



TOWN COUNCIL WORK SESSION

Monday, April 21 2014 @ **6:00pm**

Front Royal Administration Building

1. Board of Zoning Appeals (BZA) Interviews
 2. 2014 VML Policy Committees Nominees
 3. Request for a Five-Year Encroachment License – 125 W. 4th Street – McMahon – *Town Attorney*
 4. Budget Overview
- PLEASE BRING YOUR PROPOSED BUDGET NOTEBOOK**

Enterprise Fund

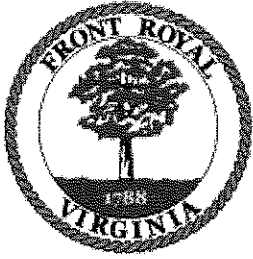
- Energy Services
 - Department of Environmental Services
 - Water
 - Sewer
 - Solid Waste
5. Council Discussion/Goals *(time permitting)*
 6. CLOSED MEETING – Consultation with Legal Counsel

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting pursuant to Virginia Code § 2.2-3711.7 for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters; specifically, issues that have arisen as a consequence of the 1998 voluntary settlement agreement, and amendment and Court proceedings relating thereto, between the Town of Front Royal and the County of Warren, requiring the provision of legal advice by such counsel.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.



Item No. 1

Town of Front Royal, Virginia Work Session Agenda Form

Date: April 21, 2014

Agenda Item: Board of Zoning Appeals (BZA) Interviews

Summary: Council will be interviewing four applicants for recommendation to the Judge of the Warren County Circuit Court for re-appointment to another five-year term.

Council Discussion: Council takes desired action for approval of recommendation at the April 28, 2014 Regular Meeting.

Staff Evaluation: N/A

Budget/Funding: N/A

Legal Evaluation: N/A

Staff Recommendations: N/A

Town Manager Recommendation: N/A

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action

Consensus Poll on Action: ____ (Aye) ____ (Nay)

Work Session



Item No. 2

Town of Front Royal, Virginia Work Session Agenda Form

Date: April 21, 2014

Agenda Item: 2014 VML Policy Committee Nominees

Summary: Attached is the nomination form and policy committee process for the 2014 Virginia Municipal League (VML) Policy Committees. The nomination form is due to VML May 2, 2014; therefore, Council will vote on the nominations at the April 28, 2014 Council meeting. All terms are for May 2014 – December 2014 and no individual may serve on more than one committee. Below are the Policy Committee members voted by Council at the April 8, 2013 Council meeting and whose terms expired December 2013.

Community & Economic Development Committee – Vice Mayor Parker & Councilman Sayre
Environmental Quality Committee – Town Manager Steven Burke
Finance Committee – Councilman Funk and Finance Director Kim Gilkey-Breeden
General Laws Committee – Town Attorney Doug Napier
Transportation Committee – Councilman Hrbek and Councilman Tharpe

Council Discussion: Council takes desired action at the April 28, 2014 Regular Meeting

Staff Evaluation: None

Budget/Funding: None

Legal Evaluation: Town Attorney will be available

Staff Recommendations: None

Town Manager Recommendation: Town Manager will be available

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)

Work Session



OFFICERS

PRESIDENT

DAVID P. HELMS
MARION MAYOR

PRESIDENT-ELECT

WILLIAM D. EUILLE
ALEXANDRIA MAYOR

VICE PRESIDENT

RON RORDAM
BLACKSBURG MAYOR

IMMEDIATE PAST PRESIDENT

EDWIN C. DALEY
HOPEWELL

EXECUTIVE DIRECTOR

KIMBERLY A. WINN

MAGAZINE

VIRGINIA TOWN & CITY

April 8, 2014

To: Key Officials of Full Member Local Governments
Council and Board Clerks of Full Member Local Governments

From: Kim Winn, Executive Director

Subject: 2014 VML Policy Committee Nominations

The Virginia Municipal League is now accepting nominations for its 2014 policy committees. A description of the policy committee process is attached, along with a nomination form. **Please complete the enclosed form and return it to VML by May 2. If your community has an election in May, please return this form by the requested date even if you must revise it later.**

Please observe the following guidelines when making your policy nominations:

- Only full-member local governments may participate.
- You may nominate two individuals to a committee; if two are nominated, at least one nominee must be a governing body member.
- **Only members of a council or board of supervisors and appointed officials (i.e., employees of the local government) are eligible to serve.**
- **Individual may serve on only one committee.**
- The chief administrative officer or mayor/board chairman must sign the nomination form.
- **Please return nomination forms by May 2.**

We will forward information about policy committee meeting times and rooms as soon as they are confirmed. Policy committee recommendations that emerge from the July meeting will be forwarded to the Legislative Committee for consideration at its September meeting.

