



TOWN COUNCIL WORK SESSION

Monday, December 5, 2016 @ 7:00pm

Town Hall Conference Room

Town/Staff Related Issues:

1. Community Development Block Grant (CDBG) Update (Downtown Revitalization Project) –
Director of Planning & Zoning
2. Proposed Town Charter Amendments – *Town Attorney*
3. Continued Discussion of Solid Waste – *Director of Environmental Services*
4. Funding for Purchase of Trash Truck – *Director of Finance*
5. Compensation and Classification Study RFP Update – *Director of Human Resources*
6. Health Insurance Consulting Services RFP Update – *Director of Human Resources*

Council/Mayor Related Items

7. Resolution of Support for IT Federal, LLC
8. Ad-Hoc Committee for Joint Dispatch Discussion
9. Council Vacancy Appointment Process
10. Town Manager Hiring Process
11. Council Discussion/Goals (*time permitting*)
12. CLOSED MEETING – Acquisition of Real Property

Motion to Go Into Closed Meeting

Discussion or consideration of the acquisition of real property for a public purpose, specifically, property owned by the Veterans of Foreign Wars located in the Town of Front Royal, and of the disposition of publicly held real property, specifically Town owned property on Sixth Street, pursuant to Section 2.2- 3711. A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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.

1

Town of Front Royal, Virginia Work Session Agenda Form

Date: December 5, 2016

Agenda Item: CDBG Update – Downtown Revitalization Project
Director of Planning & Zoning

Summary: The purpose of this agenda item is to provide Town Council with an update of the status of the Community Development Block Grant (CDBG). This project includes the creation of a Downtown Revitalization Plan with use of a planning grant awarded to the Town from the Virginia Department of Housing and Community Development. The Project Management Team (PMT) oversees the project with Town Staff, Staff of the NSVRC, and the hired consultants. The Downtown Revitalization Plan will include the following components:

- **Façade Improvement Program:** As modeled from a few other communities in the Commonwealth, the Façade Improvement Program would provide “grants” to property owners in the selected Downtown Revitalization Area to improve their exterior facades. Property owners would be required to match the dollar value (up to \$15,000 per building, or up to \$20,000 for buildings with multiple storefronts). The grant funds would not have to be paid back by the property owner if they maintain the improvements and keep their building actively used by a business. **Status:** *Frazier Associates will return on December 8th to meet with property owners in a public meeting at Town Hall at 6PM. At the meeting, Frazier Associates will present the architectural renderings of properties that were selected to be examples used in the Downtown Revitalization Plan. Frazier will also present an informational document that was prepared for the overall proposed Façade Improvement Program.*
- **Branding Program:** The branding program includes the creation of a brand in the Town that has the primary purpose of promoting economic development. The project is led by a Branding Committee, and Darwin has been hired as an expert branding firm to develop the brand. While the CDBG Project is focused on the Downtown Revitalization Area, the objective here is to develop a brand that is larger than just the downtown, and can encompass the entire community to distinguish ourselves to tourists and local citizens. **Status:** *A third public meeting is scheduled for December 6th at the WC Community Center at 6PM. Unlike the first two public meetings, the public at this meeting will only be spectators. The Branding Committee and Darwin will be working on finalizing the branding strategy and moving forward with development of the tag line and logo. Darwin is contracted to complete the overall branding playbook by February 15th.*
- **Other Plan Components:** The NSVRC is working with students from Shenandoah University to conduct a business survey and develop business recruitment and retention strategies that will be included within the Downtown Revitalization Plan. The NSVRC is also developing a parking study of the downtown that will include recommendations on a possible parking garage. The Downtown Revitalization Plan will also include strategies for physical improvements in the downtown area, including street lights, sidewalks, signage, and potentially a public bathroom facility near the Visitor’s Center. **Status:** *All components of the plan referenced above, are scheduled to be completed in early 2017, and will be brought forth to Town Council for approval at that time. The plan will be made part of an implementation CDBG Grant that is due at the end of March 2017 and will include a funding request to the State for implementation of plan. Matching funds contributed by the Town will enhance the chances of approval of the implementation grant. This consideration was submitted for consideration as part of this year’s budget process.*

Council Discussion: This agenda item is scheduled for a work session review on December 5, 2016.

Staff Evaluation: Not applicable.

Budget/Funding: Not applicable.

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

Town Manager: The Town Manager will be available at the work session for questions.

Council Recommendation:

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

Work Session



2



Town of Front Royal, Virginia
Work Session Agenda Form

Date: December 5, 2016

Agenda Item: Proposed Town Charter Amendments

Summary: On November 26, 2012, Town Council passed certain proposed Town Charter amendments which Council requested the General Assembly to pass at the then upcoming 2013 Session. The most significant of these proposed changes are as contained in the attached letter dated November 30, 2012, to the Town's then General Assembly Senator and Delegates, and include: The change in the Town's elections for Town Council and Mayor from the first Tuesday in May in even numbered years, to the general election day in November in even numbered years (this has now been codified in the Town Code in Section 10-1; however, the General Assembly can undo this by change to State Code). Other proposed changes to the Town Charter include: Allowing the Town Council to designate additional Town officers by ordinance; to cause elections to Town Council and Mayor to be non-partisan (so that federal employees, such as our present Mayor, to be able to hold local public office—historically, all Town elections, as most local elections nation-wide, have always been non-partisan); to allow minutes to be kept in electronic format in lieu of hard-copy minute books; to allow the publication of proposed ordinances and other notices by any method allowed by law; to combine the duties of the town treasurer with that of town manager or town finance director; and for the provision of a number of other minor or clerical amendments to the Charter.

A copy of a summary of the proposed Charter amendments (the proposed additions are underlined, and the proposed deletions are ~~interlined~~) that was sent to the Town's General Assembly delegation, together with the letter dated November 30, 2012, sent to the Town's General Assembly delegation, is attached.

For reasons that are not completely clear, while in committee in the House of Delegates, the Town's proposed Charter amendments were significantly altered, to the extent that it largely defeated what the Town wanted to see happen, so the Town caused the House of Delegates to "pull" the proposed Charter amendments from further consideration during that Session of the General Assembly.

In addition, at the fall 2015 VML Dinner, a number of issues were presented by VML to present to our representatives in the General Assembly. They included the following:

- 1) State Corporation Commission jurisdiction over local utilities – As a result of the electric rate issue in Danville, the General Assembly was lobbied to consider legislation to grant the SCC regulatory powers over local utilities. Local oversight of utilities is necessary to maintain citizen involvement in establishing rates that the community feels are appropriate.
- 2) State Assistance to Local Police Departments (HB 599) - "599" funding for our Police Department was reduced during the economic downturn in 2008 and has never been restored to its original level or increased as the Commonwealth realized increased revenue as the original HB 599 legislation required. Recognizing the increased need for trained Police Officers to respond to

both routine calls as well as critical response events such as active shooter or terrorism events, increased funding from the Commonwealth is very important.

3) Business, Professional, & Occupation License Tax (BPOL) - The Town currently realizes over \$650,000 in revenue from BPOL tax. Elimination of this revenue source by Richmond without providing an equivalent revenue source would result in a significant shortfall in our General Fund operating budget. Any substitute revenue source must be sustainable and realize increase as business development occurs.

4) Unfunded Mandates – The legislature should prevent any burden being placed on local government that results in an increased tax burden by our citizens. These often result when environmental legislation is approved or when service provision is transferred to local government from the Commonwealth.

