



**TOWN OF IRVINGTON, VIRGINIA  
TOWN COUNCIL REGULAR MONTHLY MEETING  
IRVINGTON BAPTIST CHURCH  
THURSDAY, April 11, 2024; 6:30 p.m.**

**AGENDA –**

**A. CALL TO ORDER**

Mayor Harris called the meeting to order at 6:30 p.m.

**ROLL CALL**

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

**B. APPROVE AGENDA**

**Motion made by W. Nunnally to approve the agenda.  
Seconded by P. Robinson.  
Motion carries unanimously.**

**C. APPROVE MINUTES**

- March 14, 2024, Town Council Regular Called Meeting  
**Motion made by W. Nunnally to approve the March 14, 2024, minutes.  
Seconded by J. Penniman.  
Motion carries. 5-0-1. M.C. Bradley abstained.**

**D. FINANCIAL REPORT**

- Treasurer's Report accepted with no objections.

**E. PUBLIC HEARING**

Roll Call for Planning Commission

T. Chapman, present  
A. Pollard, present  
D. Clarke, absent  
R. Camillo, present  
S. Strait, present  
J. Taylor, present  
R. Fuller, present



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Joint Public Hearing

- CUP DUBAY.2024 - 992 King Carter Drive - 1<sup>st</sup> Reading
  - Ms. Bradley recused herself for the reading of the Dubay CUP, as she lives within 300 feet of the house under consideration.
  - Mr. Nelson stated that the application is to operate a Short-Term Rental (STR).
  
- CUP ODD.2024 -19 King Carter Drive -1<sup>st</sup> Reading
  - Mr. Nelson stated the application is to operate a retail store in the old Odd Fellows Building.
  
- Public Comment on CUPs

**W. Nunnally:** Mr. Nunnally asked if the applicant provided any plan for the utilities and parking.

**J. Nelson:** Mr. Nelson replied that he has not received the information yet but requested the applicant to send it at least two weeks before the vote at the next Planning Commission meeting.

**P. Robinson:** Mr. Robinson noted that on the Dubay CUP application for an STR, the applicant is located in Virginia Beach and asked if there would be a local person who manages the rental.

**J. Nelson:** Mr. Nelson confirmed that a local representative would be identified and the applicant has been told to supply that information by the time of the vote.

**M. C. Bradley:** Ms. Bradley expressed her support of the Dubay application. She noted that she lives across from the location, knows the applicants, and believes they would be responsive and good stewards of the property.

**J. Nelson:** Mr. Nelson pointed out that approval of the Dubay CUP would raise the total number of STRs in town to 35, which is the current maximum allowed.

**F. PUBLIC COMMENT**

- Comments from citizens on any topic

**A. Pollard:** Mr. Pollard expressed his belief that a long-term perspective is necessary for the town to ensure healthy businesses and growth. He asked the public and Council to first consider if its goals are to preserve current businesses or to facilitate growth in future businesses and residences. Second, he asked if there might be more financial downsides than benefits to central sewer, particularly given that Irvington already boasts the highest property values in the Northern Neck region without it. He wondered how extending the sewer to Irvington might lead to rapid development at Pittman's Corner, Quails Trail, Vineyard Grove, and Farm Road. He noted that Irvington not owning its system would create the risk that future sewer rates/costs will be dictated by distant wastewater treatment organizations and substantial money could be spent on



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sewer that could have been allocated to other projects instead. He concluded by saying that further investigation into the direct costs is needed.

**T. Ransone:** Ms. Ransone presented a comprehensive list of the waterfront parks accessible to the public in Lancaster County. She shared her understanding that residents are welcome to use Gaskins Landing, on Steamboat Road, whether to launch a boat or enjoy the river view. She urged the Town Council to consider disbanding the Irvington Waterfront Committee, expressing her view that acquiring waterfront property for public use in Irvington would be redundant given the abundance of existing options throughout the county.

**G. Kuper:** Mr. Kuper thanked the Council for its progress in improving governance in the town, and identified four further opportunities where he believed the Council should focus future efforts. First, he asked that the new Code of Ethics/Conduct be adjusted to place more emphasis on the need for town government to incorporate public input into its decision-making process. Second, he asked that the Council work to revise the town charter in accordance with the petition requesting a public referendum for approval of corporate debt. Third, he noted that the proposed real estate tax reduction was appreciated but asked the Council to consider eliminating the tax altogether. Fourth, he asked that the preservation of the unique character of the town be a primary focus in governance.

**J. Pagano:** Ms. Pagano expressed her value for data and asked that the town make efforts to incorporate more research into its process. She also asked that the town provide opportunities for the public to participate in governance. She cited the petition regarding the charter as an indication that the town constituents are eager to participate in the democratic process.