Please call/email Janet Areson (804/523-8522, jareson@vml.org) if you have any questions about the appointment process.

P.O. Box 12164

RICHMOND, VIRGINIA 23241

13 EAST FRANKLIN STREET
RICHMOND, VIRGINIA 23219

804/649-8471
FAX 804/343-3758
e-mail@vml.org
www.vml.org

VML 2014 Policy Committee Nominations

Please return this form by **May 2** to Joni Terry at VML, P.O. Box 12164, Richmond, VA 23241; Fax 804/343-3758; email: jterry@vml.org

Community & Economic Development

Name & Title: _____

Name & Title: _____

Environmental Quality

Name & Title: _____

Name & Title: _____

Finance

Name & Title: _____

Name & Title: _____

General Laws

Name & Title: _____

Name & Title: _____

Human Development & Education

Name & Title: _____

Name & Title: _____

Transportation

Name & Title: _____

Name & Title: _____

Signed: _____ Locality: _____

(Mayor/Chair, or Manager/Administrator)

VML's Legislative and Policy Committee Process

Each year the Virginia Municipal League develops two separate documents -- a legislative program and a compilation of policy statements -- through a process that involves the Legislative Committee and six separate policy committees. The Legislative Committee is responsible for developing the legislative program, but it may also rely on input from the policy committees to do so. The policy committees develop broad policy statements, in addition to submitting specific legislative recommendations for consideration by the Legislative Committee.

Legislative Committee

What is the role of the Legislative Committee?

The Legislative Committee is responsible for considering and reporting on existing or proposed state and federal legislation or regulations, and urging the enactment or amendment of, or opposition to, such legislation or regulations.

How is the Legislative Committee appointed?

VML's Constitution spells out the composition of the Legislative Committee. The committee consists of 24 people holding elective or appointed positions, all appointed by VML's President. Of the 24 members, 12 must be representatives of cities and urban counties with populations in excess of 35,000, 6 must be representatives of cities and urban counties with populations of 35,000 or less, and 6 must represent towns.

What is included in VML's Legislative Program?

The legislative program adopted by the Legislative Committee reflects specific legislative objectives that VML hopes to achieve during the upcoming legislative session. It is subject to the approval of VML's membership at the annual conference.

What is the relationship between the legislative committee and VML's policy committees?

The Legislative Committee meets prior to the policy committees to identify issues that it would like the committees to consider for potential inclusion in the league's legislative program. It meets again after the policy committees have met to consider their recommendations.

Policy Committees

What is the role of the policy committees?

Policy committees receive briefings on select statewide issues, consider possible changes to the policy statement, and develop legislative recommendations for the Legislative Committee to consider.

How are policy committees appointed?

Policy committee membership consists of elected and appointed officials of full-member local governments. Nomination information is sent in the spring to each locality, and each local government determines which of its officials will be nominated for each of the six policy committees. Each local government may nominate up to two people per policy committee, at least one of whom must be an elected official.

What are the benefits of serving on a policy committee?

VML policy committees offer members an opportunity to learn about current and emerging statewide issues that affect local governments, to develop through policy statements the broad philosophical framework that guides the league, and to network with local officials with similar policy interests.

How many policy committees are there?

There are six policy committees: community and economic development, environmental quality, finance, general laws, human development and education, and transportation.

What issues does each policy committee cover?

