



## TOWN COUNCIL WORK SESSION

May 2, 2016 - 7:00 pm

Front Royal Administration Building

### **Town/Staff Related Issues:**

1. Continued Discussion of R-1A District Regulations - *Director of Planning/Zoning*
2. Master Police Officer (MPO) Program Changes - *Police Department*
3. Ordinance Amendment Request
  - a. Chap 75-44 - Mailing of Personal Property & Real Estate Tax Bill - *Interim Finance Director*
  - b. Chap 160 - 10 & 11 - Violations and Penalties of Vehicle Licensing - *Police Department*
  - c. Chap 158-6 - Motor Vehicular Laws - *Town Attorney*
  - d. Chap 85-3 - Collection Charges for Solid Waste - *Town Manager*
4. Cedarville Corner Sewer Easement

### **Council / Mayor Related Issues:**

5. Continued Discussion on FY16-17 Budget
6. Request to Reschedule Liaison Committee Meeting due to Conflict
7. Council Discussion/Goals (*Time Permitting*)
8. CLOSED MEETING - Disposition of Publicly Held Real Property

### **Motion to Go Into Closed Meeting**

I move that Town Council go into closed meeting for the purpose of discussion or consideration of the disposition of publicly held real property, specifically a Town alley which is a public right-of-way, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code Section 2.2-3711.A.3

**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.

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# Town of Front Royal, Virginia Work Session Agenda Form

Date: May 3, 2016

**Agenda Item:** Continued discussion of draft R1A Cluster Development Option  
*Director of Planning & Zoning*

**Summary:** The attached DRAFT Amendment to the Town Code was recommended by the Planning Commission during their meeting held on January 20, 2016. It includes changes to the R1A District, including modifications to Town Code 175-18.1-18.7, and the addition of Town Code 175-18.8. Subsection 18.8 includes new optional development standards in the R1A for projects consisting of at least 20 acres. These new standards are referred to as “cluster development” standards.

Front Royal Limited Partnership (FRLP) initiated this project with the submission of an application requesting that the Town consider a number of changes to the R1A District (See Attachment). Specifically, the applicant requested changes to allow smaller lots, narrower lots, shorter setbacks, an increase to the maximum building coverage, a reduction in the number of required off-street parking spaces, and the ability to request additional modifications. Over a series of work sessions the applicant and Planning Commission drafted the attached document.

**Council Discussion:** This agenda item is scheduled for a work session review on March 21, 2016.

**Staff Evaluation:** The draft changes would allow an optional “by-right” set of performance standards in the R1A District. Existing R1A District areas, other than FRLP’s property, would be restricted from using the new standards due to the 20 acre minimum area requirement. Overall, the standards are a reasonable method for allowing more flexible design standards. The tradeoff for the smaller lots is additional open space and buffering. As a measure to help ensure a quality develop, Town Staff and the Planning Commission also included additional requirements for recreational amenities that development projects would be required to include within designated open space areas.

**UPDATE:** During the March 21, 2016 Town Council Work Session, Town Council moved this agenda item to a public hearing in May. This public hearing, and 1<sup>st</sup> Reading, is scheduled for the Town Council meeting on May 23, 2016. Town Council directed staff to follow-up at a work session prior to the public hearing with additional information on the laws pertaining to Homeowner’s Associations. This came up in context with discussion about the proposed subsection 175-18.8.A.6.e(7), which would require the develop to maintain recreational facilities until dedicated to the homeowners association, Town or County. Councilman Tewalt was opposed to the language that included the Town and County.

Attached is information from the Town Attorney that provides details on the laws for Homeowners associations.