**A. G. Eubank:** Ms. Eubank spoke on behalf of the White Stone Town Council and extended an offer for individuals in Irvington to participate in White Stone's Hometown Heroes program. Submissions of names for the banners are due by April 15<sup>th</sup> at a cost of \$75.00.

**L. Caron:** Ms. Caron spoke on behalf of changing the town charter to include language requiring a public referendum on corporate debt. She advocated that significant expenditures should align with the collective will of the community, considering their enduring implications.

**J. Trollip:** Mr. Trollip thanked the town for its patience during the recent construction work at the Tides Inn. The projects should be completed in about two months and by mid-May the Tides would be ready for the grand opening of the new restaurant. He also announced that the Par-3 golf course would undergo



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closure and transformation into additional parkland until the finalization of plans for that land.

**R. Fuller:** Ms. Fuller, discussing the proposed charter revision, questioned the accuracy of a referendum in gauging community sentiment, noting it reflects only the preferences of those motivated to vote. She highlighted Irvington's challenges in project advancement, urging consensus while cautioning against unnecessary obstacles hindering progress.

**R. Westbrook:** Dr. Westbrook expressed appreciation of the responsibilities of Town Council. He then discussed the charter revision, emphasizing his belief that when the Town Council is making significant financial decisions affecting about 400 individuals, the Town Charter should be amended to include a mandatory referendum, rather than allowing the Town Council to unilaterally incur debt.

**W. Nunnally:** Mr. Nunnally asked that the Town Council recognize Dr. Westbrook for his service to the town and county.

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

The Mayor noted that the substance of her report related to the deputies, which would be addressed during the Deputy Report.

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

No report.

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

Mr. Nelson noted that two permits were issued for the removal of a dead tree at 5160 Irvington Road and a new addition at 52 Rowe's Point Road. He announced that several sidewalk quotes were received and would be discussed later in the agenda. The CUP for the operation of an art gallery at 81 King Carter Drive would be voted on later in the agenda. The Board of Zoning Appeals convened to address an appeal regarding a setback denial on Rowe's Point Road, ultimately overturning the Zoning Administrator's previous decision. Lastly, Mr. Nelson issued a reminder to attendees regarding the deadline for Short-Term Rental (STR) Business License submissions.

**J. COMMITTEE REPORTS**

- Budget & Finance Report, *B. Schaschek & C. Bradley*
  - Ms. Schaschek noted that the committee was focused on creating the FY 24-25 Budget. There will be a second reading in May.
- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*
  - Mr. Robinson stated that there will be a draft ordinance regarding sidewalk obstructions that will be presented at the next meeting.



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- Ms. Schaschek expressed her intent to also draft a noise ordinance and present it at the next meeting. She noted that she would take into account what the county is currently considering.
- H. R. Committee, *W. Nunnally & B. Schaschek*
  - Mr. Nunnally stated that the draft Code of Ethics/Conduct had been shared with Michelle Gowdy, Executive Director of the Virginia Municipal League. She approved of the draft language.
- Facilities Committee, *P. Robinson & C. Bradley*
  - Mr. Robinson shared that the Irvington Sewer Committee would be holding an introductory meeting with the Kilmarnock Water and Wastewater subcommittee on May 6 at 3:00 p.m.
  - At present, the Facilities Committee and the Steamboat Era Museum have jointly decided to postpone further consideration of relocating the town office to a space within the museum. The Committee is exploring an alternative rental option, and more details will be provided during the May meeting.
  - Three bids were received for work on a sidewalk to White Fences. Vendors were Lee Industries, Madison Concrete Solutions, and Welsh Custom Builders (dba as Viking Building Solutions). The committee recommended the Council accept the bid from Welsh/Viking as they were a good price, would use fiber-reinforced concrete, and were the only bidding vendor working under a licensed contractor.
  - Mr. Nunnally asked if the Facilities Committee had talked to Mr. Ukrop about the property beside ICN's septic system.
  - Mr. Chapman noted that the Sewer Committee has held periodic discussions with Mr. Ukrop about his property. Regarding discussions about partnering with Mr. Ukrop for the installation of a distributed septic system to serve a broader area, recent conversations had not occurred as Ukrop had previously shown disinterest. However, Mr. Chapman agreed to reassess this possibility.
- Community & Special Events Committee, *J. Penniman & D. Patteson*
  - Ms. Penniman stated that the July 4<sup>th</sup> parade would be on the 4<sup>th</sup> at 11:00 a.m. and traveling the same route. The Air Force Heritage of America Band concert, however, will be in August this year instead of during the July 4<sup>th</sup> holiday.
  - The Irvington Virginia Business Association (IVBA) will be holding a fundraiser on their website for an additional Christmas tree on the town commons this year. Ms. Penniman encouraged the town to support this effort. She also noted that the Illuminate Irvington event for 2024 will be held on Thursday, December 5<sup>th</sup>.



