

# SPECIAL COUNCIL MEETING WORKSHOP

## AGENDA

TOWN OF CHINCOTEAGUE

AUGUST 21, 2008 - 5:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN J. HOWARD

PLEDGE OF ALLEGIANCE

AGENDA ADOPTION/DELETIONS AND ADOPTIONS:

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1. Review Minutes from the July 24, 2008 Special Council Meeting
2. Discussion on the amendments that the Planning Commission and Staff have recommended to Council regarding Article VI. General Provisions, Section C. Parking of the Zoning Ordinance (Presented by Mr. Jared Anderson, Director of Planning)

ADJOURN:

**MINUTES OF THE JULY 24, 2008**  
**CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
Nancy B. Conklin, Councilwoman  
John N. Jester, Vice Mayor  
John H. Howard, Councilman

**Call to Order**

Mayor Tarr called the meeting to order at 5:08 p.m.

**Invocation**

Councilman John H. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

***Agenda Additions/Deletions and Adoption***

**“Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the amended agenda with the addition of agenda item four “No wake buoy’s for Pony Swim.”** The motion was unanimously approved.

**1. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia: consideration of prospective candidates for appointment.**

Vice-Mayor Jester moved, seconded by Councilman J. Howard **to convene a closed meeting under Section 2.2-3711(A) (1) of the Code of Virginia to discuss and consider prospective candidates for appointment of the vacant council seat.** The motion was unanimously approved.

Councilwoman Conklin moved, seconded by Councilman T. Howard **to reconvene in regular session.** Unanimously approved.

Councilman J. Howard moved, seconded by Vice-Mayor Jester **to adopt a resolution of certification of the closed meeting.** Unanimously approved.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified

in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Conklin, J. Howard, T. Howard, Jester, Richardson  
Nays- None  
Absent- None

## **2. VRS Authorization to pick up the Employee's Contribution**

Mr. Ritter explained in regards to VRS Member Contributions that Employers may elect to pay (or to phase in payment of) the member contribution to VRS on behalf of their employees in an amount equal to 5 percent of the employee's *creditable compensation* each month. Employers wanting to pay member contributions must submit an **irrevocable** resolution of their governing body. The details of an employer's election, including effective date and any phase-in information must be submitted to VRS via letter. If an employer does not pay member contributions, 5 percent of the member's monthly creditable compensation is deducted from the member's pay. Bi-weekly pay is not reportable.

Councilwoman Conklin motioned, seconded by Councilman T. Howard **"to adopt the resolution and subsequent timeline that pertains to Employee's VRS contribution."** Unanimously approved.

### **Authorization to Pick up the Employee's Contribution to VRS Under § 414(h) of the Internal Revenue Code**

#### **RESOLUTION**

WHEREAS, the Town of Chincoteague desires to provide its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System, the State Police Officers Retirement System and the Judicial Retirement System (collectively referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and is prepared to treat such contributions as employee contributions for all purposes of VRS;

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first pay day on or after July 1, 2008, the Town of Chincoteague shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the Town of Chincoteague in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the Town of Chincoteague under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pickup arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pickup contributions made by the Town of Chincoteague directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the Town of Chincoteague shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the Town of Chincoteague on behalf of such employee pursuant to the foregoing resolutions.

Adopted in the Town of Chincoteague, Virginia this 24<sup>th</sup> day of July, 2008.

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John H. Tarr, Mayor

Authorized Signature

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Robert G. Ritter Jr., Town Manager

TOWN OF CHINCOTEAGUE  
VRS EMPLOYER "PICK UP" IMPLEMENTATION  
YEARS 1 THROUGH 5

YR #1 FY 2009	JULY 2008 TO JUNE 2009	TOC	1%	EMPLOYEE	4%
YR #2 FY2010	JULY 2009 TO JUNE 2010	TOC	2%	EMPLOYEE	3%
YR #3 FY2011	JULY 2010 TO JUNE 2011	TOC	3%	EMPLOYEE	2%
YR #4 FY2012	JULY 2011 TO JUNE 2012	TOC	4%	EMPLOYEE	1%
YR #5 FY2013	JULY 2012 TO JUNE 2013	TOC	5%	EMPLOYEE	0%
YR #6	TO BE USED IF NECESSARY TO RELIEVE BUDGETARY FINANCIAL STRESS				

### **3. Appointment of a New Councilmember**

Mayor Tarr indicated that since the resignation of Vice-Mayor Speidel, Council must appoint a new member for the remainder of the term which will expire June 30, 2010. The Mayor thanked the six citizens' who showed interest in the Council vacancy. The Mayor opened the floor to the Councilmembers for nominations. Vice Mayor Jester nominated Mr. Jim Frese for the vacant council seat. Councilmember T. Howard nominated Mr. Ray Rosenberger for the vacant council seat.

