



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, MAY 9, 2024; 6:30 p.m.**

AGENDA – Amended at the table

D. P/P.R

A. CALL TO ORDER

B. ROLL CALL –

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

B. APPROVE AGENDA – Amended at the table

- Added discussion and vote on sign permit request for Dear Neighbor as new business.

Motion made by P. Robinson to approve the agenda as amended.

Seconded by D. Patteson.

Motion carries unanimously.

C. APPROVE MINUTES

Motion made by M. C. Bradley to approve the April 11, 2024, minutes.

Seconded by W. Nunnally.

P. Robinson abstained.

Motion carries 5-0-1.

D. FINANCIAL REPORT

- **Treasurer’s Report as of April 30, 2024, accepted.**



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E. PUBLIC HEARING

- Roll Call for Town Council, completed at beginning at the meeting.
- Roll Call for Planning Commission
 - Members present: T. Chapman, R. Fuller, R. Camillo, D. Clarke, S. Strait, and J. Taylor. Absent: A. Pollard, Jr.

Joint Public Hearing

- CUP POLLARD.2024 – 37 Seafood Lane – 1st Reading. Conversion of office space to one-chair hair salon.
 - Clarification that not the restaurant.

F. PUBLIC COMMENT

- **B. Bryant**, Chairman of Building & Grounds and Deacon of Irvington Baptist Church. Concerned about the use of the parking lot by people working on the old Odd Fellows Lodge, as well as the building of a ramp to their parking lot. K. Cotter, owner of Dear Neighbor, shared had spoken with the Pastor and will try to limit parking in the church parking lot.
- **W. Nunally**, Chairman of Trustees of Irvington Baptist Church, speaking in that capacity. Spoke to Pastor and Pastor's wife and as of yesterday received no official notice of the CUP. Confirmed notice sent to the Jo Hooten. Church works democratically but have not been able to have a deacon's meeting on this topic. Behooves me, as trustee not as councilperson, to ask Council to delay at least 2 weeks so can get a committee together.
 - Zoning administrator confirmed reason to believe the letters were sent two weeks prior to the first reading. Confirmed no return receipt from Church.
- **D. Raynor, Old Mill Cove**. Runner who appreciates the paved shoulder along Irvington Road. However, much of shoulder between flashing 25 mph sign and Kendall Hall Rd, is covered with debris. This could be dangerous for bike riders. Happy to be part of the solution – raising the issue to VDOT or the County.
 - P. Robinson suggested to use the on-line VDOT resource, which is not an empty hole from his experience.
 - A. McRoberts suggested that the VDOT local engineer may attend the Board of Supervisors meeting. Contact Bill Smith, local Supervisor, so he can raise the issue as well.
- **I. Ormesher, Pony Pasture**. Rappahannock Yacht Club Commodore. Benefits of the yacht club. Private yacht club, but prices within the budget of people who live within the Town. Effective guest policy with members – 3 times per year. Encourage local boats to participate in races. Summer sailing camp for 4 weeks that is open to children of the community. Participate in Town events such as the July 4th parade. Community sailing even in summer. Additionally, host the largest regatta in this part of the Bay – Turkey Shot Regatta – raising money for hospice.



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- **T. Ransone, King Carter Drive.** Concerned about the Water Front Committee. Oppose any type of Waterfront Committee and spending for waterfront access. Options exist – yacht club, Gaskins Landing. Been talking about money, money, money. Waterfront in Irvington is expensive and I do not want to pay for hit.
- **G. Pagano, Vineyard Grove.** Very much for public waterfront, no matter how much it costs I am ready to pay for it. One of the beautiful things about this Town is the water and open green spaces. Surrounded by water, but minority has access to water. Have to think about those who are inside in the Town and want water access – sit at picnic table, watch sunset, walk their dog. The way it will be used may not be the quaint waterfront I imagine most people want. Would like to keep the committee and have the committee talk to the residents, share more than vision. Think that if a referendum, a lot of people will vote for that.
- **B. Westbrook, King Carter.** Requested that the Charter be shared in Word with “track changes” (strikeout and red text).
 - **P. Robinson.** Confirmed that current redlined version is Charter 2G, which is not what was shared prior to this meeting.
- **R. Fuller, The Lane.** Brought a sign-up form for volunteers to help with the July 4th Parade. Website will be live today and can be accessed via QR code on signs. The parade brings a lot of people in to enjoy our Town – start thinking of your plans for decorating golf carts. Classic cars are welcome too.
- **D. DuBay, King Carter Drive.** Represents family who are applying to be a STR. Have been coming to Irvington for 40 years from Virginia Beach. The family has a lot of family memories from the Tides and looking to make more. Parents owned and managed own commercial and residential real estate management company for the last 40 years. Heavily involved in historical preservation in Virginia Beach. Meticulous in how maintain property, and this will not be any different. Not chosen local manager but will do so in the next week.
- **F. Nunnally, King Carter.** Concern is parking – in particular, around the Odd Fellows Building. Three spots in the front are new and the road is different. Concerned about cars backing in, pulling into parking. Specifically concerned about the church parking and ensuring they have input to new businesses. Encourage to add parking so that businesses do not need to put up signs claiming their property.
- **K. Cotter, King Carter and Owner of Dear Neighbor.** Parking seems to be a main concern, which is interesting because ordinances requirements are met by current parking. Over 40 public spaces within 500-degree radius of the property. Downtown Irvington is full of parking lots, no beautiful landscaping, and no sharing of the parking lots. Insurance company says cannot insure a parking lot