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- Commons Committee, *J. Penniman & W. Nunnally*
  - Ms. Penniman thanked Ben Estes for the two rebuilt benches by the tennis court. They were salvaged from Grace Episcopal's Yard Sale by Mr. Estes, with help from Greg Kirkbride and Steve Kimmeth.
- Waterfront Committee, *D. Patteson & J. Penniman*
  - No report.
- Planning Commission Update, *T. Chapman – Chair*
  - Mr. Chapman announced that the Planning Commission meeting minutes will now be accessible on the town website.
  - Additionally, the Commission is collaborating with VDOT to secure approval for the transportation section of Irvington's Comprehensive Plan.
  - The Commission unanimously recommended approval for the Red Fish CUP.
  - Mr. Chapman addressed the motion from the March Town Council meeting, tasking the Commission with exploring whether reducing Short-Term Rental properties could boost the availability of Long-Term Rental properties in Irvington. He believed this correlation would be a complex one to determine, but assured Council that PC would investigate supply and demand dynamics in the rental housing market.
  - Ms. Schaschek asked Mr. Chapman if the May 6 meeting of the Kilmarnock Water and Wastewater subcommittee would be a meeting with just the Irvington representatives or if it would be open to the public.
  - Ms. Bradley confirmed that it is indeed an open public meeting.

**K. OLD BUSINESS**

- Deputies Update
  - Mayor Harris called attention to the handout which provided data on the Deputies' hours and activity. She noted that in 2024, the highest number of summons (18) and warnings (14) were issued between 5 p.m. and 10 p.m. She also noted that on the evening of April 7<sup>th</sup>, an individual with an outstanding warrant was stopped and arrested. The Mayor shared her belief that the data and recent events illustrated how valuable it has been to have the deputies working, especially during evening shifts.
  - Ms. Bradley thanked Mr. Dyson for his work in helping to compile the data in the report, and asked if the report could be used to help inform how the town plans the deputies' work schedules.
  - Ms. Penniman added that she would like to see the town have more control over the scheduling.
  - Mayor Harris said that she could talk to the deputy who oversees the schedule, to gauge their flexibility. She also noted that one deputy had fallen ill and the remaining three have been working extra to fill Irvington's request that they provide 40 hours of service each month.





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- Mr. Robinson acknowledged that the Council should always consider the deputies' existing full-time commitments and proposed that the Town Council hold a separate discussion to establish the town's preferred working hours for the deputies. He suggested that once these hours are determined, the town could then approach the deputies to explore the possibility of increasing the shifts during times most beneficial to Irvington.
- Ms. Penniman shared that she believes the residents of Irvington would prefer to see the deputies during the day, for the sake of visibility.
- Code of Ethics/Conduct draft
  - Ms. Bradley raised questions regarding the draft Code of Ethics/Conduct. She suggested including town staff in the document, which Mr. Patteson supported. Additionally, she questioned the necessity of the 'procedures/rules' and 'respect for process' sections, prompting Mr. Nunnally to commit to reviewing them for redundancy. Seeking clarification on the 'communication' section, Ms. Bradley was informed by Mr. Nunnally that it requires members to disclose any citizen communications that are relevant to a matter under consideration. She also inquired about the consequences for breaching the code, with the Mayor advocating for stronger repercussions in the current version. Mr. Nunnally and Ms. Schaschek suggested that enforcement and penalties be addressed in an ordinance rather than within the code itself.
- MuniCode Update
  - Mr. Dyson discussed an estimate received from CivicPlus, totaling \$300, for the addition of three extra user accounts to MuniPro (a specialized research tool within CivicPlus' MuniCode suite of services). He proposed an alternative approach, suggesting that instead of incurring this cost, the town could opt to share Irvington's single-user credentials for MuniPro among the office staff.
  - Mr. Robinson inquired about the frequency of updates to Irvington's public MuniCode profile, recalling his understanding that updates were scheduled quarterly.
  - Mr. Dyson answered that, in fact, the system only does an annual update each July.
- Charter – discussion of adding language for approval of corporate debt.