**Budget/Funding:** N/A

**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



**DRAFT AMENDMENT – VERSION 4**  
**R-1A Cluster Development Option**

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START -----

**175-18.1 STATEMENT OF INTENT (R-1A)**

The R-1A District is designed to accommodate single-family residential development of a medium density on smaller individual lots. The standards for this district are designed to stabilize and protect the character of the designated areas and to protect and encourage a suitable environment for family life. Optional cluster subdivision standards are included with the intent and purpose of providing greater flexibility for larger development projects. To ensure quality development, the added development flexibility is balanced with requirements that require additional open space and recreational amenities. These additional requirements support a development with higher property values; better preservation of the natural environment; and a more active and healthy community.

**175-18.2 USE REGULATIONS (R-1A)**

- A. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the R-1A District, the following uses of land and buildings are permitted by-right in the R-1A District:

RESIDENTIAL:

Single-family dwellings, detached

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

Churches

Schools

MISCELLANEOUS:

Accessory uses, structures and buildings

Home occupations

Open space and conservation areas.

Public facilities, excluding Fire and Rescue Squads & Police Stations

Public parks and playgrounds

Public utilities

Signs, as set forth in Section 175-106

Special childcare services

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator

- B. The following uses are permitted within the R-1A District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the R-1A District:

RESIDENTIAL:

COMMERCIAL:

Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.

INDUSTRIAL:

ORGANIZATIONAL:

Fire and Rescue Squad & Police Stations.

Public Libraries.

Community Center.

MISCELLANEOUS:

Any use permitted under Section 175-10.18.2.A, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.18.4, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

**175-18.3 AREA (R-1A)**

Notwithstanding the provisions of Section 175-128, all newly established uses, with the exception of single-family dwellings, shall be required to meet the minimum area requirements at the time of establishment of the use.

A. Minimum lot size:

1. Single family dwellings: seven thousand (7,000) square feet.
2. Schools: twenty thousand (20,000) square feet.
3. Churches: twenty thousand (20,000) square feet.
4. Parks and playgrounds: five thousand (5,000) square feet.
5. Public utilities: no regulation.
6. Other public facility uses: twenty thousand (20,000) square feet.

B. Minimum lot width:

1. Single-family dwellings:
  - a. Corner lots: seventy (70) feet.
  - b. Interior lots: fifty (50) feet.
2. Parks and playgrounds and public utilities: no regulation.
3. All other uses: one hundred (100) feet.

C. Minimum district size: three (3) acres.

### **175-18.4 HEIGHT(R-1A)**

- A. Single-family dwellings: thirty-five (35) feet maximum.
- B. Public or semipublic buildings: forty-five (45) feet maximum, provided that the required front, side and rear yards are increased by two (2) feet for each foot in height over thirty-five (35) feet.
- C. Exemptions from height requirements:
  - 1. Church spires.
  - 2. Belfries.
  - 3. Cupolas.
  - 4. Municipal water towers.
  - 5. Chimneys.
  - 6. Flues.
  - 7. Flagpoles.
  - 8. Television antennas.
  - 9. Radio aerials.
- D. Accessory buildings and structures:
  - 1. On lots with an area of less than five-tenths (0.5) acre: two-thirds (2/3) height of principal structure.
  - 2. On lots with an area of five-tenths (0.5) acre or more: not to exceed height of principal structure or thirty-five (35) feet, whichever is less.

### **175-18.5 MINIMUM YARD DIMENSIONS (R-1A)**

- A. Single-family dwellings:
  - 1. Front setback: twenty-five (25) feet.
  - 2. Side: seven (7) feet.
  - 3. Corner side: twenty-five (25) feet.
  - 4. Rear: twenty-five (25) feet.
- B. Other principal structures:
  - 1. Front setback: twenty-five (25) feet.
  - 2. Side: fifteen (15) feet.
  - 3. Rear: thirty (30) feet.
  - 4. Corner side: twenty-five (25) feet.
- C. Accessory buildings and structures:
  - 1. Front setback: thirty (30) feet.
  - 2. Side: five (5) feet or fifty percent (50%) of building height, whichever is greater.
  - 3. Rear: five (5) feet or fifty percent (50%) of building height, whichever is greater.
  - 4. Corner side: twenty-five (25) feet.
- D. Notwithstanding the provisions above, the front setback on any lot located within a block that is fifty percent (50%) or more developed shall conform with any consistently established setback along the block.
- E. The main or front building facade and entrance for any single-family dwelling shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 175-147.1.