Voting in regards to Mr. Frese were as follows Ayes- Conklin, J. Howard, Richardson, and Jester, Nays- T. Howard. Majority carried. The nomination of Mr. Ray Rosenberger was closed. Mayor Tarr welcomed Mr. Frese to the Council.

### **4. "No Wake" buoy's for Pony Swim**

Mayor Tarr indicated that in a meeting with Law Enforcement Officers and the Charter Boat Association there were concerns raised about boats during and after the pony swim. They would like to see some more control exiting the areas near the swim.

Mr. Ritter indicated that BMC Richard Ball, Officer in Charge of the Coast Guard Station Chincoteague contacted him yesterday by telephone. Mr. Ball asked the town if we could establish a slow speed zone or no wake zone in Assateague Channel starting from Memorial Park to Little Beach of Assateague Island.

Councilwoman Richardson moved, seconded Councilwoman Conklin to **“move to request permission according the State Code 29.1-744 from the State of Virginia, Department of Gaming and Fisheries Law Enforcement to set up temporary buoy’s stating “No Wake” starting from Memorial Park to Little Beach on Assateague Island and the enforcement of the No Wake or speed zone to be implemented just for both Wednesday & Friday of the Pony Swim week of each year starting this year and the years hereafter.”**

## **5. Discussion on the amendments that the Planning Commission and Staff have recommended to Council on Article VI. General Provisions, Section C. Parking of the Zoning Ordinance.**

Mr. Anderson began by describing the many memorandums in the agenda packet. Mr. Anderson commented that there was some confusion on 6.6 as to what the planning commission actually forwarded to Council. After some discussion Council felt that 9 x 18 feet was sufficient for parking stall dimensions. Councilman Howard commented that 9 x 18 is more than adequate.

Vice-Mayor Jester questioned who enforces handicapped parking. Mr. Anderson indicated that Mr. Kenny Lewis enforces the establishment of handicapped parking, and the Mr. Eddie Lewis indicated that the police department enforces handicapped parking once it is established.

In regards to 6.6.1. (f) Vice Mayor Jester asked whether the proposed fire lanes would be marked? Mr. Anderson indicated that they should be marked, however there was no language to require demarcation of the fire lanes. Council asked staff if they could look at fire safety for residential and commercial separately. Mr. Anderson also indicated that there is no mention of fire safety in the body of the ordinance.

Council would also like to see 6.6.1. (h) separate parking space and boat trailer parking space.

### **6.6.6.**

Councilman T. Howard had concerns about adding the word “area” because “room” might not capture all situations. Vice Mayor Jester asked how the current offices would hold up to the proposed regulations. Mr. Anderson indicated that the downtown doctor’s office had more parking than the other offices but that he felt there was a problem. Councilman T. Howard indicated that he knew for a fact that at least one doctor’s office has had trouble parking in the past. Vice Mayor Jester indicated that he would like to have problems clearly defined in the future. The Mayor asked if staff could research this more and call the doctors and dentists offices in the meantime.

### **6.6.7.**

Mr. Poulson indicated that the issue for parking for transient occupancy has been computation. He indicated that he read nothing that requires that the Town compute the parking requirements the way they are doing currently. Mr. Anderson directed council to the memorandum dated April 17, 2008 which showed the different interpretations and how they affect the number of parking spaces required for a given development. It was suggested that a certain number of parking stalls should be designated as overflow and could be pervious surfacing materials.

In regards to 6.6.9. Marina parking, Mayor Tarr does not think it is fair to require parking for a private, deeded boat slip but not hotels and motels. He feels that this language should be broken down into sections. Councilwoman Richardson indicated that the main goal of the planning

commission was to keep boat trailers off the roads. Council suggested to staff to include language for the prohibition of boat trailers on roads.

Mr. Anderson commented that the planning commission voted to remove staff's recommendation to implement Best Management Practices for parking. He believes the planning commission is in favor of the concept they just wanted more in the way of standards or guidelines. Vice Mayor Jester indicated that BMPs should not be limited to a few specific examples. The Mayor suggested that staff include language that would require planning commission's approval on BMPs. It was the consensus of the Council to put BMPs back into the recommendations.

## **6. Mayor and Council Comments**

NONE

### **AJOURN**

**“Councilman T. Howard motioned, seconded by Councilwoman Richardson, to adjourn the meeting.”** The motion was unanimously approved. Meeting was adjourned at 7:21 pm.