**Motion made by W. Nunnally that such language be incorporated in the Charter amendment.**

**Seconded by B. Schaschek.**

**Vote withheld for discussion regarding the motion.**



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- Mr. Nunnally, Ms. Bradley, and Mr. Robinson asked that the Council take more time to discuss the motion before voting.
- Mr. Robinson expressed reservations regarding the petition, particularly concerning the eligibility of some signatories to vote in a town referendum. He highlighted the potential limitation of petitions, where only one perspective is typically presented to signers, potentially resulting in a narrow understanding of the issue. He reported that several signatories he spoke with had reconsidered their stance upon exposure to a more comprehensive range of viewpoints.
- Mr. Robinson also raised concerns regarding the implications of referendums. He pointed out that they oversimplify complex issues, reducing them to emotional yes/no choices that may prioritize personal interests over the town's overall well-being. Moreover, he highlighted the risk of removing decision-making from elected officials, who possess the necessary time and resources for in-depth research compared to voters. Mr. Robinson emphasized how a broad definition of debt could potentially hinder the town's operational flexibility if every decision required voter approval. Lastly, he cited examples of other localities effectively managing growth without similar charter provisions.
- Ms. Penniman echoed Mr. Robinson's viewpoint. While acknowledging the importance of elected officials listening to and advocating for the community, she underscored the necessity for timely financial decision-making to prevent stagnation in the town's progress.
- Ms. Bradley said that while she understands the perspective of those who signed the petition, she has concerns with how adding language to the charter might hamper the town's ability to move forward. She stressed the need to determine what the language would say.
- Mayor Harris agreed that drafting appropriate language would be essential to further the discussion. She recalled her previous inquiry during the March meeting regarding the possibility of seeking a draft from the Town Attorney.
- Ms. Bradley expressed her concern that engaging the Town Attorney prematurely would place the process in the wrong order. She suggested that the Council establish initial parameters and convene a special meeting open to the public. This approach would allow community input to shape an initial draft.
- Mayor Harris asked the Town Attorney, Mr. McRoberts, to weigh in with a recommendation.
- Mr. McRoberts concurred with Ms. Bradley's viewpoint, advocating for the establishment of parameters by the Town Council before any language drafting takes place. He also expressed uncertainty about whether the concept outlined in the petition garnered sufficient support among Council





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members to secure a majority vote. He proposed that the Council contemplate making a motion to proceed.

- Mr. Robinson pointed out that the creators of the petition had likely not addressed the necessity for parameters in their discussions with the signatories, a concern echoed by Ms. Penniman.
- Ms. Bradley suggested that the Council organize a special meeting on May 9th, inviting the public to contribute their ideas regarding possible parameters.
- After discussion, Mr. Nunnally withdrew his motion and, expressing his support of her suggestion, asked Ms. Bradley to make a new motion.

**Motion made by M. C. Bradley to hold a public hearing at 5:30 on Thursday, May 9, requesting input from the public on the parameters that they would like considered for a referendum related to debt to be added to the charter in response to the petition submitted at the March 2024 Town Council meeting.  
Seconded by W. Nunnally.**

**Vote**

**W. Nunnally, aye.**

**B. Schaschek, aye.**

**D. Patteson, aye.**

**J. Penniman, aye.**

**P. Robinson, no.**

**M. C. Bradley, aye.**

**Motion carries 5-1-0.**

- Discussion of Business Signs
  - The Council briefly discussed the Red Fish Sign and quickly indicated that they were ready for a vote. Mr. Nelson asked to amend the agenda to vote on both the sign and the CUP application for L. Wozniak to operate Red Fish Gallery at 81 King Carter Drive.
  - Mr. Nunnally asked if there were any parking conditions, as the building already had multiple businesses with limited parking.
  - Mr. Nelson highlighted that one of the offices had undergone downsizing, reallocating unused space to accommodate the gallery, and there would be fewer employees parking at the building.
  - Mr. Robinson and Mr. Patteson did not see an issue with the parking.

**Motion made by P. Robinson to approve the Red Fish Conditional Use Permit.**

**Seconded by D. Patteson.**

**Motion carries 5-1-0.**



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**Motion made by P. Robinson to approve the Red Fish sign permit.  
Seconded by D. Patteson.  
Motion carries 5-1-0.**

- Ms. Schaschek requested that the sign ordinance be updated to grant the Zoning Administrator authority to approve signs that meet all criteria, thereby streamlining the process and eliminating the need to approve every sign permit request in Town Council meetings.
- Mayor Harris asked Mr. McRoberts to remind the group of his prior comments related to the subject.
- Mr. McRoberts reiterated his previous proposal for Irvington to delegate sign permit authority to the Zoning Administrator, aligning with Ms. Schaschek's request. He emphasized that sign approval under the current law relies on objective criteria, such as size or location restrictions, which are most efficiently determined by the Zoning Administrator. Additionally, he cautioned against Town Council involvement, as subjective judgments on sign aesthetics could potentially infringe upon first amendment rights.
- Mr. Nelson said he would draft language and work with Mr. Dyson to notice the amendment in the paper in advance of the May meeting.

