



TOWN COUNCIL WORK SESSION

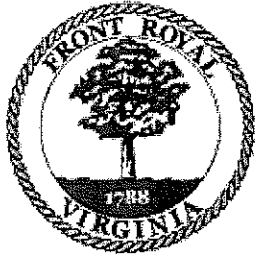
Monday, June 2, 2014 @ 7:00pm
Front Royal Administration Building

Town/Staff Related Issues:

1. I & I Update from Prism – No Backup
2. Continued Discussion of Ordinance Amendments – *Director of Planning/Zoning*
 - a. Chapter 156 – Urban Forestry
 - b. Chapter 175 – Zoning
 - c. Chapter 148 – Subdivision & Land Development
3. Water Policy Ordinance Amendments – *Town Manager*
 - a. Fire Department Water Usage
 - b. Meter Access by Plumbers
4. Budget Amendment for State Asset Forfeiture Funding – *Director of Finance*
5. Deed of Easement for Utilities for Public Safety Building – *Town Attorney*

Council/Mayor Related Issues:

6. Update on Derelict Buildings from Town Attorney – *Councilman Sayre*
7. Commerce Avenue Trail Removal – *Councilman Sayre*
8. Council Discussion/Goals (*time permitting*)



Item No. 2a
ab
ac

Town of Front Royal, Virginia Work Session Agenda Form

Date: June 2, 2014

Agenda Item: Planning Commission Ordinance Amendments (Zoning, Subdivision, Urban Forestry "Tree") - *Director of Planning & Zoning*

Summary: On March 19, 2014, the Town of Front Royal Planning Commission recommended adoption of several ordinance amendments to the Town Code. Specifically, the recommended ordinance amendments include comprehensive changes to Chapter 148 (Subdivision & Land Development), Chapter 156 (Urban Forestry), and Chapter 175 (Zoning).

The Planning Commission has been working on the update to Chapter 148 for several years. This update includes a complete restructuring and significant changes, as compared with the current code. The proposed changes to Chapters 156 and 175 are less dramatic, primarily including changes to improve how they interact with Chapter 148.

Planning & Zoning Staff presented a PowerPoint Summary of the draft amendments at the May 5th Town Council Work Session. At that meeting, it was discussed that at least one additional work session would be held to further discuss the proposed amendments and address questions of Town Council.

The proposed ordinances amendments include 363 pages. A digital copy is presently posted on the town website at <http://www.frontroyalva.com/draft-ordinances.html>. Town Staff previously provided a digital copy of the amendment for Town Council members. Upon request, Staff would be glad to provide Town Council members with an additional copy of the amendments in any format of their preference.

Council Discussion: This agenda item is scheduled for discussion between Town Council and Staff during the June 2nd Town Council Work Session. It is the second work session held on the agenda topic.

Staff Evaluation: The Planning Director will be at the upcoming Town Council work session to answer questions that Town Council may have. As required by the Town Code, a 1st and 2nd Reading is required prior to adoption.

Budget/Funding: n/a

Legal Evaluation: The Town Attorney will be available at the upcoming work session.

Staff Recommendations: Staff recommends that Town Council hold a public hearing to consider adoption of the proposed ordinance amendments.

Town Manager Recommendation: The Town Manager will be available at the upcoming work session for discussion and questions.

Council Recommendation:

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



Town of Front Royal, Virginia
Work Session Agenda Form

Meeting Agenda Item No.

3a.
3b.

Date: June 2, 2014

Agenda Item: Water Policy Ordinance Amendments

Summary: The Town has received requests from licensed plumbers to access residential water meters in the event of emergency repairs to shut off water prior to the arrival of Town crews. A Code Amendment to Chapter 134-41 is proposed to accommodate the request for emergency access. In addition, the Fire Departments have been determined to be utilizing Town water for non-emergency use. A Code Amendment to Chapter 134-46 is proposed to permit this use and allow for possible payment for such use.

Council Discussion: Council is requested to consider the two Code Amendments to accommodate meter access by licensed plumbers and non-emergency water use by the Fire Departments.

Staff Evaluation: The proposed Code Amendment to Chapter 134-41 will identify licensed, bonded plumbers as an authorized agent to access residential meters in the event of an emergency at the residence. Town staff will continue to be contacted to ensure that access is done appropriately, and that the meter is reinstalled correctly. The proposed Code Amendment to Chapter 134-46 will allow the non-emergency use of water by Fire Departments through a hydrant meter if pre-approved by the Town Manager.

Budget/Funding: The Director of Finance will be available to address financial issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommends Council consider the Code Amendments to Chapters 134-41 and 134-46 as presented.