5) Transportation Funding – Appropriate funding sources for the Town to continue expansion and improvement of our transportation infrastructure is critical to the Town's ability to attract and sustain new residential, commercial, and industrial development.

6) Wastewater Discharge/Pollutant Allocation Limits – The Town currently relies upon the Nutrient Credit Exchange to offset our nutrient treatment requirements until the completion of the \$50,000,000 improvement at our plant to meet the current regulations. Any legislation considered that would unfairly direct treatment credits to a single community would drastically affect the utility rates of our customers.

7) Line of Duty Act – The ever increasing costs for local government to provide Line of Duty Act coverage for our Police Officers is not sustainable. The Legislature should consider the recommendations and options developed by the Joint Legislative Audit and Review Committee to ensure fiscal sustainability of the program.

8) Workers Compensation – The Legislature should consider adopting a Medicare-based fee schedule for setting medical provider fees associated with Worker's Compensation cases.

9) Synthetic Plastic Microbeads – The synthetic plastic microbeads used in personal care products have been determined to contain toxins including PCB's which contaminate water sources. Wastewater Treatment Plants are not capable of removing microbeads from sewage.

10) Asset Forfeiture - The Town supports resurrection/reintroduction of a bill similar to HB 1287 regarding the requirement that forfeiture of any property or money to the Commonwealth or other law enforcement agency by reason of a violation of any law shall only occur after conviction and final judgement of the offense authorizing the forfeiture. If no such judgement is entered, all property seized shall be released from seizure. HB 1287 passed in the House of Delegates 92-6 but died in the Senate Finance Committee which approved to pass by the bill definitely by a vote of 9-5. Any seizure of assets associated with a criminal act should only be confirmed once the legal system has convicted an individual for their actions.

11) Dilapidated Buildings – The Code of Virginia provide authority to address dilapidated buildings to Counties and Cities that are not extended to Towns. The Town has a number of structures that are dilapidated but are not structurally deficient. This limits the Town’s ability to pursue rehabilitative actions to remove the blight from our community. However, if the Town enacts the Property and Rental Maintenance Code currently being contemplated, that may mitigate some of that concern.

Council Discussion: Town Council is requested to consider and discuss any other amendments it would like to see to the Town’s Charter.

There has been some sentiment expressed about going back to May elections in the future. This can be done, with the correct timing, by repealing Town Code Section 10-1, which would restore the effect of the current Town Charter which calls for May elections.

Also, there may or may not be sentiment on the part of Council about having future Town Council elections being non-partisan.

Staff Evaluation: With the election of new Town Council Member William Sealock to the Council come this January, and the expected appointment of a new Town Council Member to replace the upcoming vacancy of Vice-Mayor Hollis Tharpe, who will become our new Mayor in January, and the appointment of Council Member Jake Meza this past January, who I do not believe has had the opportunity to fully participate in the discussions on amending the Town Charter, this leaves a full half of Town Council will not have had the chance to weigh in on these important issues, Council may want to consider waiting until the next General Assembly session in 2018 so as to get the “most bang for Town Council’s buck”.

Additional considerations of the Town Attorney include: the Town might include whether the Town wishes to be able to retain its zoning authority over any State directives regarding Airbnb; cleaning up the present Charter provisions regarding zoning and planning, as they are outdated and conflict with current State law and current zoning and planning best practices; provisions for more local flexibility on taxation; etc.

Additionally, staff, such as Planning & Zoning, might be requested to also evaluate the Town Charter and give its recommendations to Town Council as to what staff recommends might be considered amended.

Budget/Funding: No recommendations or known impacts expected at this time.

Legal Evaluation: Legal evaluation of proposed Charter amendments will be on-going as they are proposed.

Staff Recommendations: See above. If Council wishes to wait until the new Council members are aboard, that might be a good time to begin work on proposed Charter amendments, as final proposals could be sent to our General Assembly representatives in time for the 2018 Session. This is especially important as December 5, 2016, is the last day to present Town Council’s requests for Charter Amendments to our General Assembly representatives.

Town Manager Recommendation: See above.

Council Recommendation:

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

VERSION 3- EVEN YEAR ELECTIONS BEGINNING 2014

(FINAL)

[SUMMARY OF CHANGES WANTED BY TOWN COUNCIL IN DECEMBER, 2012]

Chapter 200 CHARTER

CHAPTER I. CORPORATE EXISTENCE; ADMINISTRATION GENERALLY

SEC.1. CORPORATE ENTITY; POWERS AS A CORPORATION; POWERS DELEGATED TO INCORPORATED TOWNS UNDER STATE CONSTITUTION OR LAWS.

SEC. 2. DEFINITION OF CORPORATE LIMITS.

SEC. 3. VESTING OF TOWN POWERS, ADMINISTRATION AND GOVERNMENT.

SEC. 4. ENUMERATION OF TOWN OFFICERS; WHAT OFFICERS TO BE ELECTED AND WHAT TO BE APPOINTED.

SEC. 5. POWERS AND AUTHORITY OF COUNCILMEN GENERALLY.

SEC. 6. ELECTION TERM, QUALIFICATIONS AND SALARY OF MAYOR AND COUNCILMEN; FILLING VACANCY IN MEMBERSHIP OF COUNCIL.

SEC. 7. TOWN OFFICERS TO BE SWORN IN; EFFECT OF FAILURE TO TAKE OATH OR TO GIVE REQUIRED BOND.

CHAPTER II. MAYOR AND VICE MAYOR

SEC. 8. POWERS AND DUTIES OF MAYOR GENERALLY.

SEC. 9. ELECTION, POWERS AND DUTIES OF VICE MAYOR; FILLING VACANCY IN OFFICE OF MAYOR.

CHAPTER III. COUNCIL

SEC. 10. COMPOSITION AND ELECTION.

SEC. 11. MEETING; EFFECT OF VOLUNTARY ABSENCE OF COUNCILMAN FROM THREE CONSECUTIVE REGULAR MEETINGS.

SEC. 12. APPOINTMENT OF CLERK OF COUNCIL; POWERS OF COUNCIL WITH REFERENCE TO PROCEEDINGS AND TRANSACTION OF BUSINESS; APPOINTMENT, POWERS AND DUTIES OF TOWN CLERK; MINUTE BOOK.

SEC. 13. QUORUM; ORDINANCES APPROPRIATING MONEY OR LEVYING TAXES OR LICENSES; RECONSIDERATION OF MATTERS AT SPECIAL MEETINGS.

CHAPTER IV. TOWN MANAGER

SEC. 14. APPOINTMENT, QUALIFICATIONS, TERM, REMOVAL OR SUSPENSION; ELECTION OF MEMBER OF COUNCIL AS TOWN MANAGER.

SEC. 15. POWERS AND DUTIES GENERALLY; COUNCIL TO APPOINT CHIEF CONSERVATOR OF THE PEACE AND TO SEE THAT ORDINANCES AND LAWS ARE ENFORCED.

SEC. 16. POWERS AS TO TOWN OFFICERS, EMPLOYEES, ETC.

CHAPTER V. POWERS OF COUNCIL

SEC. 17. AS TO TOWN OFFICERS AND EMPLOYEES.

SEC. 18. CONTROL OF TOWN AFFAIRS AND PROPERTY; ENUMERATION OF POWERS.

SEC. 19. CEMETERY.

SEC. 20. SINKING FUNDS.