## 175-18.6 LOT COVERAGE (R-1A)

- A. Maximum building coverage: thirty-five percent (35%)
- B. Accessory building coverage: thirty percent (30%) of any required yard

## 175-18.7 OFF-STREET PARKING (R-1A)

- A. Space requirements:
  - 1. Single-family dwellings: two (2) spaces per unit.
  - 2. Churches/assembly area: one (1) space per four (4) fixed seats in the main assembly or one (1) per one hundred (100) net square feet.
  - 3. Schools: one (1) space per employee plus parking space for assembly areas as provided in Subsection A (2) above.
  - 4. Libraries: one (1) space per one thousand (1,000) gross square feet.
- B. Location: Minimum setback for driveways and parking: three (3) feet from side and rear property lines for parking areas consisting of **no more than 4,500 square feet in area with fewer than fifteen (15) spaces**. All parking areas with **more than 4,500 square feet in area fifteen (15) or more spaces** shall meet the requirements of Section 148-48 870.
- C. Parking spaces where one car is parked behind another car are permitted in this district for individual dwelling units.

## 175-18.8 OPTIONAL CLUSTER DEVELOPMENT STANDARDS (R-1A)

- A. In lieu of the traditional design standards of Sections 175-18.3 through 175-18.7, the following design standards may be used for cluster developments in the R-1A District.
  - 1. *Area*.
    - a. Minimum lot size: 5,500 square feet
    - b. Minimum lot width:
      - i. Corner lots: sixty (60) feet
      - ii. Interior lots: fifty (50) feet
    - c. Minimum district size: twenty (20) acres
  - 2. *Height*.
    - a. Single-family dwellings: thirty-five (35) feet maximum.
    - b. Public or semipublic buildings: forty-five (45) feet maximum, provided that the required front, side and rear yards are increased by two (2) feet for each foot in height over thirty-five (35) feet.
    - c. Exemptions from height requirements:
      - (1) Church spires.
      - (2) Belfries.
      - (3) Cupolas.

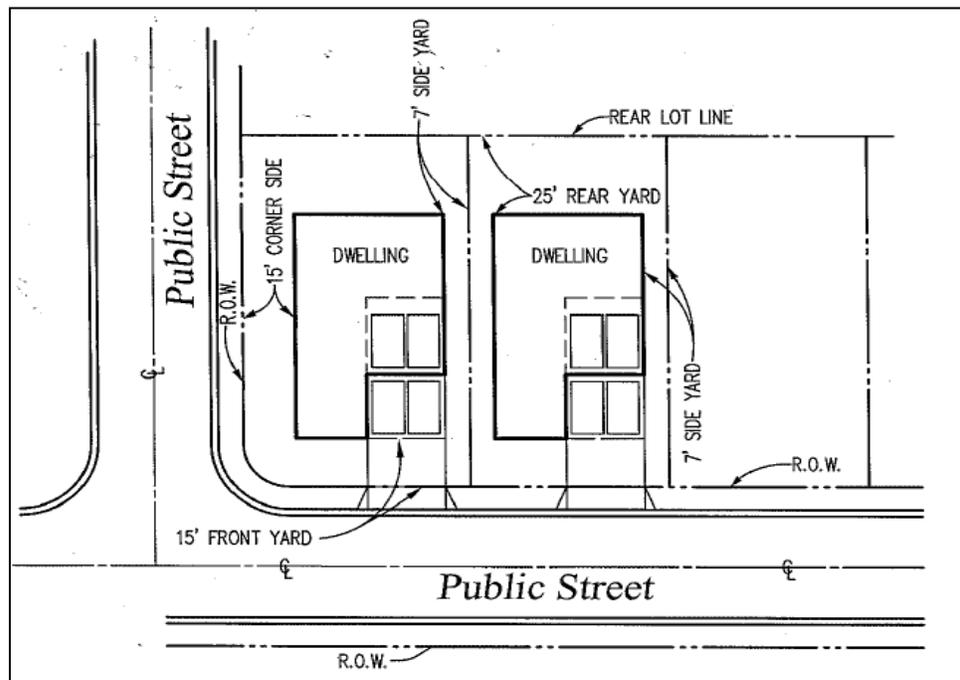
- (4) Municipal water towers.
- (5) Chimneys.
- (6) Flues.
- (7) Flagpoles.
- (8) Television antennas.
- (9) Radio aerials.
- (10) Accessory buildings and structures: Not to exceed the height of principal structure, or thirty-five (35) feet, whichever is less.