Town Manager Recommendation: The Town Manager recommends Council consider the Code Amendments to Chapters 134-41 and 134-46 as presented.

Council Recommendation:

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

134-41 WATER TO BE TURNED ON ONLY BY AUTHORIZED AGENT

It shall be unlawful for any person except an authorized agent of the town to turn on water to any premises.

134-41 METER ACCESS ONLY BY AUTHORIZED AGENT

It shall be unlawful for any person except an authorized agent of the Town to access a water pit or vault and operate any facilities contained within. Violation of this Code Section shall be subject to a tampering fine established by the Town. For the purposes of this Code Section, the following are defined as authorized agents:

- A. Town employees whose job responsibility it is to maintain the Town's water system*
- B. In the event of an emergency at a residence where continued water service will cause damage to the residential structure, bonded plumbers who are licensed in Virginia can access the meter to turn off water at a residence provided the plumber has contacted the Police Department to request Town staff respond and inspect access to the meter. In no event, can a plumber access a meter for a commercial or industrial facility without the presence of an authorized Town employee. A licensed plumber who enters a Town meter will be responsible for any damage to the meter assembly should damage occur.*
- C. Bonded plumbers or contractors who are licensed in Virginia who have contracted with the Town to perform work on the Town's water system.*

134-46 UNAUTHORIZED REMOVAL FROM HYDRANT, TROUGH, FOUNTAIN OR FIRE-SUPPRESSION SYSTEM

- A. No person shall take or carry away water from any hydrant, watering trough, drinking or public fountain without written authority to do so from the town.*
- B. It shall be unlawful for any person to take, divert or make use of water for any purpose other than fire suppression from a connection with the town water lines, or any line leading therefrom, installed for a fire-suppression system and assessed a connection charge on that basis.*
- C. Use of water removed from a fire hydrant by the Fire Department for non-emergency or training purposes shall be pre-approved by the Town Manager. Non emergency use shall be metered for possible payment.*

Item No. 4

Town of Front Royal, Virginia Work Session Agenda Form

Date: May 2014

Agenda Item: Budget Amendment

Summary: Town has received notification from Commonwealth of Virginia the Police Department will receive funding through the Asset Forfeiture program. These funds have been received in the amount of \$191,291.00 to be used for purchases through the Police Department following Asset Forfeiture regulations, these funds cannot be used to balance the budget or for salaries.

Council Discussion: To amend the FY14 budget by \$191,291.00 for Police Department expenses.

Staff Evaluation: Staff will monitor the expense of these funds and follow all of the Town's procurement policies and procedures.

Budget/Funding: Budget amendment FY14
1610-3310121 [State Asset Forfeitures] \$191,291.00
1610-47001 [Equipment] \$191,291.00

Legal Evaluation:

Staff Recommendations: Finance recommends the approval of the budget amendment, and will proceed with processing a Purchase Order, this will allow future purchases from this account not to need an additional budget amendment.

Town Manager Recommendation:

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action

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

Work Session



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

May 14, 2014

Town of Front Royal Finance Department
Attn: Director of Finance, Kim Gilkey-Breeden
102 East Main Street
Front Royal, VA 22630

Re: Asset Forfeiture Transfer

Dear Ms. Gilkey-Breeden,

On behalf of Attorney General Mark Herring, I am pleased to announce that your department has been approved for an asset forfeiture transfer. Enclosed is your check.

These are federal asset forfeiture funds and will be recorded in your annual Federal Equitable Sharing Agreement and Certification form for FY 2014. They will be reported under Table B and in column 2 (Treasury) if you have any expenses.

If you have any questions about reporting or specific uses of the funds you can reference the *Department of the Treasury Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Guide)*.

If you have any additional questions you may contact:

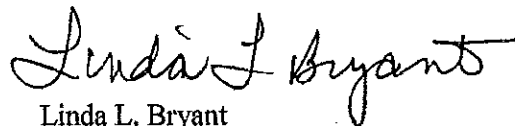
Jackie A. Jackson
Department of the Treasury
Executive Office for Asset Forfeiture
Equitable Sharing
(202) 622-2755
Jackie.Jackson@treasury.gov

Or

Mark Fero
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
(804) 786-7257
mfero@oag.state.va.us

Congratulations on the approval of your request.

Sincerely,

A handwritten signature in cursive script that reads "Linda L. Bryant". The signature is written in dark ink and is positioned above the printed name and title.