SEC. 21. PENALTY FOR VIOLATION OF ORDINANCES; IMPRISONMENT FOR FAILURE TO PAY FINE.

SEC. 22. ACQUISITION OF PRIVATE PROPERTY FOR PUBLIC PURPOSES; EMINENT DOMAIN.

SEC. 23. REMOVAL OF ENCROACHMENTS ON STREETS; SETTLEMENT OF DISPUTE AS TO LOCATION OF STREET LINE; ENCROACHMENT NOT TO CONSTITUTE ADVERSE POSSESSION OR TO CONFER RIGHTS.

SEC. 24. DEDICATION OF STREETS.

SEC. 25. BOARD OF SINKING FUND COMMISSIONERS; INVESTMENT OF SINKING FUNDS; DUTIES OF BOARD; MEMBERS OF BOARD TO GIVE BOND.

SEC. 26. APPOINTMENT AND COMPENSATION OF TOWN ATTORNEY;

SEC.26.A. APPOINTMENT, DUTIES AND COMPENSATION OF ADDITIONAL OFFICERS AND CLERKS; OFFICERS MAY BE REQUIRED TO GIVE BOND.

SEC. 27. DUTIES OF THE CLERK OF THE COUNCIL.

SEC. 28. ANNUAL TAX LEVY.

SEC. 29. SPECIAL OR LOCAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SEC. 30. TAXES OR LICENSES MAY BE REQUIRED OF TRADES, BUSINESSES, ETC.

SEC. 31. CREDIT OF DELINQUENT TAXES PAID BY TENANT.

SEC. 32. LICENSES FOR MOTOR VEHICLES, TRAILERS AND SEMITRAILERS.

SEC. 33. DISTRAINT AND SALE OF GOODS AND CHATTELS FOR TAXES.

SEC. 34. MAJORITY VOTE REQUIRED FOR LEVY OF TAX OR FOR CONTRACTING DEBT ABOVE ONE HUNDRED DOLLARS; EXCEPTION.

SEC. 35. LIEN ON REAL ESTATE FOR TOWN TAXES; SALE OF REAL ESTATE FOR NONPAYMENT OF TAXES; REDEMPTION OF REALTY SO SOLD.

SEC. 36. FIRE DEPARTMENT.

SEC. 37. FIRE LIMITS; BUILDING REGULATIONS; UNSAFE BUILDINGS; ZONING REGULATIONS; DISPOSITION OF GARBAGE AND WASTE; FIRE PROTECTION; REMOVAL OF UNLAWFUL BUILDINGS; PUBLIC HEALTH AND SAFETY.

SEC. 38. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS GENERALLY; EMERGENCY ORDINANCES.

SEC. 39. PUBLICATION OF PENAL ORDINANCES; ORDINANCES IN EVIDENCE; CODIFICATION OF ORDINANCES.

SEC. 40. POLICE POWERS; POLICE FORCE.

SEC. 41. CONTRACTING DEBTS, ISSUING BONDS, ETC., BORROWING MONEY; GRANTING CREDIT OF TOWN.

CHAPTER VI. TOWN OFFICERS

SEC. 42. COMBINING OFFICES.

SEC. 43. SALARIES AND COMPENSATION.

SEC. 44. PROPERTY, BOOKS AND PAPERS BELONGING TO TOWN OR APPERTAINING TO TOWN OFFICE.

SEC. 45. ELECTION AND TERMS OF ELECTIVE CHARTER OFFICERS.

SEC. 46. APPLICATION OF LAW TO TOWN AND OFFICERS.

SEC. 47. APPOINTMENT OR ELECTION OF MEMBER OF COUNCIL TO OFFICE UNDER JURISDICTION OF COUNCIL; EXCEPTION.

SEC. 48. JURISDICTION BEYOND CORPORATE LIMITS.

CHAPTER VII. TOWN TREASURER

SEC. 49. BONDS; DUTIES; APPOINTMENT AND DUTIES OF TOWN COLLECTOR.

SEC. 50. TREASURER TO RECEIVE, PAY OUT, KEEP AND ACCOUNT FOR TOWN MONEY.

SEC. 51. DEPOSITORIES OF TOWN FUNDS; ACCOUNTS; PROHIBITED USES OF TOWN MONEY.

SEC. 52. INSPECTION OF BOOKS, ETC.; TRANSFER OF BOOKS, BALANCES TO SUCCESSOR OR TO COUNCIL.

SEC. 53. MONTHLY REPORT TO COUNCIL.

SEC. 54. ANNUAL REPORT TO COUNCIL.

SEC. 55. HOW MONEY RECEIVED TO BE CREDITED; HOW MONEY TO BE DISBURSED.

SEC. 56. HOW ACCOUNTS TO BE KEPT; POWER OF COUNCIL AS TO MANNER OF DEPOSIT AND DISBURSEMENT.

SEC. 57. SPECIAL ASSESSMENT FUNDS.

SEC. 58. ADDITIONAL DUTIES.

SEC. 59. COMPENSATION.

SEC. 60. DUTIES MAY BE COMBINED WITH THOSE OF TOWN MANAGER.

CHAPTER VIII. TOWN PLANNING

SEC. 61. ADOPTION OF TOWN PLAN.

SEC. 62. PLANNING COMMISSION.

SEC. 63. AMENDMENT OF PLAN.

SEC. 64. PLATS TO BE APPROVED BY COUNCIL; DUTIES OF PLANNING COMMISSION AS TO PLATS; STREETS AND PARKS; REGULATIONS AS TO FILING PLATS.

SEC. 64a. PREREQUISITES TO APPROVAL OF PLAT BY COUNCIL.

SEC. 65. ERECTION OF BUILDINGS WITHIN STREET LINES.

SEC. 66. PLACING STREETS ON PLAN PREREQUISITE TO LAYING PUBLIC UTILITIES, GRADING, PAVING OR BUILDING HOUSE ADJACENT THERETO.

CHAPTER IX ZONING

SEC. 67. GENERALLY.

CHAPTER X. GENERAL PROVISIONS

SEC. 68. CERTAIN OFFICERS MAY ADMINISTER OATHS, ETC.

SEC. 69. INVESTIGATIONS INTO TOWN AFFAIRS.

SEC. 70. CHANGE OF PLAN OF GOVERNMENT.

SEC. 70a. EDUCATIONAL SYSTEM IN EVENT OF ESTABLISHMENT AS CITY.

SEC. 71. NO CONFLICT WITH ALCOHOLIC BEVERAGE CONTROL ACT.

SEC. 72. PROHIBITED TAX LEVIES.

SEC. 73. SEPARABILITY OF PROVISIONS OF CHARTER.

SEC. 74. REPEAL OF ACTS CONFLICTING WITH CHARTER.

SEC. 75. EFFECTIVE DATE OF CHARTER.

AN ACT TO PROVIDE A NEW CHARTER FOR THE TOWN OF FRONT ROYAL, VIRGINIA, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT

Be it enacted by the General Assembly of Virginia, as follows:

Section 200-1 CHARTER OF THE TOWN OF FRONT ROYAL, VIRGINIA

SEC 2 DEFINITION OF CORPORATE LIMITS*.