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they cannot use. Happy to rent parking spots and put up signs. Do have an original sign that trying to get approved for the building.

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

- June marks one year for the deputy program. Will be meeting with the Deputy who sets the schedule. Invite any Council person or resident to share any thoughts or considerations would like to be discussed with the Deputy.

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

- It has been a busy month – charter, STRs, and various other things. Will address as they come up in the agenda.

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

- No report at this time. Working with the Town Attorney as review STRs, as it is time to re-do business licenses. Please pay, if not have done so, so that can maintain STR CUP.
 - Discussion about registration fee and business license and what is required. Town Attorney and Town Zoning Administrator will discuss the ordinance and how to enforce the ordinance.
 - If the DuBay STR CUP is approved, then we are the limit of 35. However, this may affect the numbers.
 - The new website, and Business License committee, was discussed. The website is still being developed. Recommendation that there needs to be a monthly report on the website status.

J. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek & C. Bradley*
 - Reclassifications are not complete. Will meet with Treasurer in June to ensure addressed prior to the end of the fiscal year. Following that will begin to address fiscal policies and procedures. Tonight is the second reading of the budget.
- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*
 - At some point, will need to finalize the draft sidewalk ordinance.
 - Will discuss today's Public Hearing input in the June meeting.
- H. R. Committee, *W. Nunnally & B. Schaschek*
 - No report.
- Facilities Committee, *P. Robinson & C. Bradley*
 - White Fences Sidewalk. Met with the contractor, who raised good questions regarding the design. Need to have a meeting with VDOT. Following after that will get an easement drawing and signed. Hoping work will start in June.
 - Sewer Committee presented to the Kilmarnock Town Water & Sewer Committee, who indicated they would get back to us. The committee has lost



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two members – other Facilities Committee member and Planning Commission member. Suggested putting M. C. Bradley on the Committee.

- Town Office Lease in separate agenda item.

- Community & Special Events Committee, *J. Penniman & D. Patteson*
 - July 4th parade – see R. Fuller’s public comment.

- Commons Committee, *J. Penniman & W. Nunnally*
 - No report.

- Waterfront Committee, *D. Patteson & J. Penniman*
 - No report.

- Planning Commission Update, *T. Chapman – Chair*
 - Will be posted on the Town website.
 - Planning Commission recommends approval of the DuBay CUP, with the additional condition that a local agent be identified to the Town Zoning Administrator.
 - Planning Commission recommends approval of the CUP_Odd with the following conditions: (1) front parking lot expanded to 30’; (2) employees park off-site; and (3) shop signage identifies parking area. Owner agreed with those conditions. Talked about the safety issues and did not ask VDOT to address.
 - ADUs. Continued discussion and hope to have something to forward to Code, Charter & Ordinance Committee in June.
 - Revised sign ordinance submitted to the Town Attorney for review. Following that can be brought forward to the Town Council and Public Hearings. Will not go to Code, Charter & Ordinance Committee.
 - Had officer elections. Chair is Tom Chapman. Vice Chair is Ruth Fuller. Secretary is Robin Camillo.
 - There was a discussion of golf cart lane, parking, ordinance requirements, and VDOT.