3. *Minimum Yard Dimensions.*

a. Single-family dwellings, detached:

- (1) Front: Fifteen feet (15); provided that required off-street parking is at least eighteen (18) feet in length, and the required setbacks from any building are met as specified below under Section 175-18.8.A.5. An unenclosed porch may encroach within the required front yard an additional five (5) feet.
- (2) Side: Seven (7) feet; except that the setback can be reduced to a minimum of five (5) feet when a separation of fourteen feet (14) feet is maintained between the adjacent structure.
- (3) Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
- (4) Rear: Twenty five (25) feet.

**ILLUSTRATION 175-18.8.A.3. Illustration of Minimum Yard Dimensions for Cluster Developments.**



b. Accessory buildings and structures:

- (1) Front: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
- (2) Side: five (5) feet.
- (3) Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
- (4) Rear: five (5) feet.

c. Notwithstanding the provisions above, the front setback on any lot located within a block that is fifty percent (50%) or more developed shall conform with any consistently established setback along the block.

d. The main or front building facade and entrance for any single-family dwelling shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 175-147.1, or alternatively, a special use permit, in accordance with Section 175-136, may be issued to allow frontage along open space areas when such request is submitted with a site plan or subdivision plan for review.

#### 4. *Lot Coverage.*

a. Maximum building coverage: fifty percent (50%).

#### 5. *Off-Street Parking.*

a. Space Requirements:

- (1) Single-family dwellings: two (2) spaces per unit.
- (2) Churches/assembly area: one (1) space per four (4) fixed seats in the main assembly or one (1) per one hundred (100) net square feet.
- (3) Schools: one (1) space per employee, plus one (1) space per four (4) fixed seats in the main assembly, or alternatively for the latter, one (1) per one hundred (100) net square feet.
- (4) Libraries: one (1) space per one thousand (1,000) gross square feet.

b. Minimum setback for driveways and parking: three (3) feet from side and rear property lines for parking areas consisting of no more than 4,500 square feet in area. All parking areas with more than 4,500 square feet in area shall meet the requirements of Section 148-870.

c. As required under Section 148-870.A.10, required off-street parking spaces shall be setback at least five (5) feet from all buildings; excluding the setback between the side orientation of the parking space and a single-family detached dwelling, provided that a garage is provided that is recessed behind the front building façade of such dwelling.

d. Parking spaces where one car is parked behind another car are permitted in this district for individual dwelling units. Furthermore, within cluster subdivisions, regardless of other provisions within Chapter 175 or Chapter 148, up to one (1) space within a garage or carport may be counted as required

off-street parking within a cluster development, provided that the minimum parking space dimensions are met.