Linda L. Bryant
Deputy Attorney General
Public Safety and Enforcement Division
Office of the Attorney General of Virginia

Town of Front Royal, Virginia Work Session Agenda Form

Date: June 2, 2014

Agenda Item: DEED OF EASEMENT FOR SANITARY SEWER UTILITIES & ACCESS
BETWEEN COUNTY OF WARREN AND TOWN OF FRONT ROYAL

Summary: The County of Warren built its Public Safety Building ("PBS") on Skyline Vista Drive, which is located outside the corporate limits of the Town. Because the PBS is served by Town water and sewer utilities, there needs to be in place a deed of easement for the collection and transmission of these items from the County's property into the Town's utilities systems, and to allow the Town reasonable mode of ingress and egress to these systems on the County's property in order to access them. These easements are shown on the enclosed plat marked "PLAT OF PUBLIC UTILITY EASEMENT, SOUTH RIVER DISTRICT, WARREN COUNTY, VIRGINIA", drawn by Anderson & Associates, Inc.

Council Discussion: Council is requested to consider approving this Deed of Easement so as to increase the area of the Town's drainage and sanitary sewer easement, to better serve this area.

Staff Evaluation: Approving this Deed of Easement appears to benefit both the Town and Warren County in appropriately serving the PBS, the staff of whom, especially the Fire Department, also serve the residents of the Town. Staff notes that Skyline High School, located across the street from the PBS on Skyline Vista Drive, is also already served by Town water and sewer utilities.

Budget/Funding: Cost of recording the Deed of Easement.

Legal Evaluation: The Deed of Easement appears to be in proper legal form.

Staff Recommendations: Approval of the Deed of Easement appears to be appropriate.

Planning Commission Recommendation: Not applicable.

Town Manager Recommendation: The Town Manager concurs with recommending that approval of this Deed of Easement is appropriate.

Council Recommendation:

☐ Additional Worksession
 ☐ Regular Meeting
 ☐ No Action

This deed is exempt from the recordation taxes imposed by §58.1-801 and §58.1-803 of the Code of Virginia, 1950, pursuant to §58.1-811.

Prepared by Blair D. Mitchell
County Attorney

Consideration \$1.00

T. M. 28-128-11

THIS DEED OF EASEMENT FOR SEWER UTILITIES is made and entered into this 8th day of January, 2014, by and between the COUNTY OF WARREN VIRGINIA, a political subdivision of the Commonwealth of Virginia herein referred to as "**Grantor**", and the TOWN OF FRONT ROYAL, VIRGINIA, a Municipal Corporation, herein referred to as the "**Grantee**".

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00) cash in hand paid by the Grantee to the Grantor, receipt whereof is hereby acknowledged, the Grantor grants and conveys unto the Grantee the following rights in real property situated in the **SOUTH RIVER MAGISTERIAL DISTRICT**, Warren County, Virginia, to-wit:

The privilege and easement in perpetuity for rights-of-way to construct, lay, maintain, repair, inspect, improve, and operate within the easement strips hereinafter described and referred to, works and systems for the collection and transmission of water, sewage, and/or waste water, over, upon, across, and under the property of the Grantor known and designated as "20.00' and Variable Width Public Utility Easement as Illustrated Hereon and to be Dedicated by a Deed to be Recorded Herewith", as shown on a plat entitled "Plat of Public Utility Easement, South River Precinct, Warren County, Virginia, attached hereto and made a part hereof. The said easement being located on the east side of Skyline Vista Drive (Route 9418) and generally being twenty (20) feet in width as shown on the aforesaid plat.

There is also hereby conveyed an easement of ingress, egress, and access from the Grantor's front property line fronting on Skyline Vista Drive to the above-described easement and sanitary sewer line for the purpose of allowing access to the said line by the Town's employees, agents, and contractors.

It being the same property conveyed unto the Grantor by Deed dated January 28, 2005, from Criser Road, L.L.C., a Virginia limited liability company, recorded as Instrument number 050001052 in the Clerk's Office of the Circuit Court of Warren County, Virginia.

Also known as Warren County Tax Map and Parcel 28-128-11.

