. Taylor -- What is the vision of where it is going. Citizens need to speak up about preferences.
 - G. Kuper -- Growth tends to threaten our Town, distractions from the Town lifestyle. The survey questions need to address the elements that residents feel will support the characteristics of the Town that the residents like. Distractions such as too many non-visiting visitors, "urban scowl", land use, Airbnb's, commercial investment that serves the Town's needs instead of just bringing in commercial investments.
 - Emailed questions:
 - J. Friday -- Municipal waste treatment options, is it operating properly under normal circumstances, (this question should be in the survey). During wet weather, any difficulties.
 - F. Totten -- Traffic circle between Windswept and the gas station to make intersection more attractive and safer.
 - J. McGeorge (6 questions).



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MARCH 10, 2022; 6:30 PM**

- Do we want STR property as neighbors.
- Do we want more law enforcement and traffic control in town?
- Build a new Town Office or just keep renting space?
- Keep donating tax money to websites that promote tourism?
- Do we want/need sewer?
- Do we want to change Irvington or keep it the way it is?
- S. Spencer – List of questions.
 - Enforcement of 25 mph speed limit.
 - 3-way stop sign Irvington & King Carter Roads.
 - Flashing light/crosswalk at Chesapeake Drive.
 - Speed bumps to slow traffic.
 - Speed limit signs/flashing indicators.
 - Village police officer to manage speed infractions.
 - Attendance of school age children public or private.
 - New playground equipment in Town Commons.
 - Should STR's be restricted.
 - Placement of dog waste stations.
 - Leash law.
 - Through truck traffic rerouted away from Irvington.
 - Age restrictions and penalties for golf cart use.
 - New village wide sewer system.
 - Do we need to spend money on new Town Hall building?
- M. Chapman –
 - Increase density and development in town.
 - Do residents want to encourage more tourism in Town.
 - STR's be limited.
 - Resident housing type preferences.
 - Future capital projects warrant community support.
- I. Ormesher/Judy Faye –
 - Questions should be specific enough for residents to voice preferences on known issues, e.g., further development, increased housing density, exercise facilities on the Commons, Irvington environmental policy, tax money to be collected without purpose, housing for residents versus STR's, reduce vehicle traffic on Route 200, Town Office on North Commons.
- Wayne Nunnally – Suggests all questions be given to survey company.

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

- Read resignation letter from Anthony Marchetti effective April 1, 2022. Council accepts resignation. Council may appoint an interim council member within 45 days of resignation. This will be done on April 14th meeting (closed session). Vice Mayor will also be elected.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MARCH 10, 2022; 6:30 PM**

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

- Asks Town Council to make a motion to petition the Court for special election for the Fall.

Motion to petition the Court for special election in the Fall: W. Nunnally.

Second: B. Schaschek.

Motion passes: 5-0.

- Additional deputy help for the Town. A formal agreement is needed.
- FOIA/COIA Training – March 23, 2022 @ 4:30 p.m. (90 mins).
- Researched Code 15.2-2204 Subsection C – Requires notice of another locality regarding zoning, special use permit, comp. plan amendment within ½ mile of boundary.

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

- Additional receipts received from Mr. Fisher.
- Complaints on tree removal Chase Cove Road.
- Garage on Chase Cove Road – No permit filed.
- New home on Chesapeake Drive (vacant land) – No permit filed.
- Zoning Appeals did convene. Suggests a registry be instituted for businesses in the Town, at least new ones coming in.

J. COMMITTEE REPORTS

- Budget & Finance Report, *A. Marchetti, Chair*
 - Mr. Marchetti is absent – Ms. Penniman stated published scheduled meetings. B. Schaschek is joining.
 - D. Patteson: Davenport will be present at April meeting and give recommendations.
- H. R. Committee, *D. Patteson*
 - Grant Committee report to come in Old Business.
- Facilities Committee, *W. Nunnally, Chair*
 - Asked Luther Gorley to send a representative to give an update on our system regarding possible lead pipes, maintenance, flow rate, etc. Will be attending April/May meeting. Mr. Nunnally wants permission to get bids for extending sidewalks.

Motion to investigate extending sidewalks and possible bids: J. Penniman.

Second: W. Nunnally.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MARCH 10, 2022; 6:30 PM**

Motion carries: 5-0.

- Community & Special Events Committee, *A. Marchetti*
 - Due to Anthony Marchetti's resignation, Ms. Penniman is asked to chair this committee.
- Planning Commission Update, *T. Chapman, Chair*
 - Establish business registry (storefront). No need for licensing or fee.
 - Food trucks.
 - Talk with other PCs in other counties in order to be more effective as part of the large community.
 - J. Nelson – Discussed that business registry will help with new businesses coming in and being able to regulate.
 - J. Brown – Need to define what “retail” means.
 - A. McRoberts – Business licenses give you a means to regulate, hopefully registry will accomplish that. Mr. McRoberts will investigate this further and report back.

Motion to have the Town Attorney to look into the concept of business licenses: B. Schaschek.

Second: W. Nunnally.

Motion passes 5-0.

K. OLD BUSINESS

- Sewer Panel Update – *T. Chapman*
 - T. Chapman – Ball park cost estimation. Drafting a report should be done in early April. Would like to present report to a joint workshop session with Town Council and PC and then present at public Town Hall meeting.
- Short Term Rental Update – *W. Nunnally*
 - Topics discussed: Limit rentals, how to charge. Report to follow in May. Mr. Phil Robinson is doing an excellent job.
- Rappahannock Record opportunity - “Welcome to Irvington” – *L. Taylor*
 - Spread to be published on March 24th. Deadline is March 21st.
- Grant Study Committee Update – *D. Patteson*
 - New member Karen Scherberger (head of fest events in Norfolk in the past), very familiar with grants and tourism.
 - Meeting with Jerry Davis, Executive Director, Northern Neck Planning District – Most grants for Northern Neck flow through his office and can guide us on how to approach. Will present report at meeting in April.
 - Possible grant money (Main Street Program) for things such as sidewalks, streetlights, etc.
- Overtime Deputy Use & Cost Update – *J. Harris*
 - Should we advertise.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MARCH 10, 2022; 6:30 PM**

- A. McRoberts: If you want a law enforcement official, need to have an agreement (that he is working on) for the Sheriff to sign. Investigating all avenues regarding this.