**L. NEW BUSINESS**

- Motions or recommendations by Town Council Committees

**Motion made by P. Robinson to approve the two sidewalk bids from Viking Building Solutions, totaling \$126,662 and \$9,730.**

[P. Robinson gave clarification: the sum of \$9,730 was included for a driveway project, with reimbursement expected from the landlord].

**Seconded by M. C. Bradley.**

**Motion carries unanimously.**

**Motion made by P. Robinson to appropriate \$140,000 from the capital expenses budget for the work to be carried out by Viking Building Solutions.**

**Seconded by D. Patteson.**

**Motion carries unanimously.**

**Motion made by J. Penniman to appropriate \$199.14 for the two benches that Ben Estes rebuilt, to be taken from the playground portion of the capital expenses budget.**

[J. Penniman gave clarification: \$199.14 to be reimbursed to Mr. Estes.].

**Seconded by W. Nunnally.**

**Motion carries unanimously.**



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**Motion made by J. Penniman to request that Planning Commission consider cutting the town's cap of Short-Term Rentals (STRs) from 35 to 25 through attrition.**

**Seconded by W. Nunnally.**

- Discussing the motion, Mr. Robinson asked what would happen if the Planning Commission declined to reduce the cap for STRs to 25.
- Ms. Schaschek stated that the Town Council has authority to supersede the Planning Commission on this matter.
- Mr. Robinson inquired how Ms. Penniman determined that she wanted to set the cap at 25.
- Ms. Penniman indicated that she had assessed the number of STRs currently on each street, gauging the need to reduce their prevalence, and Mr. Nunnally believed that this was the same method used to arrive at the 35 cap.
- Mr. Robinson clarified that actually several meetings were dedicated to establishing the 35 cap, with several Council members concurring that it was derived from a calculation representing 10% of the houses.
- Mr. Robinson expressed his desire for the Town Attorney to provide input at the next meeting regarding whether or not a formal justification is necessary for a cap number.
- Mr. McRoberts agreed to give comments at the May meeting.

**Vote**

**D. Patteson, abstain.**

**P. Robinson, no.**

**J. Penniman, aye.**

**M. C. Bradley, no.**

**W. Nunnally, aye.**

**B. Schaschek, aye.**

**Motion carries 3-2-1.**

- New Records Officer with the Library of Virginia.

**Motion made by W. Nunnally to make the new Town Clerk, Charles Dyson, Irvington's Records Officer with the Library of Virginia.**

**Seconded by J. Penniman.**

**Motion carries unanimously.**

- Ordinance 2024-01-uc Adopting Transient Occupancy Tax Rate - 1<sup>st</sup> reading, *B. Schaschek*
- Ordinance 2024-02-uc Adopting Real Estate Tax Rate - 1<sup>st</sup> reading, *B. Schaschek*
- Ordinance 2024-03-uc Adopting 2024-25 Fee Rate Schedule - 1<sup>st</sup> reading, *B. Schaschek*
- Ordinance 2024-04-uc Adopting FY 2024-25 Budget - 1<sup>st</sup> reading, *B. Schaschek*



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- Ordinance 2024-05-uc Re-Adopting the Meals Tax - 1<sup>st</sup> reading, *B. Schaschek*
- Appropriation of funds for Virginia's River Realm
  - Motion made by M. C. Bradley to appropriate the funds to pay the \$5,000 invoice for Virginia's River Realm.**
  - Seconded by J. Penniman.**
  - Motion carries unanimously.**
- Request from local resident to use the Commons for a wedding reception on 9/14/24 (2pm-8pm)
  - Motion made by P. Robinson to accept the request.**
  - Seconded by M. C. Bradley.**
  - Discussing the motion, Mayor Harris asked if there needed to be a stipulation for when the tent is taken down.
  - Ms. Bradley agreed that there had been a stipulation in other instances and advocated that there be consistency.
  - Motion amended by P. Robinson to include the provision that the tent must be removed by Tuesday (within three calendar days).**
  - Motion carries unanimously.**

**M. ANNOUNCEMENTS**

- Next Town Council Meeting, May 9, 2024: 6:30 p.m. at Irvington Baptist Church

**N. ADJOURN**

**Motion made by W. Nunnally to adjourn. [8:22 p.m.]**  
**Seconded by P. Robinson.**  
**Motion carries unanimously.**