**AGENDA – Amended at the table**

1. **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.

1. **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**

1. **APPROVE AGENDA**

**Motion (W. Nunnally) to approve amended Agenda.**

**Motion passes 6-0.**

1. **APPROVE MINUTES**

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

**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.**

1. **FINANCIAL REPORT**

* Treasurer’s Report, Accepted.

1. **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.

1. 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.

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.

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

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

1. **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.

1. **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.

1. **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 Broadbrand 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.

1. **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.

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.

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.

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.**

1. **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.**

1. **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

1. **ADJOURN**

**Motion (W. Nunnally) to adjourn.**

**Second, J. Brown.**

**Motion passes 6-0.**