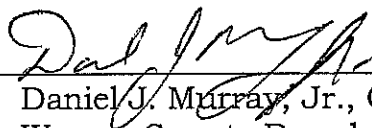
The further terms and conditions of this grant are as follows:

- (a) That the Grantee may (but is not required to) trim, cut, remove, and keep clear all trees, limbs, undergrowth, and any and all other obstructions, within the said rights-of-way or easement strips, that may in any manner in Grantee's judgment endanger or interfere with the proper and efficient operation of the works and systems therein or thereon and the Grantee shall have all such other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easements herein granted for the aforesaid purpose.
- (b) The granting of the easements hereinafter described neither expressly or impliedly constitutes any payment, nor the waiver of any obligation for the payment, by the Grantor or his successors or assigns, or any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to the Grantee or to any person, firm or other corporation whatsoever.
- (c) That Grantee will exercise reasonable care to protect Grantor's property from damage or injury occasioned in the enjoyment of the easements and rights herein granted, and to promptly repair the said property or reimburse the Grantor for any property damaged beyond repair.
- (d) That if Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to this easement and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall, at the expense of Grantee be removed from Grantor's property.
- (e) That Grantor shall have no right, title, interest, estate or claim whatsoever in or to any of the lines, pipes, or other equipment and accessories installed by virtue hereof.

Grantor further covenants that it has the right to convey the said easements; that the Grantee shall have quiet and peaceful enjoyment and possession of said easements, and that the Grantor will execute such further assurances of the said grant and easements herein contained as may be requisite.

WITNESS the following signature:

COUNTY OF WARREN, VIRGINIA

By:  (SEAL)
Daniel J. Murray, Jr., Chairman
Warren County Board of Supervisors

ATTEST:


Douglas P. Stanley
County Administrator

COMMONWEALTH of VIRGINIA
COUNTY OF WARREN, TO-WIT:

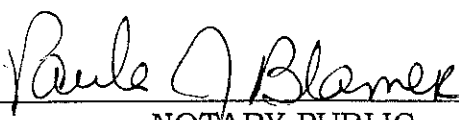
I, the Notary Public in and for the Commonwealth of Virginia, at-large, do hereby certify that Daniel J. Murray, Jr., Chairman of the Board of Supervisors, and Douglas P. Stanley, County Administrator, whose names are signed to the foregoing Deed of Easement bearing the date of the 8th day of January, 2014, have this day personally appeared and acknowledged the same before me in my State and in the City/County aforesaid.

Given under my hand this 8th day of January, 2014.

My commission expires: 7-31-2015.

Registration Number 7109443.

PAULA J. BLAMER
NOTARY PUBLIC 7109443
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 07/31/2015


NOTARY PUBLIC

The foregoing conveyance is hereby accepted by the Town of Front Royal, Virginia, as evidenced by the signature of the undersigned, who is authorized to accept this conveyance on behalf of the Town, as evidenced by a Resolution adopted by the Town Council.

WITNESS the following signature:

TOWN OF FRONT ROYAL, VIRGINIA

BY: _____
Hon. Timothy W. Darr, Mayor

ATTEST:

Jennifer Berry
Clerk of Council

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

I, _____, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Timothy W. Darr, Mayor, and Jennifer Berry, Clerk of Council, whose names are signed on behalf of the Town of Front Royal, Virginia, to the foregoing Deed of Easement bearing the date of the ____ day of _____, 20____, have each this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this ____ day of _____, 20____.

My commission expires: _____.

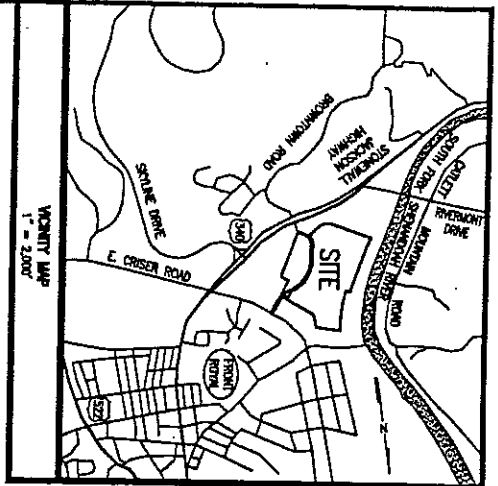
Registration Number _____.