**6. Community Open Space.**

a. Minimum Community Open Space Area: A minimum amount of common open space shall be provided at the equivalence that the minimum lot area of all lots is reduced below 7,000 square feet. Below is an example of how the required minimum common open space for a cluster subdivision shall be calculated:

$$\begin{aligned} \text{Total Number of Building Lots} \times 7,000 \text{ square feet} &= X \\ X - \text{Total Area of Building Lots Proposed} &= \text{Required Open Space} \end{aligned}$$

b. No more than 50% of open space may be located within developmentally restricted areas, such as, but not limited to, the floodway.

c. Surface water bodies may be included within common open space areas, but may not be counted towards the required amount of open space.

d. Access to community open space shall be provided by adjoining street frontage. In lieu of adjoining street frontage, a 20-foot wide public access easement may be authorized by the Planning Commission during the site plan or subdivision plan review process. In such consideration, the Planning Commission may require pedestrian improvements to ensure adequate access is provided to the common opens space.

e. Cluster subdivisions shall provide recreational facilities within common open space based on the number of dwelling units. For the purpose of determining minimum requirements, one (1) recreational unit shall be provided for every 50 dwelling units.

(1) The number of recreational unit credits that each type of recreational facility receives shall be based on Table 175-18.8.A.6.e.(1), shown below.

**TABLE 175-18.8.A.6.e.(1)**

Recreational Unit Type	Recreational Unit Credit
Playground, as described under 175-18.8.A.6.e (2).	1.5
Community Center, including an enclosed building with a meeting hall.	2.5
In-ground Swimming Pool with fencing.	2
Tennis Court Facility with fencing.	1
Pocket Park w/ vegetable gardens.	1
Pocket Park w/ meditation gardens.	1
Partial or full Athletic Fields or courts, such as soccer or baseball fields.	1
6' wide asphalt Hiking $\geq \frac{1}{4}$ mile	1

/ Biking Trail . (or other approved material)	≥ 1 mile	2
	≥ 3 mile	3
	≥ 4 mile	4
Picnic Shelters with cooking facilities, picnic tables & trash receptacles.		1
Horseshoe pit and/or fire pit with seating area.		1
Covered structure with seating area		1
Improved/landscaped passive or active nature areas with wildflowers or edible landscaping or ornamental trees or orchards.		1
Neighborhood green/square of ½ acre or more with pathways.		1
Community park of 8 acres or more with pathways.		2
Other types of recreational facilities.		As equivalent to any of the above-listed types, as determined by the Planning Commission.

(2) The first recreational unit type of a cluster subdivision shall consist of a playground, with the amenities described below. Alternative recreational unit types for the first recreational unit may be permitted by the Planning Commission for age-restricted communities.

1. A playground shall consist of a composite play system, or systems, with eight (8) play features and a sitting bench.

**TABLE 175-18.8.A.6.e.(2)i.**

**Example Playground Recreational Unit Type**

Quantity	Equipment
Minimum 2	2 to 5 year-old play features
Minimum 1	Slides
Minimum 1	Climbing features
Minimum 1	Overhead features
Minimum 1	Tunnels
Minimum 1	Play panels
Minimum 1	Swings (8 feet high, 2 seats)
Minimum 1	Sitting bench

2. Playgrounds shall be constructed to specifications equivalent to those issued by the U.S. Consumer Product Safety Commission in the document *Public Playground Safety Handbook (2010)*, or as may be amended in the future.

(3) Each home shall be within one-quarter (1/4) of a mile from at least one qualifying recreational unit facility.

(4) Recreational facilities shall be constructed in sequence with the phasing of development for the cluster subdivision.

(5) Recreational facilities shall conform to the Virginia Uniform Statewide Building Code, including Handicap Accessibility (ADA) Standards.

(6) Buildings or structures used for community recreational purposes may be located within transitional yards, as required below, but shall conform with the minimum setback requirements for principle structures.

(7) Common open space, including all recreational units, shall be maintained in good condition by the developer until such time that it is dedicated to a Homeowner's Association or accepted as a public park by Warren County or the Town of Front Royal.

7. *Transitional Yard.* A minimum transitional yard area is required between any principal building and the following:

a. Any planned limited access roadway (i.e. no curb cuts for individual driveways): Minimum 25 feet

b. Any adjoining development that is not part of the R-1A cluster subdivision, unless such adjoining property shares the same ownership as the R1-A cluster subdivision: Minimum 50 feet.