K. OLD BUSINESS

- Town Office Lease
 - P. Robinson discussed the lease for approximately 900 square feet in the Irvington Office Building. Will be available in August 2025, which gives the Town two months to manage moving.
 - **P. Robinson made a motion to authorize Mayor to accept and sign lease for office space in Irvington Office Building, starting August 2025.**
 - **M. C. Bradley seconded.**
 - **Motion passed 5-1 (Mr. Nunally opposed).**
 - W. Nunally asked why the Town did not continue discussions with ICN Properties regarding the house (little blue house near the Office Bistro) on Irvington Rd. Mr. Nunally does not believe this office is beneficial to the



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Town in the manner the house would be. P. Robinson responded that did not pursue because age and structure and did not feel met the needs of the community.

- Deposit of \$12,800 will be returned as lease credits in 2026 (roughly first four months rent in 2026).
- **P. Robinson made a motion to appropriate \$12,800 as deposit, to be refunded as rent in 2026, for the new Town office in the Irvington Office Building.**
- **M. C. Bradley seconded.**
- **Motion passed 5 – 1 (Mr. Nunally opposed).**

- CUP DUBAY.2024 - 992 King Carter Drive - 2nd Reading and vote
 - M. C. Bradley recused herself.
 - Zoning Administrator reported eight letters sent out with three responses of no objections. Planning Commission additional condition of local manager.
 - **J. Penniman made a motion to approve the CUP DuBay.2024.**
 - **P. Robinson seconded.**
 - **Motion passed 5 – 0 with Ms. Bradley recusing herself.**

- CUP ODDFELLOWS.2024 -19 King Carter Drive - 2nd Reading and vote
 - Zoning Administrator reported nine letters sent out. Received one no objection and one objection. Planning Commission recommends approval with three additional conditions.
 - Zoning Administrator confirmed the parking for Windswept and the first floor at 19 King Carter is sufficient, according to the ordinances.
 - Mr. Nunally asked for two weeks for the Church to respond to the CUP, which would be good for the Community. Ms. Bradley pointed out that this is the second reading of the CUP, which was the time for the Church to make the Town aware they had not received notice. Mr. McRoberts noted that “notice” is typically mailing to the address of record.
 - **P. Robinson made a motion to accept the CUP with two of the three conditions recommended by the Planning Commission, specifically including: (1) expanding existing parking spots in front to 30’ wide, and (2) provide sign designating patrons to Dear Neighbor park in that area.**
 - **M. C. Bradley seconded.**
 - **Motion carries 4 -2 (Nunally and Schaschek in the negative)**
 - P. Robinson suggested Planning Commission consider modifying the ordinance to require one customer parking place per 500 square feet and at least one employee parking place.
 - B. Shaschek requested Planning Commission contact VDOT regarding parking in the Town.



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- D. Patteson suggested that the Town consider whether businesses need to ensure parking is available for business customers, with staff not parking in spaces near other businesses.
- Ordinance 2024-01-uc Adopting Transient Occupancy Tax Rate - 2nd Reading and vote
 - **M. C. Bradley motion to adopt Ordinance 2024-01-uc related to occupancy tax rate.**
 - **D. Patteson seconded.**
 - **Roll Call Vote**
 - **B. Schaschek – Yes**
 - **W. Nunally – Yes**
 - **M. C. Bradley – Yes**
 - **D. Patteson - Yes**
 - **P. Robinson – Yes**
 - **J. Penniman - Yes**
- Ordinance 2024-02-uc Adopting Real Estate Tax Rate - 2nd Reading and vote
 - **M. C. Bradley motion to adopt Ordinance 2024-02-uc related to real estate tax rate.**
 - **D. Patteson seconded.**
 - **Roll Call Vote**
 - **B. Schaschek – Yes**
 - **W. Nunally – No**
 - **M. C. Bradley – Yes**
 - **D. Patteson - Yes**
 - **P. Robinson – Yes**
 - **J. Penniman - Yes**
- Ordinance 2024-03-uc Adopting 2024-25 Fee Rate Schedule - 2nd Reading and vote
 - **M. C. Bradley motion to adopt Ordinance 2024-03-uc related to fee rate schedule.**
 - **D. Patteson seconded.**
 - **Roll Call Vote**
 - **B. Schaschek – Yes**
 - **W. Nunally – Yes**
 - **M. C. Bradley – Yes**
 - **D. Patteson - Yes**
 - **P. Robinson – Yes**
 - **J. Penniman - Yes**
- Ordinance 2024-05-uc Re-Adopting the Meals Tax - 2nd Reading and vote
 - **M. C. Bradley motion to adopt Ordinance 2024-05-uc to readopt the meals tax.**
 - **D. Patteson seconded.**