L. NEW BUSINESS

- Town Office Lease Renewal – *L. Taylor*
 - Current lease agreement through September 30, 2022, option to extend by 1 year with a 3-month notice. Inquire what is the maximum number of years.

Motion to extend our lease for as many years as possible: J. Penniman.

W. Nunnally: Second.

Motion carries: 5-0.

- Ordinances – Review (amended at the table, addition made by Wayne Nunnally)
 - Wayne Nunnally: Feels charter, codes and ordinances are out of date and need to be reviewed. Report at June meeting.

Motion to form a committee to review charter, codes and ordinances: W. Nunnally.

Second: J. Brown.

Motion carries: 5-0.

M. ANNOUNCEMENTS

- EPR-PC Meeting with Planning Commission/Town Council, March 15, 2022, at 5:00 p.m. at Irvington **METHODIST** Church, Zoom meeting.
- FOIA/COIA Training – March 23, 2022, at 4:30 p.m. at Irvington **METHODIST** Church (90 mins.).
- Budget and Finance Presentation – **PUBLIC HEARING**, April 14, 2022, at 5:30 p.m. at Irvington **BAPTIST** Church immediately followed by:
- Next Town Council Regular Called meeting, April 14, 2022, at 6:30 p.m. at Irvington **BAPTIST** Church.
- AnnGardner Eubanks: Rappahannock Record – Financial support stopped of the trolley, and it has been canceled. Approximately \$8,000 needed to bring it back.

N. ADJOURN

Motion to Adjourn: W. Nunnally.

Second: D. Patteson.

Motion carries: 5-0.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MARCH 10, 2022; 6:30 PM**

The minutes of March 10, 2022, were approved at the April 14, 2022 Town Council Regular Called Meeting.

Vote:	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Wayne Nunnally	X		
Jackie Brown	X		
Judith Penniman	X		
Dudley Patteson	X		

The vote was 5 – 0 – 0

Respectfully submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer



Julie W. Harris, Mayor



TOWN OF IRVINGTON, VIRGINIA
Town Council Regular Called Meeting
IRVINGTON BAPTIST CHURCH
MARCH 10, 2022; 6:30 P.M.

Sign In Sheet

	Name	Address
1.	Steve Kimmeth	10 Cedar Circle, Irvington
2.	George Kupper	Haydon Hall
3.	Jason Trollip	572 King Carter Dr.
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL / PLANNING COMMISSION JOINT PUBLIC
MEETING
IRVINGTON UNITED METHODIST CHURCH
WEDNESDAY, FEBRUARY 16, 2022; 5:00 PM**

AGENDA

A. CALL TO ORDER, J. Harris, Mayor, 5:00 p.m.

B. ROLL CALL

Planning Commission:

T. Chapman	Present
B. Forrester	Present
P. Robinson	Present
R. Fuller	Present

Commissioners L. Capps, A. Pollard, Jr., J. Taylor arrived late due to other commitments.

Town Council:

A. Marchetti	Absent
W. Nunnally	Present
B. Schaschek	Present
J. Brown	Present
J. Penniman	Present
D. Patteson	Absent
J. Harris	Present

Zoning Administrator, J. Nelson was present

Two residents were in attendance

C. Report from EPR-PC

Mayor Harris welcomed Will Cockrell and Todd Gordon of EPR-PC and thanked the Planning Commission for their work in selection of this firm to design a survey for Irvington.

Prior to the 5:00 joint meeting, W. Cockrell and T. Gordon were given a tour of Irvington by land by Commissioner B. Forrester and a tour by water by Commissioner P. Robinson. At the meeting, W. Cockrell and T. Gordon recommended that survey questions be issue driven.

Capital priorities should also be determined.

D. OLD BUSINESS

- None



TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL / PLANNING COMMISSION JOINT PUBLIC
MEETING
IRVINGTON UNITED METHODIST CHURCH
WEDNESDAY, FEBRUARY 16, 2022; 5:00 PM

E. NEW BUSINESS

W. Cockrell and T. Gordon suggested that stakeholders not be delineated, but be all inclusive. Residents, property owners and business representatives should share their comments during the Public Comment section at the March 10 Town Council meeting. This opportunity will be advertised on the town website, the Town Office door, the Post Office and the Rappahannock Record.

Suggestions from the Planning Commission and Town Council at the February 16 joint meeting, plus public suggestions at the March 10 Town Council meeting will factor into the development of the survey.

The next Planning Commission/Town Council joint meeting with EPR-PC will be March 15 at 5:00 p.m. at Irvington Methodist Church.

F. ADJOURN

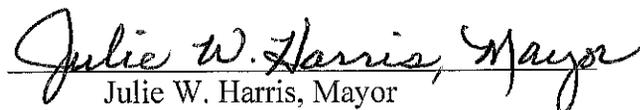
A motion to adjourn was made by W. Nunnally and seconded by A. Pollard, Jr. All Planning Commission and Town Council members voted in favor.

The minutes of February 16, 2022, were approved at the March 10, 2022 Town Council Regular Called Meeting.

Vote:	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Wayne Nunnally	X		
Jackie Brown	X		
Judith Penniman	X		
Dudley Patteson	X		
Anthony Marchetti (absent)			

The vote was 5 – 0 – 0 with one member absent.

Respectfully submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer


Julie W. Harris, Mayor



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL /PLANNING COMMISSION
JOINT PUBLIC HEARING MEETING
IRVINGTON METHODIST CHURCH, IRVINGTON
FEBRUARY 16, 2022; 5:00 P.M.**

Sign In Sheet

Name	Address
1. Martha Armos	392 Sam Cone Ln, Irvington, VA
2. Trish Mayhew	336 Old Millcove Road, Irvington, VA
3.	
4.	
5.	
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**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 10, 2022; 6:30 PM**

AGENDA

A. CALL TO ORDER, J. Harris, Mayor, 6:30 p.m.

B. ROLL CALL

Julie Harris	Present
Bonnie Schaschek	Present
Wayne Nunnally	Present
Jackie Brown	Present
Judith Penniman	Present
Anthony Marchetti	Absent
Dudley Patteson	Absent

C. APPROVE AGENDA

Motion to Approve the Agenda: W. Nunnally

Second: B. Schaschek

Motion to approve the Agenda passes – 4-0.