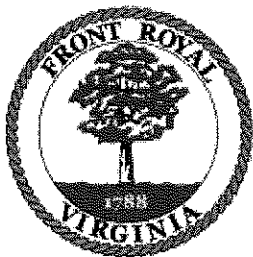
- **Community & Economic Development:** Authority, administration, and funding of local governments to manage a full range of community and economic development issues, including business development and retention, international competitiveness, infrastructure development and investment, planning, land use and zoning, blight, enterprise zones, housing, workforce development and historic preservation.
- **Environmental Quality:** Natural resources and the authority of local governments to manage the environment, including water resources and quality, solid and hazardous waste management, air quality and the Chesapeake Bay.
- **Finance:** Powers, organization and administration of local government financing, including taxing authority, debt financing, state aid to local governments and federal policies affecting local finance issues.
- **General Laws:** Powers, duties, responsibilities, organization and administration of local governments, including state-local and inter-local relations, conflicts-of-interest, freedom-of-information, information management and personnel, telecommunications, utilities and law enforcement, jails and courts issues.
- **Human Development and Education:** Management and funding of social services, education, health, behavioral health, juvenile justice, recreation, rehabilitation and programs for the aging.
- **Transportation:** Development, maintenance, and funding of a comprehensive land, sea and air transportation system for the Commonwealth, and federal, state and local roles in the provision and regulation of transportation.

What is a policy statement?

Each policy committee develops a policy statement that covers issues in its respective area. The policy statement expresses the agreement of VML's membership on matters of interest to local governments. The statement generally addresses broad, long-term, philosophical positions. The VML membership approves the policy statements at its annual meeting.

How do policy statements differ from VML's legislative program?

Policy statements are general in nature. They reflect local governments' positions on a range of issues. The Legislative Program is more specific and immediate. It is limited to legislative positions that VML expects to lobby on during the upcoming legislative session.

Item No. 3

Town of Front Royal, Virginia Work Session Agenda Form

Date: April 21, 2014

- Agenda Item:** Request of Martin P. McMahon and Rachel M. McMahon, owners of the improved real property located at 125 W. 4th Street, for a five (5) year encroachment license to maintain the existing encroachment of their front open porch into W. 4th Street.
- Summary:** The subject improved property is located at 125 W 4th Street at the corner of Villa Avenue and 4th Street, with the encroachment into W. 4th Street consisting of a portion of the front open porch, approximately 24 feet wide which extends into the Town's right-of-way a distance of between one-tenth (0.1) and three-tenths (0.3) of a foot. The Town is empowered to authorize encroachments upon its public rights-of-way pursuant to §§15.2-2009 – 15.2-2011 of the Code of Virginia, 1950, as amended. If approved, the encroachment may not be expanded, the encroachment license can be revoked at the will of the Town, and any removal or destruction of the encroachment automatically revokes the license. A copy of the Encroachment License signed by the McMahons and a photo of the house showing the front open porch are provided herewith
- Council Discussion:** Council is asked to approve the encroachment license and to authorize the Mayor to execute and deliver the encroachment license to the McMahons for recording in the public land records.
- Staff Evaluation:** The encroachment has existed for many years, and existed prior to the acquisition of the property by the McMahons.
- Budget/Funding:** N/A
- Legal Evaluation:** The Town Attorney will be available for legal questions.
- Staff Recommendations:**
Staff recommends approval. The Director of Planning and Zoning will be available to answer questions.
- Town Manager Recommendation:**
The Town Manager recommends that Council grant an encroachment license to the McMahons.
- Council Recommendation:**
☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)

Work Session

ENCROACHMENT LICENSE

THIS ENCROACHMENT LICENSE ("License") made and entered into this ____ day of April, 2014, by and between the TOWN OF FRONT ROYAL, a municipal corporation of the Commonwealth of Virginia (hereinafter referred to as the "Town"), Licensor, and MARTIN P. MCMAHON and RACHEL M. MCMAHON, Licensee (hereinafter jointly referred to as the "Parties").

RECITALS

1. The Town is empowered to authorize encroachments upon its public rights-of-way in Front Royal, Virginia, under §§15.2-2009 – 15.2-2011 of the Code of Virginia, 1950, as amended.
2. The Licensee is the owner of real property located at 125 W. 4th Street, Front Royal, Virginia, County Tax Map # 20A5 715 26A ("the Property"), on which Property have been constructed certain improvements which extend beyond the boundary lines of the Property into, on and over the Town's public rights-of-way ("Encroachment").
3. The Licensee seeks authorization from the Town to maintain the Encroachment into, on and over the Town's public rights-of-way.
4. By Resolution adopted by the Town Council of the Town on _____, Licensor has authorized its Mayor to execute and deliver this License to Licensee to permit the Encroachment under the terms and conditions set forth in this License.