~~The corporate limits of the Town of Front Royal, Virginia, as heretofore established, are hereby reestablished, as follows:~~

[NOTE: THIS DESCRIPTION OF THE TOWN'S BOUNDARIES IS UNDOUBTEDLY INCORRECT. THE CURRENT LAW ON THIS POINT IS AS FOLLOWS:

§ 15.2-207. Boundaries of municipal corporations continued; charters not to contain metes and bounds; incorporated by reference. — The boundaries of municipal corporations remain as now established unless changed as provided in this title. No charter of any municipal corporation shall contain the metes and bounds of such municipal corporation, but the boundaries shall be incorporated therein by reference to the recordation in the clerk's office of the court where deeds are admitted to record of the final decree or order of the court establishing such boundaries or the act of the General Assembly by which they are defined. The part of the charter of a municipal corporation defining its boundaries hereafter amended shall not contain the metes and bounds of the municipal corporation, but the boundaries shall be incorporated therein by reference to the recordation of a final decree or order of court or to a General Assembly act. (Code 1950, § 15.1-908; 1958, c. 328; 1962, c. 623, § 15.1-836.2; 1979, c. 297; 1997, c. 587.)]

~~Beginning at a point where the west bank of Happy Creek and north lane of Eighth Street intersect, thence along the north side of Eighth Street to east side of Royal Avenue, thence along east line of Royal Avenue to a point opposite north line Eighth Street extended, thence crossing Royal Avenue and following north side of Eighth to east side of Shenandoah Avenue, thence along east side of Shenandoah Avenue to north side of Kendrick Lane, thence southeast along the north side of Kendrick Lane to west side of Villa Avenue, thence crossing Kendrick's Lane and following the line of Colonel Millar's property, and Randolph Macon property to Mistress Katie Buck's property, thence westward along line between Mistress Buck and Randolph Macon for one hundred and thirty two feet, thence crossing Mistress Buck's property south thirty four~~

~~west five hundred and twenty-eight feet to a point opposite her house, thence south forty-one west three hundred and seventy-three feet to north side of road leading to Doctor Garrison's property, thence eastward along north side of road four hundred and twelve feet to a point opposite corner E.H. Hoffman's property, thence along his line to corner Doctor White's property, thence along Doctor White's line to Mister Thornton Leach's property, thence along Mister Leach's line to corner Mistress Davis Roy's lot a large white oak tree formerly known as Beecher's corner, thence along line between Mistress Roy and E.H. Hoffman to center of lane between Mistress Roy and Druid Hill property, thence southward with center of lane to Luray Road, thence crossing Luray Road and continue line south twenty-five east five hundred and fifty feet to a small sassafras tree in cemetery line, thence following the eastern boundary of cemetery by its several courses to Beatty Lane, thence east along north side of Beatty's Lane, cross Manor Avenue, extended, a distance of nine hundred and thirty-nine feet to a point opposite Beeden's Lane, thence with Beeden's Lane south seven hundred and forty-five west one thousand and seventy-eight feet to the northern boundary of a road, thence with the northern boundary of said road and through the lands of John Carter south eighty-five minutes east eight hundred and sixteen feet to western boundary of W.E. Rudacille's land, thence with the western boundary of said W.E. Rudacille's land north ten and forty-five minutes east one thousand and sixty-four feet to the northern boundary of Beatty's Lane, continued, thence with northern boundary of Beatty's Lane in an easterly direction twelve hundred and twenty-one feet to the west bank of Happy Creek, thence continuing along west bank of Happy Creek to the beginning.~~

SEC 3 VESTING OF TOWN POWERS, ADMINISTRATION AND GOVERNMENT. ***

SEC 4 ENUMERATION OF TOWN OFFICERS; WHAT OFFICERS TO BE ELECTED AND WHAT TO BE APPOINTED.

The municipal officers of said Town shall, beginning with the effective date of this Act and thereafter, consist of a mayor, six Councilmen, a Town Manager, a Town Treasurer (who may, by ordinance duly enacted, be the Town's Finance Director), and a Town Clerk (who will be the Clerk of Council), and such other officers as may be designated by ordinance duly enacted from time to time. The Mayor and Councilmen shall be elected by the qualified voters of said Town. The Town Manager, Town Treasurer and Town Clerk shall be appointed by the Council as is herein provided. (Acts 1993, ch. 479, p. 572)

SEC 5 POWERS AND AUTHORITY OF COUNCILMEN GENERALLY.

SEC 6 ELECTION TERM, QUALIFICATIONS AND SALARY OF MAYOR AND COUNCILMEN; FILLING VACANCY IN MEMBERSHIP OF COUNCIL.

A. — The present Mayor and Town Council members shall continue in office until the expiration of the terms for which they were respectively elected. The positions of three (3)

Town Council members, whose present terms were to end, prior to adoption of this present Charter, on June 30, 2014, shall be elected on the first Tuesday in May, 2014 for a single term of office to begin July 1, 2014, and to end December 31, 2014, and such three (3) Town Council members positions thereafter shall be elected on the November, 2014 general election date and every four (4) years thereafter. The positions of three (3) Town Council members, those whose terms were to end, prior to adoption of this present Charter, on June 30, 2016, shall be elected on the first Tuesday of May, 2016, for a single term of office to begin on the first day of July, 2016, and to end on December 31, 2016, and such three (3) Town Council members positions thereafter shall be elected on the November, 2016 election date and every four (4) years thereafter. The Mayor shall be elected on the first Tuesday in May, 2014, for a term of office to end on December 31, 2014 and the Mayor thereafter shall be elected on the November, 2014 election date and every two (2) years thereafter.

A. The Mayor and Town Council shall be elected on the Tuesday following the first Monday in November in even numbered years in the manner provided by Virginia general election laws, except insofar as they are otherwise herein provided by this Charter. The Mayor and members of Town Council in office at the effective date of this Charter amendment shall have their terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire.

B. The terms of office for all Town Council members shall begin on the first day of January next following their election, and each shall serve for a term of four (4) years or until his or her successor shall have been elected and qualified. The term of office for the Mayor shall begin on the first day of January next following his or her election, and the Mayor shall serve for a term of two (2) years. The Town Council members and Mayor may succeed themselves as often as the voters may choose.

C. Candidates for Town Council and Mayor shall be nominated only by petition in the manner prescribed by general law. Candidates for Town Council and Mayor shall not be nominated or identified on the ballot by political party affiliation or in any other manner that would disqualify them for candidacy under any law of the United States or the Commonwealth of Virginia.

~~The present Mayor and Town Councilmen shall continue in office until the expiration of the terms for which they were respectively elected. On the first Tuesday in May, nineteen hundred ninety-four, there shall be elected by the qualified voters of the Town of Front Royal, four Councilmen, who shall be electors of the Town, and whose terms of office shall begin on the first day of July, succeeding their respective elections. The three elected Councilmen with the highest vote totals shall serve for a terms of four (4) years, and until their duly elected successors shall have qualified. The fourth elected Councilman with fewer votes than the other three Councilmen so elected, shall serve a term of two (2) years, and until his duly elected successor shall have qualified.~~

~~In the event that the fourth elected Councilman cannot be determined because of a tie in the vote, the Councilmen who have tied in the votes received shall draw lots to determine who shall serve the two-year term.~~

~~On the first Tuesday in May, nineteen hundred ninety six, and every two (2) years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, three (3) Councilmen, who shall be electors of the Town, and whose terms of office shall begin on the first day of July, succeeding their respective elections and shall continue for four (4) years thereafter, and until their duly elected successors shall have qualified.~~

~~On the first Tuesday in May, nineteen hundred ninety six, , and every two (2) years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, a Mayor, who shall be one of the electors of the Town, and whose term of office shall begin on the first day of July, succeeding his election and continue for two (2) years thereafter, and until his duly elected successor has qualified.~~

D. The Council may fill any vacancy that occurs in the membership of the Council for the unexpired term, **provided that such vacancy is taken within 45 days of the office becoming vacant. If a majority of the remaining members of the Council cannot agree, or do not act, the judges of the circuit court having jurisdiction shall make the appointment. The person so appointed shall hold office only until the qualified voters of the Town fill the vacancy by special election pursuant to Virginia Code § 24.2-682, 1950, as amended, or its successor enactment(s), and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office.**

If a majority of the seats on the Council are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in Virginia Code § 24.2-227, 1950, as amended, or its successor enactment(s).