D. APPROVE MINUTES

- January 13, 2022 Town Council Summary
- February 1, 2022 Joint Public Hearing Summary

Motion to approve January 13, 2022, minutes: W. Nunnally

Second: J. Penniman

Motion Passes: 4-0.

Motion to approve February 1, 2022, JPH minutes: W. Nunnally

Second: J. Penniman

Motion passes: 4-0.

E. FINANCIAL REPORT

- Treasurer's Report

Mayor Harris stated - Items of clarification have been dealt with concerning profit and loss – January, February and March reports will be reviewed at the March 10th meeting.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 10, 2022; 6:30 PM**

F. PUBLIC COMMENT

- Dustin Taylor, ABC Special Agent for our area will review the new DORA license and will take questions via phone.
 - License is limited to maximum 16 events per year.
 - Normal process for application and normal rules and regulations are in effect regarding where alcohol can be consumed and purchased, as well as what types of containers alcohol must be in.
 - Each location will be responsible for their own alcohol.
 - Adequate security must be provided, can be volunteers, but must be adequately dressed and designated.
 - Safety plan must be provided along with the application and must be approved.
 - One major concern with sheriff's office is the crossing over Rt. 200. Further discussion will be held after application process has begun.
 - All liability falls on the licensee.
 - Fee for the license, over \$1,000, an estimate. Mr. Taylor not privy to that information.

Public Comments – DORA License

- G. Kuper – Question of need and benefit to the Town (stated 7 reasons it is not needed or wanted, e.g., safety, clean-up, liability, negative impact).
- I. Ormesher – Expressed his reasons why this is a recipe for disaster (same concerns as Mr. Kuper), or just an organized “pub crawl”. Concerned that this would replicate the bad reputation of the Urbanna Oyster Festival.
- A. Pollard – Stated he brought this idea to the PC. Feels it would be a great idea for the Town. Stated that the Crab Festival was just approved, and it brings the same factors as this license would, e.g., traffic, alcohol, safety, etc.
- S. Van Saun – Clarified IVBA's position that the DORA license would be applied for and used on an as needed basis. Don't have a need presently, but not closing that option.

Crab Festival

M. C. Bradley – Steamboat Era Museum President

- Requests permission for Annual Crab Festival – Saturday, September 17th, 2022 (other dates 24th or 17th).
- Letter sent to Anthony Marchetti – To consider to continue \$2,500 donation to the museum and consider sponsoring the Crab Festival, possibly sponsoring same as last year print ads in the amount \$1,250). All COVID requirements will be followed.

Motion to Allow the Crab Festival on September 17, 2022: W. Nunnally

Second: J. Penniman

Motion Passes: 4-0.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 10, 2022; 6:30 PM**

Sewer

M. Smith, Tide's Inn

- Met with Sewer Committee to provide information and collaborate and for the Tide's Inn to participate and help in whatever way possible to bring sewer into the Town.
- The other option he suggests is to see what local engineer's estimate would be. Tide's Inn definitely wants to be included in the process.

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

- Microphones are a nice addition.
- Mayor Harris & J. Nelson had zoom meeting with Granicus regarding help with STR.
- PC and Town Council will meet on 02/16/2022 with EPR-PC to begin discussion of the upcoming survey.
- Town Office closed Monday, 02/21/2022.

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

- The proposed revised Electronics Meeting Policy follows the Freedom of Information Act.

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

- Receipts from Mr. Fisher for removing debris.
- New women's clothing store coming to Steamboat Road.
- Meeting with Granicus concerning management of STR and am waiting on a firm fee. There are 26 advertised STR. Number will rise.
- Zoning Board of Appeals is now assembled (5 members). Robert Fleet III, Steve Kimmeth, Phil Robinson, George Kuper, and Jeffrey Schroeder
- Town Council needs to have a resolution concerning No Thru Trucks regarding a specific route (Harris Road) and presented to Lancaster County for approval.
- Camp Irvington CUP – Christmas tree growing.

J. COMMITTEE REPORTS

- Budget & Finance Report, *A. Marchetti, Chair*
Commission Flack Shack \$1,200 a month March through June (come from allotted Tourism budget).

Motion to Commission Flack Shack: J. Penniman

Second: J. Brown

Roll call vote:

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Judith Penniman, yes.

Anthony Marchetti, absent.

Dudley Patteson, absent.

Motion passes 4-0.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 10, 2022; 6:30 PM**

- J. Penniman appointed to Budget & Finance Committee with Mr. Marchetti.
- H. R. Committee, *B. Schaschek*
 - 6-month review was performed, and details will be presented during closed session.
- Facilities Committee, *W. Nunnally, Chair*
 - No report.
- Community & Special Events Committee, *A. Marchetti*
 - No report in Mr. Marchetti's absence.
- Planning Commission Update, *T. Chapman, Chair*
 - Officers elected.
 - New administrative procedures for CUP and redevelopment in the RPA were discussed and explained.

K. OLD BUSINESS

- Camp Irvington 2021.CUP04, Town Council 2021-14TC, reading, discussion & vote.

Motion to accept Camp Irvington CUP as stated: B. Schaschek

Second: J. Penniman

Roll call vote:

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Judith Penniman, yes.

Anthony Marchetti, absent.

Dudley Patteson, absent.

Motion passes 4-0.

- EPR-PC Update – *J. Harris*
 - Meeting February 16, 2022, 5:00 at the Methodist Church. Two members of the company and a Planning Committee member will tour Irvington by land and by water.
- Microphones & Sound System update – *L. Taylor*
 - Thank you.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 10, 2022; 6:30 PM**

- Flags and Flagpoles update – *L. Taylor*
 - Info in packet. Quote from National Capital flag for 40 new flags/poles/anti-furling device for \$2,972.40.