WITNESSETH

Pursuant to §§15.2-2009 – 15.2-2011 of the Code of Virginia, 1950, as amended, the Town hereby grants a license authorizing the Encroachment into, on and over its public rights-of-way described below according to the terms and conditions set forth hereinafter:

1. Recitals: The recitals are hereby incorporated as a material part of this License.
2. Description of the Licensed Property: The property licensed is generally located at the corner of Villa Avenue and 4th Street, consisting of a portion of the front open porch of 125 W 4th Street, approximately 24 feet wide extending into the Town's right-of-way a distance of between one-tenth (0.1) and three-tenths (0.3) of a foot, as more particularly shown by the plat of survey of Wayne E. Niskanen, C.L.S., dated November 9, 1998, and attached hereto as "Exhibit A" and incorporated herein ("Licensed Property").
3. Term: This License is for a term of five (5) years from the date hereof ("Term"), if not earlier revoked at the will of the Town, and it is understood that Licensee may appear before the Town Council of the Town and request an extension of the term of this License before its expiration. The Term notwithstanding, this License is automatically revoked with

respect to the related area of the Licensed Property upon the removal or destruction of all or a part of the Encroachment, regardless of cause.

4. Use of Premises: The Licenser hereby grants to Licensee the right to maintain the Encroachment within the Licensed Property. No expansion, enlargement or extension of the Encroachment, and no other or additional use of the Town's rights-of-way, is authorized by this License.

5. Indemnification: Nothing contained herein shall be deemed to relieve Licensee from liability for negligence on their part. Licensee agrees to indemnify, defend, save and hold harmless the Licenser, its officers, agents, servants and employees ("the Indemnified Parties") of and from any and all costs of suit, together with the Indemnified Parties' reasonable expenses of legal services, by reason of all claims, demands, or judgments asserted or recovered, whether justly, unjustly, falsely, fraudulently or frivolously, by a person, firm or entity by reason of injury to, or death of, any person or persons, and damage to, destruction or loss of use of any and all property, directly or indirectly arising from, or resulting from, any operations, works, acts or omissions of Licensee, its agents, employees, contractors, guests or invitees in relation to the Encroachment. Upon the filing with the Licenser by anyone of a suit, demand, or claim for damages arising out of incidents for which Licensee herein agrees to indemnify and hold the Town harmless, the Licenser shall notify Licensee of such claim and in the event that Licensee does not settle or compromise such claim, Licensee shall undertake the legal defense of such claim both on behalf of Licensee and on behalf of the Licenser. It is specifically agreed, however, that the Licenser may participate in the legal defense of any such claim. Any final judgment rendered against the Licenser for any cause for which Licensee is liable hereunder shall be conclusive against Licensee as to liability and amount.

6. No Amendment: This License represents the entire agreement between the Parties as to its subject matter, and may be amended or waived only by a writing signed by the both Parties.

7. Recording: Licensee shall cause this License, together with Exhibit A, to be recorded in the land records of the Clerk's Office of the Circuit Court of Warren County, Virginia, at Licensee's expense.

WITNESS the following signatures effective on the date above first written:

LICENSOR:

TOWN OF FRONT ROYAL, VIRGINIA

By: _____
Timothy W. Darr, Mayor

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF WARREN, to-wit:

Subscribed to before me by Timothy W. Darr, Mayor, on this ____ day of _____, 2014.

Notary Public
My Commission Expires:

LICENSEE:

Martin P. McMahon

Martin P. McMahon

Rachel M. McMahon

Rachel M. McMahon

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF WARREN, to-wit:

Subscribed to before me by MARTIN P. McMahon & Rachel M. McMahon
on this 10th day of APRIL, 2014.

Connie L. Potter

Notary Public

My Commission Expires: 8/31/15



APPROVED AS TO FORM:

George M. Sonnett, Jr.