E. Each member of the Council shall receive a salary in an amount established by Council, payable as the Council may direct, **provided that no increase in salary of a Council member shall take effect during the incumbent council member's current term in office,** but this restriction shall not apply when the council members are elected for staggered terms.

F. The Mayor shall receive a salary in an amount established by Council, payable as the Council may direct, **but no increase in the Mayor's salary shall take effect during the incumbent mayor's current term in office.** (Acts E.S. 136-37, ch. 44, p. 143; Acts 1944, ch. 209, p. 300; Acts 1954, ch. 405, p. 495; Acts 1975, ch. 348, p. 579; Acts 1987, ch. 235, p. 315; Acts 1993, ch. 479, p. 572)

SEC 7 TOWN OFFICERS TO BE SWORN IN; EFFECT OF FAILURE TO TAKE OATH OR TO GIVE REQUIRED BOND. ***

CHAPTER II MAYOR AND VICE MAYOR.

SEC 8 POWERS AND DUTIES OF MAYOR GENERALLY.

SEC 9 ELECTION, POWERS AND DUTIES OF VICE-MAYOR; FILLING VACANCY IN OFFICE OF MAYOR.

The council shall at its first meeting ~~after the effective date of this Act choose one of its members as vice mayor who shall serve until August thirty first, nineteen hundred and thirty eight; and at its first meeting in September, nineteen hundred and thirty eight,~~ in January, following the regular municipal election, and biennially thereafter, shall choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability.

In the event of the death, removal or resignation of the mayor, the council shall choose one of the councilmen or some other qualified voter of the Town of Front Royal who shall serve as mayor until the next succeeding municipal election, at which time a successor shall be elected by the qualified voters of the Town of Front Royal to fill the office of mayor for the remainder of the unexpired term.

CHAPTER III COUNCIL

~~SEC 10 COMPOSITION AND ELECTION~~

~~The Council of the Town shall be composed of four (4) members. Effective July 1, 1994, the Council of the Town shall be composed of six (6) members. Council members shall be elected by the popular vote of the qualified voters of the Town, as provided in Section 6 hereof. (Acts 1993, ch. 479, p. 572)~~

SEC 10 MEETINGS; EFFECT OF VOLUNTARY ABSENCE OF COUNCILMAN FROM THREE CONSECUTIVE REGULAR MEETINGS.

The Council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the Clerk of the Council upon the written request of the Mayor, or any ~~three~~ four (4) members of the Council. ~~Effective July 1, 1994, special meetings shall be called by the Clerk of the Council upon the written request of the Mayor, or any four (4) members of the Council.~~ No business shall be transacted at any special meeting but that for which it shall be called, unless the Council be unanimous. The meetings of the Council shall be open to the public, except when the public welfare shall require executive sessions. ***

SEC 12 APPOINTMENT OF CLERK OF COUNCIL; POWERS OF COUNCIL WITH REFERENCE TO PROCEEDINGS AND TRANSACTION OF BUSINESS; APPOINTMENT, POWERS AND DUTIES OF TOWN CLERK; MINUTE BOOK.

The council shall keep a minute book, or its electronic equivalent, in which the clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed.

SEC 13 QUORUM; ORDINANCES APPROPRIATING MONEY OR LEVYING TAXES OR LICENSES; RECONSIDERATION OF MATTERS AT SPECIAL MEETINGS.

A majority of the members of Council shall constitute a quorum for the transaction of business.

~~Effective July 1, 1994, no~~ No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least ~~three (3)~~ four (4) members, one of whom may be the Mayor in case of a tie vote as provided in Section 8 hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and ~~three (3)~~ four (4) of them concur. (Acts 1993, ch. 479, p. 572)

CHAPTER IV TOWN MANAGER.

SEC 14 APPOINTMENT, QUALIFICATIONS, TERM, REMOVAL OR SUSPENSION; ELECTION OF MEMBER OF COUNCIL AS TOWN MANAGER.

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SEC 15 POWERS AND DUTIES GENERALLY; COUNCIL TO APPOINT CHIEF CONSERVATOR OF THE PEACE AND TO SEE THAT ORDINANCES AND LAWS ARE ENFORCED.

SEC 16 POWERS AS TO TOWN OFFICERS, EMPLOYEES, ETC.

CHAPTER V POWERS OF COUNCIL.

SEC 17 AS TO TOWN OFFICERS AND EMPLOYEES.

SEC 18 CONTROL OF TOWN AFFAIRS AND PROPERTY; ENUMERATION OF POWERS.

The council of the town shall have, subject to the provisions of this Act, the control and management of the fiscal and municipal affairs of the town and of all property, real and personal, belonging to said town and may make such ordinances and bylaws relating to the same as they shall deem proper. The council shall in addition to other powers given by law, have power to make such ordinances, orders, bylaws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

1. Market. To establish a market **or markets** in and for said town, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent ~~huckstering, forestalling, or regrating~~ **illegal or unsanitary conditions or activity therein**.

2. ***

3. B. Rates and charges for water, gas, electric and sewer service, etc.; deposit as prerequisite to service. To establish, impose and enforce water, gas, electricity, and sewerage rates and rates and charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the town; and to assess, or cause to be assessed, water, gas, electricity and sewerage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation. **When the town furnishes water, gas, electric, sewer, or other utility services to users thereof located outside the town's corporate limits, notwithstanding any provision of law to the contrary, the town may collect such compensation and service fees therefor as may be contracted for between the town and such user, and the town shall not thereby be obligated to provide such utility services to any other users outside its corporate boundaries. Any compensation and service fees received by the town for the furnishing of such utility services to users outside the town's corporate limits may, in the discretion of the town council, be paid into the town's general fund.**

4. Streets and sidewalks-Generally. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve streets, sidewalks, and public alleys in said town, and have them in good order and properly lighted; in order to properly light the streets of said town, the council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in said town, and may **cause to be planted or** permit shade trees **or other plants** to be planted along said streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleys of the town, without the consent of the council, duly entered upon its records; provided that so long as the said town shall, at its own expense,

maintain and keep its streets in good order and repair, it shall be exempt from all labor and tax for county road purposes.

5. Same-Prevention of cumbering. To prevent the cumbering or blockage of, or encroachment upon streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever.

8. Contagious diseases; hospitals; board of health. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals or other medical or health-related facilities; to provide for and enforce the removal of patients to said hospitals or other medical or health-related facilities; to appoint and organize a board of health for said town, with the necessary authority for the prompt and efficient performance of its duties.