Motion to Approve Purchase of Flagpoles: W. Nunnally

Second: J. Penniman

Roll call vote:

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Judith Penniman, yes.

Anthony Marchetti, absent.

Dudley Patteson, absent.

Motion passes 4-0.

- Golf Cart Stickers – *L. Taylor*
 - Stickers will be the larger one and orange for 2022.
 - Discussion was had concerning who would enforce the golf cart stickers.

Motion to purchase larger stickers for golf carts: W. Nunnally

Second: J. Brown

Roll call vote:

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Judith Penniman, yes.

Anthony Marchetti, absent.

Dudley Patteson, absent.

Motion passes 4-0.

- Sewer Panel Update – *T. Chapman, Chair*
 - All key stakeholders have been contacted.
 - Meeting was had with Susan Cockrell in Kilmarnock regarding information on their system and our possible costs and options and they are willing to share costs with us. Several options were discussed.
 - Report will be ready in early April.
- Grant Study Committee Update – *J. Penniman*
 - Two meetings were held. Two members have been added (Cary Schneider and Gabe Del Rio). A third person will be added.
 - Several grants were investigated but were not eligible for. Still searching.
 - Have to decide as a Town Council what you want and lay plans and then get grants.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 10, 2022; 6:30 PM**

- Town Event ABC License- *J. Harris*
 - Report from Mr. Taylor and residents.

Motion to not pursue the license: W. Nunnally

Second: J. Brown

Roll call vote:

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Judith Penniman, yes.

Anthony Marchetti, absent.

Dudley Patteson, absent.

Motion passes 4-0.

- Chesapeake Bank Lease Agreement Update – *L. Taylor*
 - Packet contains current lease and new agreement.
 - Bank sent amendment to lease changing to a 10-year lease, rent increase every 3 years by 5%, 6-month notice of termination.
 - Authorize Mayor to sign.

Motion to Accept Lease Amendment and authorize the Mayor to sign:

W. Nunnally

Second: B. Schaschek

Roll call vote:

Bonnie Schaschek, yes.

Jackie Brown, yes.

Wayne Nunnally, yes.

Judith Penniman, yes.

Anthony Marchetti, absent.

Dudley Patteson, absent.

Motion passes 4-0.

- Short Term Rental Update – *J. Harris, J. Nelson, L. Taylor*
 - Registration form: Will align with Lancaster County and will include specific fees, and registration number assignments and platforms. Occupancy Tax forms also added a place to note platforms.
 - Tax remittance continues to be an issue. Needs to be a place on the registration form indicating platform (such as VRBO, AirBnB). By using Granicus will help solve and monitor the tax remittance problem (equivalent of having a part-time employee). Could be tried for a year.

Motion to table discussion concerning STR until next month: W. Nunnally.

- W. Nunnally, after further information, withdrew his motion.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 10, 2022; 6:30 PM**

- STR Committee appointed to include 3 residents and Wayne Nunnally will chair. Committee to determine meeting dates and provide to Ms. Taylor and report to Council by May 12, 2022, Town Council meeting.
- Ms. Taylor will send out a letter concerning golf cart registration, septic pump out and STR registration.

- Town Office Sign Update – *L. Taylor*
 - Packet contains examples from Sandra Matthews for new sign.
 - Options for post color, sign color and sign design were discussed.
 - Black pole, straight sign, white background, and steamboat seal on sign were decided to get a price. Approximate price \$300.
 - Ms. Taylor will obtain the price and proceed with the sign.

- No Thru Trucks Through Irvington and use Harris Road as alternate route: this must be voted on and sent to the Lancaster Board of Supervisors.

Motion made by Wayne Nunnally.
Second: Judith Penniman.

Roll call vote:

Bonnie Schaschek, yes.
Jackie Brown, yes.
Wayne Nunnally, yes.
Judith Penniman, yes.
Anthony Marchetti, absent.
Dudley Patteson, absent.

Motion passes 4-0.

L. NEW BUSINESS

- Need for Overtime Deputy Use & Cost Update – *J. Harris*
 - May take a while for this proposal to go before Board of Supervisors and for VDOT approval. In the interim hire a Lancaster County Deputy.
 - If deputy presence is known in Irvington it will cut down on speeding concerns. The cost would be \$35.00 per hour, and this would prevent the deputy from being pulled from Irvington when needed as is done now.
 - Mr. McRoberts will speak with Lancaster County Attorney and an agreement will be presented to Town Council at the March meeting.

Motion to allocate funds to hire an OT Deputy in Irvington and allow Mr. McRoberts to speak with Lancaster County Attorney and draw up appropriate agreement: W. Nunnally
Second: J. Penniman

Roll call vote:

Bonnie Schaschek, yes.
Jackie Brown, yes.
Wayne Nunnally, yes.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 10, 2022; 6:30 PM**

Judith Penniman, yes.
Anthony Marchetti, absent.
Dudley Patteson, absent.

Motion passes 4-0.

- Resolution 2022-15TC to Participate in Town Council Meetings Through Electronic Communications – *A. McRoberts and J. Harris*

Motion to accept Resolution 2022-15TC as stated: B. Schaschek
Second: W. Nunnally

Roll call vote:

Bonnie Schaschek, yes.
Jackie Brown, yes.
Wayne Nunnally, yes.
Judith Penniman, yes.
Anthony Marchetti, absent.
Dudley Patteson, absent.

Motion passes 4-0.

- VIA Request for Use of Main Commons- *S. Kimmeth, President*
 - Report will be given at the March meeting. Mr. Kimmeth was not present.

M. ANNOUNCEMENTS

- EPR-PC Meeting with Planning Commission/Town Council, February 16, 2022, at 5:00 p.m. at Irvington **METHODIST** Church
- Next Town Council Regular Called meeting, March 10, 2022, at 6:30 p.m. at Irvington **BAPTIST** Church
- FOIA/COIA Training – March 23, 2022, at 4:30 p.m. at Irvington **METHODIST** Church

N. CLOSED SESSION – under State Code 2.2-3711A for discussion of performance and salaries of staff personnel after six-month review.