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**Editorial Notes:**

- Proposed new text is shown in highlighted font. Proposed deleted text is shown in ~~strikethrough~~ font.
- Drafted 10/7/15 (JFC), 11/12/15 (JFC), 12/2/15 (JFC/FRLP), 12/2/15 (JFC/FRLP).

*CONFIDENTIAL: PROTECTED BY ATTORNEY/CLIENT PRIVILEGE*

*EXEMPT FROM DISCLOSURE UNDER F.O.I.A.*

**MEMORANDUM**

**TO: MAYOR AND TOWN COUNCIL**

**FROM: DOUGLAS W. NAPIER, TOWN ATTORNEY**

**DATE: APRIL 25, 2016**

**RE: HOMEOWNERS' ASSOCIATION LAW**

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***ISSUE:***

When does a developer have to turn control of a homeowners' association's common areas and other amenities and facilities, such as the development's parks and playgrounds, to the homeowners within the development?

***SUMMARY:***

Under Virginia law, there is no fixed period when a developer must maintain control over the homeowners' association's common areas, such as its parks and playgrounds, but generally, because of the statute set out in Virginia Code § 55- 509.2, when a majority of the lots in the development are sold to the homeowners, then *de facto* control of the development has passed to the homeowners, so as a practical matter, most developers turn control of the common areas to the homeowners at that time.

In the following section, I have attempted to set out the relevant statutes and Attorney General's Opinion which outline the law. The most relevant parts are high-lighted, so that you do not need to wade through parts that are unnecessary to this question.

**ANALYSIS:**

**Va. Code § 55-509. Definitions.** — As used in this chapter, unless the context requires a different meaning:

"Act" means the Virginia Property Owners' Association Act.

"Association" means the property owners' association. *[Note: this is the same thing as a "homeowners' association".]*

"Board of directors" means the executive body of a property owners' association, or a committee which is exercising the power of the executive body by resolution or bylaw.

"Common area" means property within a development which is owned, leased or required by the declaration to be maintained or operated by a property owners' association for the use of its members and designated as common area in the declaration.

"Declarant" means the person or entity signing the declaration and its successors or assigns who may submit property to a declaration. *[Note: the "Declarant" is usually the "developer", but may be a professional property manager.]*

"Declaration" means any instrument, however denominated, recorded among the land records of the county or city in which the development or any part thereof is located, that either (i) imposes on the association maintenance or operational responsibilities for the common area or (ii) creates the authority in the association to impose on lots, or on the owners or occupants of such lots, or on any other entity any mandatory payment of money in connection with the provision of maintenance and/or services for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. "Declaration" includes any amendment or supplement to the instruments described in this definition. "Declaration" shall not include a declaration of a condominium, real estate cooperative, time-share project or campground.

"Development" means real property located within this Commonwealth subject to a declaration which contains both lots, at least some of which are residential or are occupied for recreational purposes, and common areas with respect to which any person, by virtue of ownership of a lot, is a member of an association and is obligated to pay assessments provided for in a declaration.

"Disclosure packet update" means an update of the financial information referenced in subdivisions A 2 through A 9 of § [55-509.5](#). The update shall include a copy of the original disclosure packet.

"Financial update" means an update of the financial information referenced in subdivisions A 2 through A 7 of § [55-509.5](#).

"Lot" means (i) any plot or parcel of land designated for separate ownership or occupancy shown on a recorded subdivision plat for a development or the boundaries of which are described in the declaration or in a recorded instrument referred to or expressly contemplated by the declaration, other than a common area, and (ii) a unit in a condominium association or a unit in a real estate cooperative if the condominium or cooperative is a part of a development.