9. Nuisances; dangerous, offensive, etc., ~~business~~ activities or enterprises, etc.; transportation of coal, explosives, garbage, etc., through streets; speed of locomotives. To require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same or the owner or owners of the ground where on the same shall be; ~~to regulate or prevent soap factories and candle factories within the town,~~ and the exercise of any dangerous, offensive or unhealthy activity, enterprise, business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the town, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the town.

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11. Gunpowder, explosives, combustibles, kerosene oil, gasoline, fireworks; discharge of firearms; lights in barns, etc.; bonfires. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives and combustible substances; to regulate the sale and use of gunpowder, explosives, firecrackers, fireworks, kerosene oil, gasoline, or other combustible material; to regulate or prohibit the exhibition of fireworks, the discharge of firearms, the use of lights, fires, ~~or candles in barns and stables and other outbuildings~~ buildings and structures within the town, and to restrain and regulate the making of bonfires or other outdoor fires within the town.

12. Animals at large; keeping hogs. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said town, and to subject the same to such confiscation, regulations, licenses, fees, and taxes as they may deem proper, and to prevent the keeping of hogs such livestock or other animals as by ordinance may be prohibited within the limits of the town.

13. Riding and driving animals; operation of vehicles; dangerous or annoying sports; cruelty to animals. To regulate the riding and driving of horses and other animals and the operation of motor and other vehicles, but not in conflict with state law; to prevent the throwing of stones or other objects or engaging in any employment or sport on the streets, sidewalks or public alleys,

dangerous or annoying to persons; and to prohibit and punish the abuse or cruel treatment of horses and other animals in said town.

17. [NOTE: THIS PARAGRAPH HAS BEEN MOVED TO BECOME PARAGRAPH 3.A---PARAGRAPHS AND SECTIONS WILL BE RENUMBERED APPROPRIATELY WHEN TOWN COUNCIL HAS AGREED UPON A VERSION IT WISHES TO VOTE ON]

18. [NOTE: THIS PARAGRAPH HAS BEEN MOVED TO BECOME PARAGRAPH 3. B.]

26. Control and regulation of municipal public utilities; sale of electricity within distance of fifteen miles; sewer connection and operation of sewer system; election on question of proposed sale of public utilities. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the said town, and to this end it shall have full authority to employ from time to time such **employees, agents, and consultants** as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness, unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the said town, or such as may hereafter be acquired by it; and the council is hereby authorized and empowered to supply electric current to persons, firms, associations and corporations not further distant than fifteen miles from the corporate limits of the town, and to charge therefor for which purpose the said council is specifically authorized and empowered to construct, purchase, lease or otherwise acquire necessary transmission lines, and to purchase, lease or otherwise acquire such rights of ways as may be necessary for such purposes.

The said council, however, shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the Town of Front Royal, which election shall be conducted as now provided by general law governing special elections. The circuit court of Warren County, or the judge thereof in vacation, shall order such special election upon the petition of two hundred qualified voters of the Town of Front Royal, or upon a resolution passed by a majority of the council of said town. For a period of not less than four weeks prior to said special election, the substantial terms of any proposed sale shall be published over the signature of the clerk of the said town, once a week for four successive weeks in some newspaper ~~published~~ **of general circulation within the County of Warren, or by publication for not less than once per week for four successive weeks in some other manner permitted by the general laws of the Commonwealth** of Virginia for the publication of proposed ordinances of the town. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

SEC 19 CEMETERY.

SEC 20 SINKING FUNDS.

SEC 21 PENALTY FOR VIOLATION OF ORDINANCES; IMPRISONMENT FOR FAILURE TO PAY FINE.

PROPERTY FOR PUBLIC PURPOSES; EMINENT DOMAIN.

SEC 23 REMOVAL OF ENCROACHMENTS ON STREETS; SETTLEMENT OF DISPUTE AS TO LOCATION OF STREET LINE; ENCROACHMENT NOT TO CONSTITUTE ADVERSE POSSESSION OR TO CONFER RIGHTS.

SEC 24 DEDICATION OF STREETS.

SEC 25 BOARD OF SINKING FUND COMMISSIONERS; INVESTMENT OF SINKING FUNDS; DUTIES OF BOARD; MEMBERS OF BOARD TO GIVE BOND.

SEC 26 APPOINTMENT AND COMPENSATION OF TOWN ATTORNEY;

SEC 26. A. APPOINTMENT, DUTIES AND COMPENSATION OF ADDITIONAL OFFICERS AND CLERKS; OFFICERS MAY BE REQUIRED TO GIVE BOND.

The council may appoint and in addition to those herein provided for, such officers and clerks as they may deem necessary, and define their powers, prescribe their duties and fix their compensation. The council may take from any officer, whether elected or appointed by them, a bond, with surety, to be approved by the council, in such penalty as it may deem proper payable to the town, with condition for the faithful discharge by the said officer of the duties of his office.

SEC 27 DUTIES OF THE CLERK OF THE COUNCIL.

SEC 28 ANNUAL TAX LEVY.

In addition to all the other powers mentioned in this Charter, the town shall have power to raise annually, **semi-annually, or such other periods permitted by general law,** by taxes and assessments in said town on all subjects the taxation of which by incorporated towns is not forbidden by general law, such sums of money as the council herein provided for shall deem

necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this state and of the United States.

SEC 37 FIRE LIMITS; BUILDING REGULATIONS; UNSAFE BUILDINGS; ZONING REGULATIONS; DISPOSITION OF GARBAGE AND WASTE; FIRE PROTECTION; REMOVAL OF UNLAWFUL BUILDINGS; PUBLIC HEALTH AND SAFETY.

For the purpose of guarding against the calamities of fire, and based upon the advice of a fire marshall or building official or other person with expertise in the prevention of fires or explosion, the town council may, from time to time, designate such portions and parts of the town as it deems proper within which buildings ~~of wood~~ or other structures deemed by town council as unreasonably dangerous from or susceptible to fire or explosion, may or may not be erected. It may prohibit the erection of ~~wooden buildings or~~ buildings or structures or additions of inflammable material in any portion of the town without its permission, and may provide for the removal of such buildings or structures or additions which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; or if any building in process of erection or already built appears clearly to be unsafe the council may cause such building to be taken down, after reasonable notice to the owner; and the council may, by proper ordinance, divide the town into zones; specify the kind and character of buildings which may be erected in the different zones; provide for the disposition of garbage and waste; provide precautionary measures against danger from fires; provide for the removal of buildings or structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and may do all other things lawful to be done, looking to the health and safety of the inhabitants of the town.

SEC 39 PUBLICATION OF PENAL ORDINANCES; ORDINANCES IN EVIDENCES; CODIFICATION OF ORDINANCES.

All ordinances hereafter passed by the council for the violation of which any penalty is imposed, shall be published once, at least, in one of the newspapers of general circulation in said town, to be designated by the council, or shall be published in any other manner permitted by general law for the publication of proposed ordinances. A record or entry made by the clerk of said council, or a copy of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, from a copy thereof, certified by the clerk of said council, provided, however, that whenever, the council of the town of Front Royal shall codify, in whole or in part, and print at one time, or from time to time, in book or pamphlet form, the general ordinances of the Town of Front Royal, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein contained, or such codification, or codifications, in a newspaper or otherwise, ~~and all new or changed ordinances therein contained, and such~~

~~codification or codifications, shall take effect at such time, but not less than thirty days after such codification or codifications shall have been printed in book or pamphlet form, as may be prescribed by the council by ordinance; provided, notice of such publication and the availability of such book or pamphlet at the town hall is published in a newspaper as hereinabove required. (Acts E.S. 1936-37, ch. 44, p. 143, Acts 1964, ch. 105.)~~

been sold; provided, however, if there shall be omitted from this Act any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of said town, the provisions of general law with reference to similar bonds shall supply said omission.

e. Any bonds issued by the town under this Act shall be signed by the mayor and attested by the clerk under the seal of the town, and shall be made payable in the office of the town treasurer or such other place in or out of the state as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds shall be advertised by the mayor and sold by the town treasurer, or by the town manager as may be provided in such ordinance, under supervision of the mayor, town manager and clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the town treasurer.