Motion to move to closed session: Julie Harris.
Second: Wayne Nunnally.

O. RETURN TO OPEN SESSION

- **Certification**

Roll call certification:

Bonnie Schaschek, I so certify.
Jackie Brown, I so certify.
Wayne Nunnally, I so certify.
Judith Penniman, I so certify.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, FEBRUARY 10, 2022; 6:30 PM**

Julie Harris, I so certify.

Motion to raise salaries for personnel as suggested by HR and bonuses as suggested by
Town Council: W. Nunnally
Second: J. Penniman

Roll call vote:

Bonnie Schaschek, yes.
Jackie Brown, yes.
Wayne Nunnally, yes.
Judith Penniman, yes.
Anthony Marchetti, absent.
Dudley Patteson, absent.

Motion passes 4-0.

P. ADJOURN

Motion to Adjourn: W. Nunnally
Second: J. Penniman

Group: Aye.

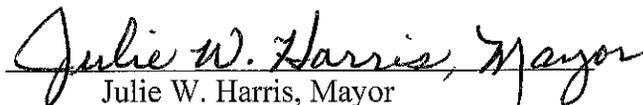
Motion to Adjourn passes: 4-0.

The minutes of February 10, 2022, were approved at the March 10, 2022 Town Council
Regular Called Meeting.

Vote:	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Wayne Nunnally	X		
Jackie Brown	X		
Judith Penniman	X		
Dudley Patteson	X		
Anthony Marchetti (absent)			

The vote was 5 – 0 – 0 with one member absent.

Respectfully submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer


Julie W. Harris, Mayor



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR CALLED MEETING
IRVINGTON BAPTIST CHURCH, IRVINGTON
FEBRUARY 10, 2022; 6:30 P.M.**

Sign In Sheet

	Name	Address
1.	Sherry McSense	220 Sanders Lane
2.	Jim McSense	220 Sanders Lane
3.	Michele Connor	334 King Carter Dr.
4.	Ian Ormerod	90 The Pony Pasture
5.	Judy Fay	— . —
6.	Mary Briggs	22 VARD
7.	Ruth Fuller	341 The Lane
8.	Gita Pagano	143 Broadway
9.	ROXANNE GLOBIS THURSTON	45 SPRING ST.
10.	Sam VanSaan	24 The Pony Pasture
11.	GEORGE KUPPER	Hampton Hill
12.	Albert Pollard	48 Steamboat
13.	Maria Gretoff	189 Broadway



RESOLUTION 2022-15TC

A RESOLUTION TO ADOPT A POLICY GOVERNING PARTICIPATION IN MEETINGS BY MEMBERS OF THE TOWN COUNCIL THROUGH ELECTRONIC COMMUNICATION

WHEREAS, pursuant to Va. Code § 2.2-3708.2, a member or members of a public body may participate in meetings through electronic communication means from a remote location that is not open to the public for certain reasons when the public body has a quorum physically assembled and has adopted a written policy allowing for such participation in accordance with Va. Code § 2.2-3708.2; and

WHEREAS, pursuant to Va. Code § 2.2-3708.2, public bodies may further hold meetings through electronic communication means where no quorum is assembled at a single location in certain emergency situations; and

WHEREAS, the members of the Irvington, Virginia Town Council wish to adopt a policy to allow for those situations which may arise and prevent some members or all members from attending meetings in person, to the extent allowed by law.

NOW, THEREFORE, BE IT RESOLVED that the Irvington Town Council on this the 10th day of February, 2022, does hereby adopt the attached policy, effective immediately, to allow members of the Town of Irvington, Virginia Town Council to participate in meetings through electronic communication in strict accordance with the provisions and requirements of Va. Code §§ 2.2-3708.2.

TOWN OF IRVINGTON, VIRGINIA – POLICY FOR ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

Except as provided hereafter, the Town Council (**the "Town Council"**) of the Town of Irvington, Virginia (**the "Town"**) does not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic, or other electronic communication means where the Town Council members are not physically assembled. This policy is applied strictly and uniformly, without exception, to the entire membership of the Town Council and without regard to the identity of the member requesting remote participation, if any, or the matters that will be considered or voted on at the meeting.

For the purposes of this policy:

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Town Council" means the Town Council of the Town and it may also mean the constituent local public bodies of the Town if those constituent public bodies elect to follow the provisions of this policy.

I. Quorum Physically Assembled

- a. The Town Council may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if on or before the day of a meeting, a member of the Town Council notifies the Mayor or Town Clerk:
 - i. That such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or a family member's medical condition that requires the member to provide care for such family member thereby preventing the member's physical attendance, or
 - ii. That such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; andFurther, that the Town Council approves the member's participation by a majority vote of the members present at the primary or central meeting location based only on the criteria in this policy.

Provided, however, that participation by a Town Council member by electronic communication means under subsection (a)(ii) above (due to a personal matter), is limited each calendar year to two meetings or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

- b. If participation by a Town Council member through electronic communication means is approved pursuant to subsection (a) above, the Town Council shall record in its minutes the remote location from which the member participated; however, the remote location need not be accessible to the public.
 - i. If participation is approved under subsection (a)(i) above (due to a temporary or permanent disability or other medical condition or a family

member's medical condition that required the member to provide care for such family member), the Town Council shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance or a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. The Town Council shall not record the specific disability or medical condition involved.

- ii. If participation is approved under subsection (a)(ii) above (due to a personal matter), the Town Council shall also include in its minutes the specific nature of the personal matter cited by the member.
- c. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval and the violation of the policy shall be recorded in the minutes with specificity.
- d. A Town Council member may participate in a meeting by electronic means pursuant to subsections (a) and (b) above only when:
 - i. A quorum of the Town Council is physically assembled at one primary or central meeting location; and
 - ii. The Town Council makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

II. Quorum Not Physically Assembled

The Town Council may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Virginia Code § 44-146.17, or if the Town Council or the Board of Supervisors of Lancaster County, Virginia has declared a local state of emergency pursuant to VA Code § 44-146.21, provided

- The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
- The purpose of the meeting is to provide for the continuity of operations of the Town or the discharge of the Town's lawful purposes, duties, and responsibilities.