George M. Sonnett, Jr.
Assistant Town Attorney

000015 MAR 29 95

VILLA AVENUE

60' R/W

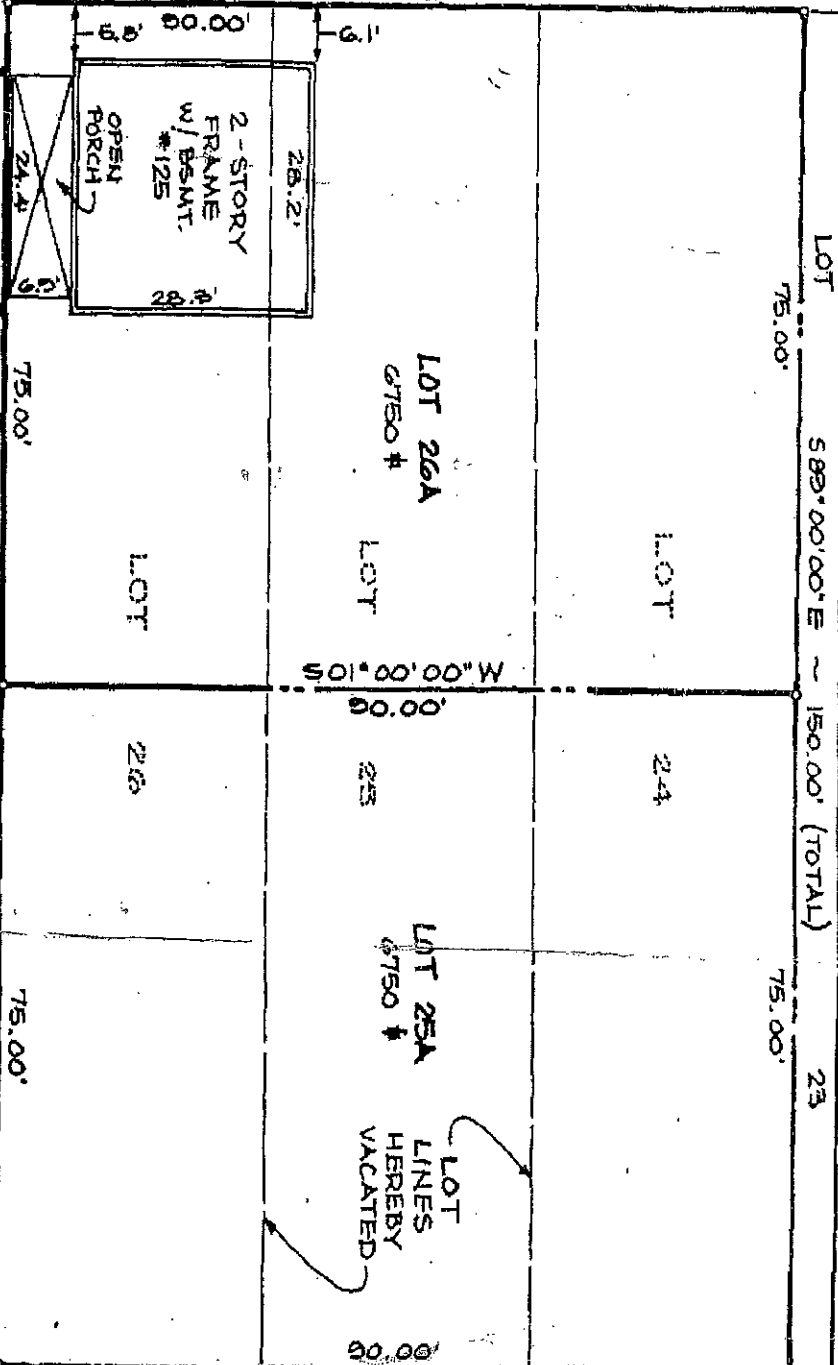
1-STORY
BLOCK
SHED



2.2' 2.4' 11.3' 11.4'

0.1' ON LOT 0.3' IN STREET

N 89° 00' 00" W ~ 150.00' (TOTAL)

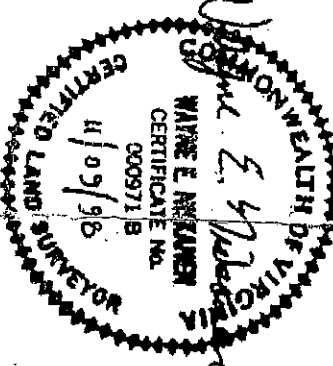


ALLEY 20' R/W

NOTES

1. SUBDIVISION PLAT IN D.B. 'X', PG. 444.
2. TAX MAP 20A-5-13-15-24, 25 & 26.
3. TITLE REPORT UNAVAILABLE.

FOURTH STREET 60' R/W



LAND SURVEYS, INC.
FRONT ROYAL, VIRGINIA

PLAT
SHOWING RESUBDIVI
LOTS 24, 25 & 26, BLOC
FRONT ROYAL - RIV
IMPROVEMENT C
TOWN OF FRONT ROY
WARREN COUNTY, VI
SCALE: 1"=20' NOVEN
SCALE IN FEET

523335574