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Mayor

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Town Manager

# MEMORANDUM

To: Mayor and Council  
From: Jared Anderson, Director of Planning  
Date: August 19, 2008  
Subject: Recommended Changes; Zoning Ordinance-Parking

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The recommendations below are a culmination of feedback from Council at the July 24, 2008 Special Council Meeting, a meeting with the Town Attorney, and further research from staff. Many of these recommendations originally had come from the Planning Commission. **All amendments to the previous proposals are indicated in italicized and underlined font.**

Section A. Commercial District C-1

#### **4.2.4.1. Parking Garages and other similar structures**

Section B. Commercial District C-2

#### **4.5.4.1. Parking Garages and other similar structures**

Section C. Parking

Sec. 6.6 Parking

There shall be provided, at the time of erection of any main building or dwelling unit, or at the time any main building is enlarged, or the available customer floor space in a business structure is increased, minimum off-street parking spaces **as identified in section 6.6.1** with adequate provisions for entrance and exit by standard sized automobiles as required by the Virginia Department of Transportation.

#### **6.6.1. Definitions**

**(a) Accessible Parking stalls- parking required for persons with disabilities.**

(b) Accessway- a private vehicular facility for Townhouse, Multifamily, Condominium, and Commercial developments that extend from the curb-line-extended of a public or private road to the parking bay.

(c) Aisles. Areas used for vehicular traffic in parking areas for ingress and egress of parking bays and parking spaces.

(d) Compact Car Parking Space. An off-street space available for parking of (1) one motor vehicle and having an area not less than eight (8) feet in width by sixteen (16) feet in depth.

(e) Entrances- The area used for ingress/egress for an accessway or parking bay to a public or private road. Must meet the Virginia Department of Transportation's "Minimum Standards of Entrances to State Highways."

(f) Fire Safety Lane. A designated area that allows for ~~To assure that fire safety and emergency vehicles to can adequately service the needs of people and structures associated with the parking areas and parking bays, an Emergency Lane(s) shall be established that provides vehicle access to the furthest points of at least three (3) sides of any structure(s) with a lane width of 18 feet.~~ as identified in the International Fire Code as amended.

(g) Parking Bay. Means an off-street surfaced area used for parking two or more vehicles which are served by an entrance and possibly an accessway connecting the parking bay and a public or private road. This shall not include parking for a single-family residential uses.

Parking Bays will be required to have safe pedestrian traffic capability by providing sidewalks or defined safe walkways that provide access to the structures served by these lots.

(h) Parking Space. An off-street space available for parking of (1) one motor vehicle and having an area not less than 9 feet by 18 feet and an area exclusive of passageways and driveways appurtenant thereto, and having a means to a direct access to a street, or road.

(i) Boat Trailer Parking Space. An off-street space available for parking of (1) one (9) nine foot by (45) forty-five foot boat trailer exclusive of passageways and driveways appurtenant thereto, and having a means to a direct access to a street, or road.

(j) Best Management Practice. A series of approaches to development and site design that aim to minimize impacts from stormwater runoff. For the purposes of this ordinance a Best Management Practice will apply only to the surface of the parking bay and accessway. It shall be demonstrated that a Best Management Practice will reduce the amount of impervious surface and reduce the amount of stormwater runoff from a particular site.

~~6.6.1.~~ **6.6.2** If a lot is utilized for amusement or recreational rental purposes the following regulation shall apply: one space per four persons rated capacity.

**(1) If a lot is utilized for a miniature golf course the following regulation shall apply: one space per hole.**

~~6.6.1.~~ **6.6.3.** If a lot is utilized for use group R-residential (see ~~BOCA code, section 301~~ **Virginia Uniform Statewide Building Code, as amended**) there shall be off-street parking space provided for the parking of at least two motor vehicles for each dwelling unit.

~~6.6.2.~~ **6.6.4.** If a dwelling includes a home occupation which has direct sales, two off-street parking spaces must be provided for the dwelling unit, and an additional two off-street parking spaces must be provided for the home occupation. Parking shall be identified by either signs or bumpers. **If more than one home occupation is located within a dwelling unit then 2 additional off street parking spaces shall be provided for each home occupation.**

~~6.6.3.~~ **6.6.5.** If a lot is utilized for use group A-assembly (including churches) there shall be provided at least one off-street parking space for every five potential occupants, as defined by Virginia Uniform Statewide Building Code, in the main structure's assembly or auditorium area. (Excluding libraries and museums.)

~~6.6.4.~~ **6.6.6.** If a lot is utilized for a medical or dental clinic, ~~there shall be provided at least five off street parking spaces for each doctor or dentist~~ **there shall be provided three spaces per examination or treatment room or area, plus one space for each doctor and employee that work during typical work shift.**

~~6.6.5.~~ **6.6.7** **If a dwelling is utilized for a vacation rental** ~~If the utilization of **the improvements on** a lot requires the payment of transient occupancy tax, then there shall be provided 1.2 parking space for each **bedroom** sleeping unit~~ **as defined by the Accomack County Health Department sewage disposal permit, or DEQ if applicable, thereto.**

**6.6.7.1 If a structure is occupied as a bed and breakfast, motel, hotel or boarding house there shall be provided 1.2 parking spaces per sleeping unit as defined by the Accomack County Health Department or DEQ if a discharge plant is utilized for sewerage disposal.**

~~6.6.6.~~ **6.6.8.** If a lot is utilized for a hospital, nursing home or similar facilities, there shall be provided at least one off-street parking space for each two beds' capacity, including infants' cribs and children's beds.