NOTARY PUBLIC

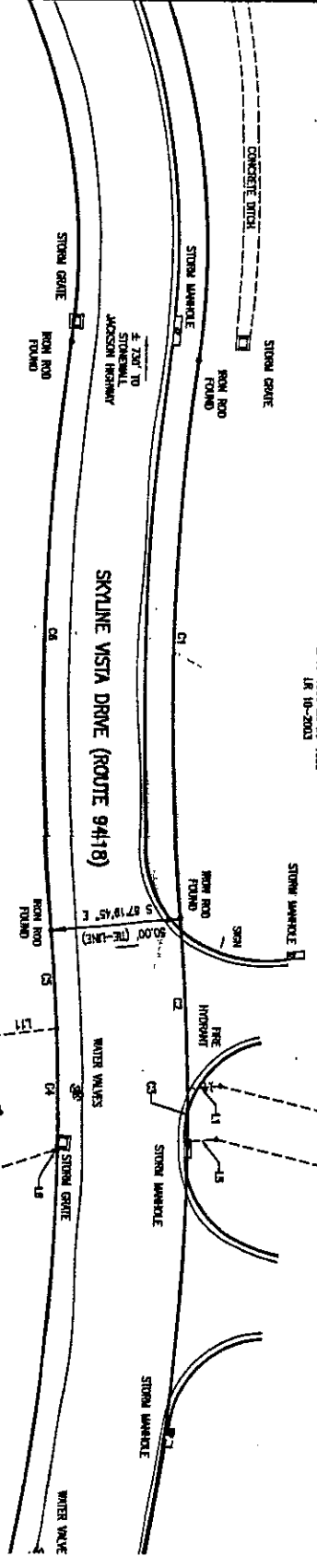
APPROVED AS TO FORM:

Douglas W. Napier, Town Attorney

DATE: ____ / ____ / ____



CURVE TABLE					
CURVE	POINTS	LENGTH	THICKET	DELTA	CHORD DISTANCE
C1	20.000'	210.541'	102.765'	0131707°	210.000'
C2	20.000'	210.541'	102.765'	0131707°	210.000'
C3	20.000'	210.541'	102.765'	0131707°	210.000'
C4	20.000'	210.541'	102.765'	0131707°	210.000'
C5	20.000'	210.541'	102.765'	0131707°	210.000'
C6	20.000'	210.541'	102.765'	0131707°	210.000'
C7	20.000'	210.541'	102.765'	0131707°	210.000'
C8	20.000'	210.541'	102.765'	0131707°	210.000'
C9	20.000'	210.541'	102.765'	0131707°	210.000'
C10	20.000'	210.541'	102.765'	0131707°	210.000'
C11	20.000'	210.541'	102.765'	0131707°	210.000'
C12	20.000'	210.541'	102.765'	0131707°	210.000'
C13	20.000'	210.541'	102.765'	0131707°	210.000'
C14	20.000'	210.541'	102.765'	0131707°	210.000'
C15	20.000'	210.541'	102.765'	0131707°	210.000'
C16	20.000'	210.541'	102.765'	0131707°	210.000'
C17	20.000'	210.541'	102.765'	0131707°	210.000'
C18	20.000'	210.541'	102.765'	0131707°	210.000'
C19	20.000'	210.541'	102.765'	0131707°	210.000'
C20	20.000'	210.541'	102.765'	0131707°	210.000'



- NOTES:**
1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
 2. THIS PLAT IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED BY ANDERSON & ASSOCIATES, INC. IN THE FIELD OF THE PROPERTY DESCRIBED HEREIN. THIS PLAT DOES NOT REPRESENT A CURRENT LAND BOUNDARY SURVEY.
 3. A SMALL PORTION OF THE WARREN COUNTY SCHOOL BOARD TRACT DOES LIE WITHIN A TRACT AS SHOWN ON BLACK HILLS STATE MAP NUMBER S10020115C AND S110020115C.
 4. THIS PLAT IS INTENDED TO BE RECORDED WITH A DEED OF EASEMENT. THIS PLAT IS NOT THE FINAL INSTRUMENT TO CREATE THE EASEMENT.

LINE	LENGTH	DIRECTION
L1	12.83	N 89°09'46" W
L2	170.15	N 89°26'16" W
L3	20.00	N 21°22'44" E
L4	187.27	S 89°26'16" E
L5	11.21	S 89°09'46" E
L6	1.42	S 89°09'46" E
L7	121.10	N 79°40'07" E
L8	20.00	S 10°19'02" E
L9	106.35	S 79°40'07" W
L10	20.00	S 07°57'20" W
L11	24.89	N 89°27'47" W

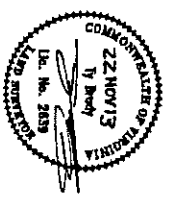


ANDERSON & ASSOCIATES, INC.
Professional Design Services
110 Ardmore St.
Bedford, VA 24000
540-552-5552
www.anderssoc.com

DATE: 22 NOV 13
DESIGNED: TB
DRAWN: NAI
CHECKED: NAI
QA/QC: CRK

PLAT OF PUBLIC UTILITY EASEMENT
SOUTH RIVER PRECINCT
WARREN COUNTY, VIRGINIA

DOCUMENT NO.
27049-002
SHEET 1
OF 1



VIRGINIA STATE PLAT CONFORMANCE SYSTEM
NORTH ZONE