If it holds a meeting pursuant to this section, the Town Council shall

- Give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Town Council; and

- Make arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the Town Council; and
- Provide the public with the opportunity to comment at those meetings when public comment is customarily received; and
- Otherwise comply with the requirements of Chapter 37 of Va. Code Ann. (1950) (the Virginia Freedom of Information Act), as amended.

For any meeting conducted pursuant to this section, the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

III. Further Provision for State Law Allowing Participation Using Electronic Communication

If the provisions of Virginia Code § 2.2-3708.2 are amended to provide additional authority for Town Council or the members thereof to attend meetings using electronic communication, whether with or without a quorum of Town Council assembled, or other state law allows for such additional authority, this policy shall be applied and extended to allow remote participation using electronic communication to the fullest extent provided by law.

LEGAL REFERENCE: §§ 2.2-3701, 2.2-3708.2

ADOPTED: Resolution **2022-15TC**

A resolution to adopt a policy governing participation in meetings by members of the town council through electronic communication was approved at the February 10, 2022 Town Council Regular Called Meeting.

	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Wayne Nunnally	X		
Jackie Brown	X		
Judith Penniman	X		
Anthony Marchetti (absent)			
Dudley Patteson (absent)			

The vote was 4 – 0 – 0 with two members absent.

Respectfully submitted,
 Laurel S. Taylor, Town Clerk & FOIA Officer


 Julie W. Harris, Mayor

14. Mary Ann Brady 991 King Carter
15. Marston Smith ~~110~~ 110 Lancaster Rd
16. E Lee Taylor 4504 Irvington Rd
17. _____
18. _____
19. _____
20. _____
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35. _____



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL/PLANNING COMMISSION JOINT PUBLIC HEARING
IRVINGTON TOWN OFFICE, 4203 IRVINGTON ROAD, IRVINGTON
TUESDAY, FEBRUARY 1, 2022; 6:00 PM**

AGENDA

A. CALL TO ORDER

Julie Harris, Mayor – A Joint Public Hearing of the Irvington Town Council and the Irvington Planning Commission was being called to order on February 1, 2022, at 6:00 p.m. at the Town Office for the purpose of receiving public comment regarding a CUP for agricultural use for Tax Map 34M-1-27. 2021.CUP04-CAMP.

ROLL CALL

Town Council

J. Harris, present
D. Patteson, present.
B. Schaschek, present.
A. Marchetti, present.
J. Penniman, present.
J. Brown, present.

Planning Commission

T. Chapman, present.
P. Robinson, present.
B. Forrester, present.
L. Capps, present.
A. Pollard, Jr., present.
J. Taylor, present.

Staff Present

Laurel Taylor
Justin Nelson

There were no residents present.

B. ZONING ADMINISTRATOR, J. Nelson

Mr. Nelson read the CUP, #2021-14TC, and #2021-172c-PC, CUP04-CAMP for agricultural use, located at 170 White Fences Drive, tax map 34M-1-27.

C. PUBLIC HEARING/JOINT PC/TC

J. Harris: With no questions from the public, the Joint Public Hearing was adjourned to allow the Planning Commission to discuss and make recommendations to Council at the February 10, 2022, Town Council meeting.

D. MOTION TO ADJOURN

So moved: T. Chapman

Second: B. Forrester

Motion agreed upon unanimously.

The minutes of February 01, 2022, were approved at the February 10, 2022 Town Council Regular Called Meeting.

	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Wayne Nunnally	X		
Jackie Brown	X		
Judith Penniman	X		
Anthony Marchetti (absent)			
Dudley Patteson (absent)			

The vote was 4 – 0 – 0 with two members absent.

Respectfully submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer



Julie W. Harris, Mayor



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JANUARY 13, 2022; 6:30 PM**

Summary Minutes

A. CALL TO ORDER – Julie Harris, Mayor 6:30 p.m., Irvington Baptist Church.

B. ROLL CALL

Julie Harris	Here
Bonnie Schaschek	Here
Wayne Nunnally	Here (via phone)
Jackie Brown	Here
Anthony Marchetti	Here
Judith Penniman	Here
Dudley Patteson	Here

C. APPROVE AGENDA

Motion to Approve: Wayne Nunnally, so moved

Second: Dudley Patteson

Bonnie Schaschek	Aye
Wayne Nunnally	Aye
Jackie Brown	Aye
Anthony Marchetti	Aye
Judith Penniman	Aye
Dudley Patteson	Aye

Motion passes 6-0-0.

D. APPROVE MINUTES

December 9, 2021, Town Council Regular Called Meeting

Motion to Approve: Wayne Nunnally, so moved

Second: Dudley Patteson

Bonnie Schaschek	Aye
Wayne Nunnally	Aye
Jackie Brown	Aye
Anthony Marchetti	Aye
Judith Penniman	Abstain
Dudley Patteson	Aye

Motion to approve December 9, 2021, meeting passes.

Motion passes: 5-0-1.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JANUARY 13, 2022; 6:30 PM**

December 16, 2021, Town Council Regular Called Meeting

Motion to Approve: Wayne Nunnally, so moved

Second: Bonnie Schaschek

Bonnie Schaschek	Aye
Wayne Nunnally	Aye
Jackie Brown	Aye
Anthony Marchetti	Abstain
Judith Penniman	Abstain
Dudley Patteson	Aye

Motion passes 4-0-2.

E. FINANCIAL REPORT

- Treasurer's Report – Mayor Harris noted that there are discrepancies to go over with Jay Sanudo before any discussion.
- Appropriations – Mayor Harris stated that there are considerations to be made for appropriations as they come up during the meeting.