SEC 44 PROPERTY, BOOKS AND PAPERS BELONGING TO TOWN OR APPERTAINING TO TOWN OFFICE.

If any person, having been an officer of such town, shall not within ten days after he shall have vacated, or removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town the sum of five hundred dollars, ~~to~~ **and may** be sued **therefor** in the name of the town and recovered with costs; and all books, records and documents used in any such office by virtue of any provision of this Act, or of any ordinance or order of the town council, or any superior officer of the said town, shall be deemed the property of the said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

SEC 60 DUTIES MAY BE COMBINED WITH THOSE OF TOWN MANAGER.

The council may at any time in its discretion combine the duties of town treasurer, or any part of such duties, with those of the duties of town manager, **or with the town's finance director,** and if and when the council places the duties of the town treasurer, or any part of such duties, upon the town manager **or with the finance director,** the town manager, **or the finance director, as the case may be,** shall have all of the power, authority, duties, obligations and responsibilities which are set forth in this Act for the town treasurer to the extent of the combination of the duties of town treasurer with the duties of town manager by the town council.

CHAPTER VIII TOWN PLANNING.

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SEC 63 AMENDMENT OF PLAN.

The council may at any time, after a public hearing, amend the town plan, **including, but not limited to,** by widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the town plan, the council shall refer the proposed amendment to the town planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty days has elapsed after the date of reference to the commission. Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimension of any park. Any widening, relocation, closing or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the town plan, and shall be subject in all respects to the provisions of this chapter.

SEC 64 PLATS TO BE APPROVED BY COUNCIL; DUTIES OF PLANNING COMMISSION AS TO PLATS; STREETS AND PARKS; REGULATIONS AS TO FILING PLATS.

No plat showing a new street or highway within the town, shall be filed or recorded in the office of the clerk of the town or of any county until such plat has been approved by the council. Before giving any approval, the council shall refer every such plat to the town planning commission for a report, and shall not act on any plat so referred until a report has been received from the commission, unless a period of forty-five days has elapsed after the date of reference to the commission. Before reporting to the council on any plat, the commission shall hold a public hearing thereon. If any plat is disapproved by the commission, it shall report the reasons for such disapproval to the council. The council shall not approve any plat unless the streets and highways provided in such plats are of sufficient width, of proper grades, and suitably located to meet the probable traffic needs; to afford adequate light, air, and access of fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets and highways. The council may, in appropriate cases, require that a plat, before being approved, shall provide adequate open spaces for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use. After a plat has been approved by the council, the streets, highways, parks, and other open spaces shall be a part of the town plan. The council, after a public hearing, may adopt general regulations in regard to the filing of plats.

SEC 64-A PREREQUISITES TO APPROVAL OF PLAT BY COUNCIL.*

b. ~~And,~~ Before approving such plat, and thereby accepting the dedication of the streets and alleys thereon, the council shall require the owner thereof to execute and deliver to the Town of Front Royal, a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the Town of Front Royal by reason of establishing proper grade lines on and along such streets and alleys and by reason of doing necessary grading or filling for the purpose of placing such streets and alleys upon the proper grade and releasing the Town of Front Royal from building any retaining wall or walls along the streets and alleys and property lines; and the council may require such release and waiver to be written and executed on said plat and recorded therewith or by an instrument of writing to be executed and recorded in the clerk's office of the circuit court of Warren County.

~~And~~ The council may in its discretion, require the owner of such platted lands to submit profiles of such streets and alleys, showing the contour thereof, together with the proper grade lines laid thereon, and if and when the council is satisfied that the proper grade lines are laid on such profiles, the profiles shall be approved by the council and recorded by the owner or at his expense in the record of the profiles of the streets and alleys of the town, and the council may, in its discretion, require such release and waiver to be made with reference thereto.

SEC 65 ERECTION OF BUILDINGS WITHIN STREET LINES.

For the purpose of preserving the integrity of the plan, no permit shall hereafter be issued for the construction of any building within the street lines of any mapped street or highway, as laid down in the town plan, within the town. ~~Provided, however, if the land within any mapped street or highway is not yielding a fair return to the owner, the board of appeals, provided for in chapter nine hereof, by a majority vote of all its members, may issue a permit for a building within the street line of such street or highway, upon such conditions as will increase as little as possible the cost of opening such street or highway, and will protect as far as possible the rights of the public and the integrity of the town plan. The board of appeals, hereinafter authorized, before taking any action under the provisions of this section, shall hold a public hearing, of which adequate notice shall be given to all persons deemed to be affected. Any decision by the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board.~~

CHAPTER IX ZONING.

SEC 67 GENERALLY.

For the purposes stated in Chapter 197 of the Acts of Assembly, approved March eighteenth, nineteen hundred and twenty-six, the town council is hereby empowered to pass zoning ordinances in conformity with the said Act, as amended, subject, however, to the following modifications thereto:

a. The council shall not adopt any zoning ordinance or map until it shall have appointed a town planning commission, as provided for in chapter eight hereof and shall have received from said commission its recommendations as to a zoning ordinance and map, and shall have held a public hearing thereon.

b. Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing and adequate notice to all owners and parties affected. ~~If a protest or protests be filed with the council, signed by the owners of twenty per centum or more of the area of the land included in the proposed change, or by the owners of twenty per centum or more of the area of the land immediately adjacent to the land included in the proposed change, within a distance of one hundred feet therefrom, or by the owners of twenty per centum or more of the area of the land directly opposite across any streets or streets from the land included in the proposed change, within a distance of one hundred feet from the street lines directly opposite, then no such change shall be made except by the majority vote of all of the members of the council.~~ No change shall be made by the council in any zoning ordinance or map until such change has been referred to the town planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty days has elapsed after the date of reference to the commission.

~~c. Within thirty days after the adoption of any zoning ordinance and map, the council shall appoint a board of appeals, consisting of five members, none of whom shall hold any other positions with the town.~~

~~—The council may remove any member of the board for cause, after a public hearing. If a vacancy occurs otherwise than by the expiration of the term of the different members, it shall be filled by the council for the unexpired term.~~

~~—Unless the council designates some member of the board as chairman, the board shall select a chairman from among its own members, and may create and fill such other offices as it may choose. The board may employ such persons as the council may approve, and may expend such sums as are appropriated by the council for its work.~~

CHAPTER X GENERAL PROVISIONS.

SEC 70-a EDUCATIONAL SYSTEM IN EVENT OF ESTABLISHMENT AS CITY.

In the event the Town of Front Royal is established as a city, it is hereby authorized to enter into contract with the county school board of Warren County, Virginia, for furnishing public school facilities for the city, in which event, with the approval of the state board of education, the county and city shall be constituted as one school system for the establishment, operation, maintenance and management of the public schools within the county and city; and provided

further that representation on the county school board of Warren County for the City of Front Royal shall consist of one representative from each magisterial district (or ward) of the City of Front Royal to be appointed as provided in Section 653-a1 and 653-a2, Acts 1942, chapter 422. (Acts 1944, ch. 209, p. 301.)