~~6.6.7.~~ **6.6.9.** For marinas and other similar facilities, **except as expressly provided herein**, whether any main building is erected or enlarged or not, there shall be provided at least (1) parking space for each slip or mooring, plus ten **(10)** parking spaces for each single-width boat ramp, with each space nine feet **(9 ft)** in width by forty-five **(45 ft)** in length plus the parking spaces required by Section C. **Parking**, as applicable, if there are buildings. **Any private non-commercial marina located on the same parcel of land, used in conjunction with the main use on such parcel and the use of which is restricted to the owner (s) or occupant(s) with or**

without compensation, shall not require ~~one~~ any additional ~~10ft x 45ft~~ boat trailer parking space(s). A boat slip that is owned or leased by a person(s) who is not the owner or occupant of a dwelling unit located on such parcel shall be required to have one additional 9 feet by 18 feet parking space per such slip. ~~in excess of the number required for the main structure or use.”~~

~~6.6.8:~~ 6.6.10. (No change except number)

~~6.6.9:~~ 6.6.11. “ “

~~6.6.10:~~ 6.6.12 “ “

~~6.6.11:~~ 6.6.13. “ “

~~6.6.12:~~ 6.6.14. “ “

~~6.6.13:~~ 6.6.15. “ “

6.6.16. An accessway shall extend from the curb line **extended** of a public or private road to the parking bay. Accessways shall be clearly distinguishable from the parking bay. An accessway shall not be used as a through street and it shall carry predominantly on-site traffic. Surface composition of accessway will be same as parking bay. There shall be no parking on an accessway. An accessway will be no longer than 200 feet from curb line **extended** of a public or private road to the parking bay. The accessway will have a minimum width of 22 feet with the entrance a required 24 foot minimum width as required by the Virginia Department of Transportation’s “Minimum Standards of Entrances to State Highways.”

6.6.17. Compact Car Parking Spaces- if 20 or more parking stalls are required for a parking bay, 20 percent of those spaces may be designated for Compact Car Spaces. Each Compact Car Space shall be marked as “Compact Car Parking.”

6.6.18. Entrances to Accessways and Parking Bays must be built to “Minimum Standards of Entrances to State Highways” VDOT specifications whether connecting to a public or private road.

6.6.19. Parking Bays shall have aisles that are 22 feet or more in width.

6.6.20. Accessible Parking stalls must conform to current regulations of the Virginia Uniform Statewide Building Code, and any subsequent amendments to those regulations.

6.6.21 Fire Safety Lane- As to any structure(s) requiring 20 or more parking stalls, reasonable access shall be provided for emergency fire equipment by designated fire safety lanes of a

width of at least 18 feet so as to provide reasonable access to at least three (3) sides of the structure(s).

The Fire Safety Lane shall be constructed of the same surfacing material(s) as the parking bay, and accessway. The fire safety lane shall be clearly demarcated by signage or striping.

Signage shall be constructed of reflective aluminum, and be placed every 50 feet along the fire safety lane. There shall be a minimum of one sign for every designated fire safety lane. The signage along the fire safety lane shall be no smaller than 12 inches by 18 inches, with lettering containing the words “No Parking” and “Fire Lane.” The signage shall be white with red lettering. The bottom of the sign shall be 7 feet above grade. Signage must be replaced immediately if damaged.

Striping shall be placed around the perimeter of the fire safety lane(s). Any curbing contiguous to the fire safety lane shall be painted. Striping shall be 6 inches wide. Striping and curbing shall be painted red. The words “No Parking” and “Fire Lane” shall be painted within the fire safety lane every 50 feet. Lettering shall be white and be at least twelve (12) inches in length and three (3) inches thick. Repainting shall be required when necessary by the Zoning Administrator.

6.6.22. A best management practice for parking must be approved by a certified engineer as a structurally sound and effective practice that is demonstrated by the engineer to reduce stormwater run-off and the amount of impervious surface of the parking bay.

Such Best Management Practice(s) shall give consideration to the number of parking stalls, traffic load, surface composition, cost, and other relevant factors so as to reduce stormwater runoff and impervious surfaces. All Best Management Practices shall be approved by the Zoning Administrator and if applicable the Planning Commission with the advice of the Public Works director.

Stalls utilizing a best management practice must adhere to proper stall dimensions either for standard, or if applicable compact parking stalls. Any Best Management Practice for parking shall be designed so as not to create or increase adverse effects on adjoining properties as a result of surface drainage.