F. PUBLIC COMMENT

a. C. Bradley, President of the Steamboat Era Museum

- Thank you for the donation.
- Thursday, January 7, 2021, - all paper and electronic files for all documentation from all four partners for the Virginia Tourism Council Grant were delivered to Laurel Taylor, Town Clerk.

b. S. Van Saun, President of the Irvington Business Association

- Ms. Van Saun read her letter (copies were given to Council) which expressed support on behalf of 47 members, for the sewer feasibility study. Ms. Van Saun stated she goes through a process of polling the membership and getting it approved by the Board. This is not support for the sewer, but for the feasibility study.
- W. Nunnally commented that “When the IBA was formed, they appeared before Town Council and requested a member be appointed to that board. I was subsequently appointed to be that representative, and, to date, I have never received an invitation or notice of any meetings. I would certainly like to participate. I would like to make sure this is publicly noted, and would like to receive an invitation, and look forward to working with you in 2022. Thank you.”



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JANUARY 13, 2022; 6:30 PM**

c. J. McGeorge (220 Sanders Lane):

- Concerns were raised about large truck traffic, bicycle traffic increasing, probably more traffic with the proposed Tri-Way Trail. Additional concerns were expressed about the proposed ABC license, and golf cart traffic.
- Justin Nelson stated the No-Through Trucks stalled because Lancaster County objected to it, but now there may be a chance to address it, given changes in the government.
- Mayor Harris and Wayne Nunnally are investigating sharing law enforcement help from Kilmarnock, White Stone and Lancaster County.

d. C. Dodson – Windswept and co-partner of the new proposed Camp LLC.

- Concerns were raised about the CUP process and correcting any issues with posting. The timeline was discussed by Mayor Harris, the Town Attorney, and T. Chapman, Vice Chair of the Planning Commission to legally simplify and expedite the process.

G. REPORT FROM THE MAYOR, *Julie Harris*

1. Welcome new Councilperson, Judy Penniman, and new Attorney, Andrew McRoberts.
2. Six-month trial of Summary minutes, starting this month. We will have the audio for backup. At the end of the six-month trial this will be reviewed.
3. FOIA training conducted by Andrew McRoberts is upcoming.
4. Bill Mitchell, Mitchell Signs will have a 2-sided sign should be completed and installed by the end of this month for the Town Office.

H. REPORT FROM TOWN ATTORNEY, *Andrew McRoberts, Sands Anderson*

1. Thank you to the Mayor and Town Council for having Sands Anderson to be the new Town Attorney.
2. FOIA/COIA – The annual filing requirements need to be done. This will be scheduled in the next several weeks.

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

1. Three zoning permits for 2 additions and a new deck.
2. More receipts received from Mr. Fisher for continuing to move debris.
3. Dangerous tree complaint.
4. Reviewing CUP processes with the PC.
5. Survey – visited 8 businesses and talked with 3 regarding the ABC license and there were no objections.
6. Working on assembling a Zoning Appeals Board as we know we will have a Zoning Appeal coming up.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JANUARY 13, 2022; 6:30 PM**

J. COMMITTEE REPORTS

• **Budget & Finance Report, Anthony Marchetti, Chair**

1. Start work on fiscal year 2022-2023, the new budget. In February, we come up with a new schedule for everyone to look at. Goal is to try and have it passed in May so we have buffer month of June.
2. Davenport has created a preliminary report. Davenport has a punch list of items they need from the Town so they can provide information to present to the Town and the residents.
3. The VTC Grant should be submitted later this month, in time for the deadline.
4. Contact has been made with Jay Sanudo to find out what needs to happen to close out the CARES ACT, both reporting and the \$150 that needs to go back.
5. ARPA – the first round of the ARPA is due April 30, and that report will cover any usage from March 2021 to March 2022.

• **H. R. Committee, Dudley Patteson, Chair**

1. B. Schaschek and D. Patteson are going to conduct a six-month review for staff with Laurel Taylor and Justin Nelson and welcome any comments from fellow Council members regarding Laurel and Justin.
2. Mayor Harris announced there will be a closed session at the February meeting.

• **Facilities, Streets, and Sidewalks Committee, Wayne Nunnally, Chair**

1. Sewer Investigatory panel headed by Mr. Chapman, and organized themselves this past week and set another date in February.
2. STR ordinance (need a fee and to add information about what platform people are using regarding the taxes collected.)
3. Mayor Harris noted Laurel Taylor has been in contact with the Lancaster Commissioner of the Revenue to see how they collect fees and do their registration. This will be part of the next meeting.

• **Community & Special Events Committee, Anthony Marchetti**

1. No report at this time



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JANUARY 13, 2022; 6:30 PM**

- **Planning Commission Update, T. Chapman, Vice Chair**
 1. The survey of the town contract with EPR-PC has been signed, and the Mayor and Town Council will meet with EPR-PC the last half of January to take a tour of the town.
 2. We are also working on the CUP process.

K. OLD BUSINESS

- **EPR-PC contract – Julie Harris**

The Planning Commission and the Mayor have been in touch with the company and are looking to set up initial dates later this month or in early February to help this company formulate a survey.

1. Amended Budget, 2nd Reading of Ordinance – Anthony Marchetti

- The second reading of the Amended budget ordinance was presented by A. Marchetti.
- A. Marchetti: Ordinance 2021-2022 TOI – Ordinance Adopting Amended 2021 to 2022 budget.

Motion to Approve the amended budget: Anthony Marchetti so moved

Second: Dudley Patteson

Wayne Nunnally	No. I'd like my reason stated. I cannot vote for any budget that has a real estate tax in it when we have several hundreds of thousands of dollars in the bank.
Bonnie Schaschek	Yes
Jackie Brown	Yes
Anthony Marchetti	Yes
Judith Penniman	Abstain
Dudley Patteson	Yes

Motion passes: 4-1-1.

2. Microphones & Sound System update – Laurel Taylor

Entertainment Systems, Bill Cronheim invoice of \$4,187.00 (approved by Town Council on December 16, 2021) was paid at the end of December. Components have been ordered and should be ready for next Town Council meeting in February.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JANUARY 13, 2022; 6:30 PM**

3. Flags and Flagpoles update – *Laurel Taylor*

Quotes have been sought from several companies to replace worn out flags and standardize poles, flags, anti-furling devices and numbers will be presented to Council in February.