November 30, 2012

Honorable C. Todd Gilbert
Member, Virginia House of Delegates
P.O. Box 309
Woodstock, VA 22664 (*via mail*)

35 North Royal Avenue
Front Royal, VA 22630 (*via hand delivery*)
DelTGilbert@house.virginia.gov (*via e-mail*)

Honorable Beverly J. Sherwood
Member, Virginia House of Delegates
P.O. Box 2014
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Honorable Michael J. Webert
Member, House of Delegates
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Honorable Mark D. Obenshain
Senator, Senate of Virginia
P.O. Box 555
Harrisonburg, VA 22803 (*via mail*)
District126@senate.virginia.gov (*via e-mail*)

Dear Delegates Gilbert, Sherwood and Webert, and Senator Obenshain:

The Town Council of the Town of Front Royal passed several proposed amendments to its Town Charter at its November 26, 2012 regular meeting, which it respectfully requests the General Assembly to enact at its upcoming session. In order to assist the General Assembly in following the progression of the proposed changes to the Town's charter, please find enclosed copies of the following: The existing Town Charter, headed "*Section 200-1 Charter of the Town of Front Royal, Virginia*"; a black-lined copy of the proposed Charter changes the Front Royal Town Council passed, titled "*Version 3-Even Year Elections Beginning 2014 (Final)*", showing the portions removed as interlined, and the amended portions underlined; and finally, a clean version of what Town Council passed, titled "*11-27-12 Final Version, Charter Amendments*

2012”.

The most significant proposed amendment is the change in its elections for Town Council and Mayor from the first Tuesday in May in even numbered years, to the general election day in November in even numbered years.

There are a few other changes as well; generally, they are:

To allow the Town Council to designate additional Town officers by ordinance; to cause elections to Town Council and Mayor to be non-partisan (so that federal employees, such as our present Mayor, the Honorable Timothy W. Darr, who is employed by the United States Department of Defense as Supervisor Physical Security Specialist for the Pentagon Force Protection Agency, to be able to hold local public office—historically, all Town elections have always been non-partisan); to allow minutes to be kept in electronic format in lieu of hard-copy minute books; to allow the publication of proposed ordinances and other notices by any method allowed by law; to combine the duties of the town treasurer with that of town manager or town finance director; and for the provision of a number of other minor or clerical amendments to the Charter.

The Town of Front Royal asks our Delegates help the Town sponsor these amendments to its Town Charter at the upcoming session of the General Assembly. As each one of you Honorable Delegates and Senator have been responsive and effective representatives for the Town of Front Royal, the Town would be very pleased if you would lend your support and assistance to sponsor the Town’s obtaining passage of these amendments to its Charter.

In accordance with the relevant provisions of Va. Code § 15.2-202, you will also find enclosed the publishers’ certificates of publications showing that the public hearing was properly advertised, and a certified copy of the Front Royal Town Council’s minutes taken at the advertised public hearing on this matter.

On behalf of the Mayor, Town Council, and citizens of the Town of Front Royal, I will be honored and delighted to answer any questions you or your staff, or any member of the General Assembly or any member of their staff, assist in any manner, obtain any other documentation, or otherwise help facilitate the process of securing passage of these proposed Charter amendments.

With kind regards,

Sincerely,

Douglas W. Napier

cc: Mayor, Members of Town Council
and Town Manager,
Town of Front Royal, Virginia

3



Town of Front Royal, Virginia Work Session Agenda Form

Date: December 5, 2016

Agenda Item: Continued Discussion of Solid Waste

Summary: Information will be provided at the work session

Council Discussion: Council takes desired action

Staff Evaluation: Staff will be presenting

Budget/Funding: N/A

Legal Evaluation: Town Attorney will be available

Staff Recommendations: Staff will be available

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

4

Town of Front Royal, Virginia Work Session Agenda Form

Date: December 5, 2016

Agenda Item: Funding for Purchase of Refuse Truck

Summary: The Town has received a low bid of \$175,935.00 for the purchase of a new refuse truck. The FY17 approved budget includes \$36,400 for the first payment which leaves a remaining balance of \$139,535.00 that will need to be funded in order to purchase the refuse truck. Council may choose to fund the \$139,535.00 via an internal or external loan.

Council Discussion: Council is requested to approve an internal loan from the Water Enterprise Fund Balance in the amount of \$139,535.00 to the Refuse Department. The loan will be paid back over the course of 4 years with equal payments in the amount of \$34,883.75.

Staff Evaluation: VML VACo estimated the following amounts for an external loan:

<u>Term</u>	<u>Est. Interest</u>
5-Year External Loan	\$8,605.05
7-Year External Loan	\$13,522.80

The water enterprise unreserved fund balance currently has sufficient funds to cover an internal loan in the amount of \$139,535.00 to the refuse department while sufficiently sustaining reserve amounts.

Budget/Funding: The FY2017 approved budget includes \$36,400 for the first payment of the refuse truck. Upon approval, future budgets will need to include the expense for the annual payment.

9601-3510110	Water Treatment Plant – Appropriated Funds Forward	\$139,535.00
9601-49008	Water Treatment Plant - Transfer to Refuse Loan	\$139,535.00
4203-3310111	Solid Waste Management – Internal Loan	\$139,535.00
4203-47005	Solid Waste Management – Motor Vehicles	\$139,535.00

Legal Evaluation: Town Attorney will be available for questions.

Staff Recommendations: An internal loan from the water fund to the refuse fund would allow the Town to save on interest expense, while also allowing fund reserves to be replenished over a four year period and allowing the annual payment expense to be in line with projected payment amounts. Staff recommends that council approve a four year internal loan as presented.

Planning Commission Recommendation: N/A

Town Manager Recommendation: (The Town Manager will provide input on the issue and make his recommendations to council.)

Council Recommendation:

☐ Additional Work Session
 ☐ Regular Meeting
 ☐ No Action



5



Town of Front Royal, Virginia Work Session Agenda Form

Date: December 5, 2016

Agenda Item: Compensation and Classification Study RFP

Summary: The Town received three proposals for the compensation and classification study. The review committee has started the initial review of the responses and plans to provide an overview at the meeting.

Council Discussion:

Staff Evaluation: The committee continues to review and plans to provide an overview at the meeting for further discussion with Council.

Budget/Funding: Currently funded in FY16-17 budget - \$24,000

Legal Evaluation: Town Attorney will be available.

Staff Recommendations: The Committee will continue review of proposals and seeks additional direction on how to proceed with Council.

Town Manager Recommendation: Town Manager will be available.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action

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

6



Town of Front Royal, Virginia Work Session Agenda Form

Date: December 5, 2016

Agenda Item: Health Insurance Consulting Services RFP

Summary: The Town received five proposals for the health insurance consulting services. The review committee has started the initial review of the responses and plans to provide an overview at the meeting.

Council Discussion:

Staff Evaluation: The committee continues to review and plans to provide an overview at the meeting for further discussion with Council.

Budget/Funding:

Legal Evaluation: Town Attorney will be available.

Staff Recommendations: The Committee will continue review of proposals and seeks additional direction on how to proceed with Council.

Town Manager Recommendation: Town Manager will be available.

Council Recommendation:

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

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