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- **Roll Call Vote**
 - **B. Schaschek – Yes**
 - **W. Nunally – Yes**
 - **M. C. Bradley – Yes**
 - **D. Patteson - Yes**
 - **P. Robinson – Yes**
 - **J. Penniman - Yes**

- Ordinance 2024-04-uc Adopting FY 2024-25 Budget - 2nd Reading and vote
 - **M. C. Bradley motion to adopt Ordinance 2024-04-uc to adopt the FY 2024 – 2025 budget.**
 - **D. Patteson seconded.**
 - **Roll Call Vote**
 - **B. Schaschek – Yes**
 - **W. Nunally – No**
 - **M. C. Bradley – Yes**
 - **D. Patteson - Yes**
 - **P. Robinson – Yes**
 - **J. Penniman - Yes**

L. NEW BUSINESS

- Motions or recommendations by Town Council Committees
 - Discussion led to decision that did not need motion to appointment more people to the Sewer Committee. M. C. Bradley and S. Strait joined the Sewer Committee.

- Short-Term Rentals and discussion of SB544
 - Mr. McRoberts shared his summary to the Council via email.
 - J. Penniman sought clarification on the impact of SB544 on request to reduce the number of STRs from 35 to 25.
 - Mr. McRoberts indicated that SB544 does not affect that. SB544 says cannot adopt or amend an ordinance to require a CUP for an owner-occupied primary residence to function as at STR.
 - J. Penniman if we decreased the cap from 35 to 25, we can do that?
 - Mr. McRoberts does not believe there is an impact of SB544 on that. Recommends that Council needs to consider if there is a rationale for that decrease. Mr. McRoberts is concerned that the STR Committee and ordinance made it clear that 35 had a basis based on percentage of the houses in the community and the number of STRs that would be grandfathered.
 - P. Robinson confirmed whether we modify the ordinance, do we lose control of regulating STRs that are primary residences. Mr. McRoberts indicated no since that was in our ordinance prior to



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SB544 date, provided do not touch that requirement there is no impact of SB544 on the requirement.

- Proposed Noise Ordinance
 - B. Schaschek shared a draft and received comments. Since the County ordinance includes 90% of proposed, will go along with the County ordinance.
 - D. Patteson – two suggestions (1) “lawn mowing and power blowing” and (2) quiet hours modified to M – Sun 9 pm to 8 am. J. Harris pointed out enforcement may be difficult if it does not match the County ordinance. D. Patteson thinks having the Irvington ordinance that says 8 am enables the STR and hotel owners to talk with lawn maintenance companies.
 - Mr. McRoberts requested that he see the proposed ordinance prior to it be brought for review.

- Discussion of Dear Neighbor Sign (Amended item)
 - The Zoning Administrator reported the sign is non-conforming, specifically larger than allowed by ordinance, but it mirrors a historical sign on the building. Proposed sign is 14 x 2 or 28 square feet rather than the 8 square feet in ordinance. The proposed sign is a similar size to the one presented in the provided picture.
 - **M. C. Bradley made a motion to approve as presented in application.**
 - **J. Penniman seconded.**
 - **Motion passed 5- 1 (Nunally opposed).**

- Ordinance 2024-06-uc Amending the Sign Ordinance – 1 Reading
 - The Zoning Administrator read the title of Ordinance 2024-06-uc – Amendment for Approval of Sign Zoning Permits
 - B. Schaschek reported this allows the Zoning Administrator to administratively approve any conforming sign.

M. ANNOUNCEMENTS

- Town Office will be closed Monday, May 27, 2024 in observance of Memorial Day
- Next Town Council Meeting, June 13, 2024: 6:30 p.m. at Irvington Baptist Church

N. CLOSED SESSION

- Pursuant to State Code §2.2-3711(A)(3) for discussion or consideration of the acquisition of waterfront real estate property – disclosure would adversely affect bargaining position.

O. RETURN TO OPEN SESSION

- Certified by:
 - **J. Harris - I so certify**
 - **B. Schaschek – I so certify**



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- **W. Nunally – I so certify**
 - **M. C. Bradley – I so certify**
 - **D. Patteson - I so certify**
 - **P. Robinson – I so certify**
 - **J. Penniman - I so certify**
- No action was taken following the return to open session

P. ADJOURN

DRAFT