4. Golf Cart Stickers – *Laurel Taylor*

- Creative Designs owner, Sandra Matthews, is providing a simplified version of the stickers to print as we decide to look at color-coding by year and making the stickers smaller.
- Bonnie Schaschek suggested we have 50 printed once we go forward. The color we decide to use each year is not a factor as long as it is different and easily identified. Fee to be collected by March 1st. Report on this will be revisited in the February 10, 2022, Town Council Meeting.

L. NEW BUSINESS

• **Board of Zoning Appeals Appointments – *Julie Harris***

We currently have three members and one application, and we need to have five. No response from Jeffrey Schroeder. We have Mr. Kuper, Mr. Kimmeth, Mr. Fleet.

Mayor Harris stated Council must approve these appointments and then they are sent to the Judge at the Circuit Court so we need to move forward to find the other one, possibly two.

• **Chesapeake Bank Lease Septic Agreement – *Julie Harris***

Mayor Harris mentioned that provided in your packets is the information regarding the renegotiation of the rent of the septic field is now due. Currently the rent is \$1,000 paid over 3 years in two installments. Does council want to authorize the Mayor to renew this contract and if so to maintain the current rate or to ask for an increase, so any discussion on how to proceed. Wanted to know if Council would like to guide me with a percentage of rent increase.

Dudley Patteson: Suggests 7% and no less than 10.

Motion to authorize the Mayor to renew the lease leave the rate as is: Wayne Nunnally

Second: Bonnie Schaschek



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JANUARY 13, 2022; 6:30 PM**

Wayne Nunnally	Yes
Bonnie Schaschek	Yes
Jackie Brown	Yes
Anthony Marchetti	Yes
Judith Penniman	Yes
Dudley Patteson	Yes

Motion passes 6-0-0.

• **Town Office Keys – Laurel Taylor**

Town Clerk summarized the thoughts about rekeying doors including the number of keys needed and types of locks available.

The final option is to re-key three cylinders (one on the front door and two on the back door) and provide 6 new keys. This would cost a total of \$155 which includes the service call and labor, re-keying three cylinders, and providing 6 keys. The keys would be made for the Mayor, the Vice Mayor, the Zoning Administrator, the Town Clerk, and the Chair of the Planning Commission and for the maintenance staff.

Motion to re-key the locks and make 6 keys: Wayne Nunnally

Second: Dudley Patteson

Wayne Nunnally	Yes
Bonnie Schaschek	Yes
Jackie Brown	Yes
Anthony Marchetti	Yes
Judith Penniman	Yes
Dudley Patteson	Yes

Motion passes 6-0-0.

• **Grant Study Committee – Dudley Patteson**

Proposed that Council should form a Grants Study Committee to identify possible government or private grants for which Irvington may qualify rather than tax residents or take money from reserves.

Council unanimously approved the formation of the Grants Study Committee with D. Patteson as Chairman and J. Penniman as Council representatives. Three other citizen representatives will be asked to serve on this committee.

Wayne Nunnally agrees with Dudley Patteson, but suggests calling it a Grants Study Panel to bypass meeting requirements when only investigatory work is being performed.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JANUARY 13, 2022; 6:30 PM**

Andrew McRoberts, discusses whether it can be a panel or committee. Can be called either.

Motion to form a Grants Study Committee (total of 5 members, 2 council members and 3 residents) with D. Patteson and J. Penniman and to give a report at the February meeting: Wayne Nunnally

Second: Jackie Brown

Wayne Nunnally	Yes
Bonnie Schaschek	Yes
Jackie Brown	Yes
Anthony Marchetti	Yes
Judith Penniman	Yes
Dudley Patteson	Yes

Motion passes 6-0-0.

• **Town Event ABC License – Albert Pollard, Jr., Planning Commission**

Planning Commissioner A. Pollard, Jr. presented a proposal that the town consider applying for a new type of ABC license called 'a designated outdoor refreshment area license'. Localities and non-profits can apply and alcohol can be consumed off-premises under certain conditions. a) There must be clearly defined areas where alcohol can be consumed. b) Up to sixteen events a year for up to three days each can be included. c) Only current retail outlets with on-premises licensing are permitted to sell alcohol. d) Alcohol must be carried and contained in plastic/disposable cups. e) A public safety plan must be filed with ABC.

Pollard had spoken to the Irvington Business Association president, S. Van Saun who thought this idea would be viewed favorably by its members.

Pollard recommended that Town Clerk L. Taylor fill out an application and submit a \$300.00 fee so that a 60-to-90-day approval period could be started for approval. Details about which events to try out could be decided along with input from the IVBA or any other interested parties. Getting the license applied for and getting the 60–90-day approval negotiated would provide a lot of flexibility. The ABC special agent for our area, D. Taylor, would be happy to come and talk to us about what a good safety plan would look like.

B. Schaschek questioned how this would benefit residents and brought up issues relating to litter and liability. Reservations about potential safety were discussed.

Council asked Pollard to come back in February with more information and suggestions to address the safety, liability and litter concerns.



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, JANUARY 13, 2022; 6:30 PM**

M. ANNOUNCEMENTS

- Next Regular Called meeting, February 10, 2022

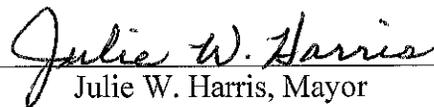
N. ADJOURN

The minutes of January 13, 2022 were approved at the February 10, 2022 Town Council Regular Called Meeting.

	Aye	Opposed	Abstained
Bonnie Schaschek	X		
Wayne Nunnally	X		
Jackie Brown	X		
Judith Penniman	X		
Anthony Marchetti (absent)			
Dudley Patteson (absent)			

The vote was 4 – 0 – 0 with two members absent.

Respectfully submitted,
Laurel S. Taylor, Town Clerk & FOIA Officer



Julie W. Harris, Mayor