"Lot owner" means one or more persons who own a lot, including any purchaser of a lot at a foreclosure sale, regardless of whether the deed is recorded in the land records where the lot is located. "Lot owner" does not include any person holding an interest in a lot solely as security for a debt.

"Meeting" or "meetings" means the formal gathering of the board of directors where the business of the association is discussed or transacted.

"Professionally managed" means a common interest community that has engaged (i) a common interest community manager to provide management services to the community or (ii) a person as an employee for compensation to provide management services to the community, other than a resident of the community who provides bookkeeping, billing, or recordkeeping services for that community.

"Property owners' association" or "association" means an incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted in the declaration. *[Note: this is the same thing as a "homeowners' association".]*

"Settlement agent" means the same as that term is defined in § [55-525.16](#)

**Va. Code § 55-509.1. Developer to pay real estate taxes attributable to the common area upon transfer to association.** — Upon the transfer of the common area to the association, the

developer shall pay all real estate taxes attributable to the open or common space as defined in § 58.1-3284.1 through the date of the transfer to the association.

**Va. Code § 55-509.2. Documents to be provided by declarant upon transfer of control.** — Unless previously provided to the board of directors of the association, once the majority of the members of the board of directors other than the declarant are owners of improved lots in the association and the declarant no longer holds a majority of the votes in the association, the declarant shall provide to the board of directors or its designated agent the following: (i) all association books and records held by or controlled by the declarant, including without limitation, minute books and rules and regulations and all amendments thereto which may have been promulgated; (ii) a statement of receipts and expenditures from the date of the recording of the association documents to the end of the regular accounting period immediately succeeding the first election of the board of directors by the home owners, not to exceed 60 days after the date of the election, such statement being prepared in an accurate and complete manner, utilizing the accrual method of accounting; (iii) the number of lots subject to the declaration; (iv) the number of lots that may be subject to the declaration upon completion of development; (v) a copy of the latest available approved plans and specifications for all improvements in the project or as-built plans if available; (vi) all association insurance policies which are currently in force; (vii) written unexpired warranties of the contractors, subcontractors, suppliers, and manufacturers, if any, relative to all common area improvements; (viii) any contracts in which the association is a contracting party; (ix) a list of manufacturers of paints, roofing materials and other similar materials if specified for use on the association property; and (x) the number of members of the board of directors and number of such directors appointed by the declarant together with names and contact information of members of the board of directors.

If the association is managed by a common interest community manager in which the declarant, or its principals, has no pecuniary interest or management role, then such common interest community manager shall have the responsibility to provide the documents and information required by clauses (i), (ii), (vi), and (viii).

**§ 55-509.3. Association charges.** — Except as expressly authorized in this chapter, in the declaration, or otherwise provided by law, no association may (i) make an assessment or impose a charge against a lot or a lot owner unless the charge is a fee for services provided or related to

use of the common area or (ii) charge a fee related to the provisions set out in § [55-509.6](#) or [55-509.7](#) that is not expressly authorized in those sections. Nothing in this chapter shall be construed to authorize an association or common interest community manager to charge an inspection fee for an unimproved or improved lot except as provided in § [55-509.6](#) or [55-509.7](#). The Common Interest Community Board may assess a monetary penalty for a violation of this section against any (a) association pursuant to § [54.1-2351](#) or (b) common interest community manager pursuant to § [54.1-2349](#), and may issue a cease and desist order against the violator pursuant to § [54.1-2349](#) or [54.1-2352](#).

**2013 Va. AG 267 [Virginia Attorney General's Opinion]**

**Summary:** Because the Virginia Property Owners Act does not expressly provide or otherwise allow for a developer to maintain control of a homeowners' association for a specific period of time or until a specific number of lots or units are sold, there is no Virginia Code provision to evaluate for facial violations of individual homeowners' constitutional rights to the equal protection of law or to due process of law.

The Honorable Bryce E. Reeves  
Member, Senate of Virginia

January 11, 2013

**ISSUE PRESENTED**

You inquire whether provisions of the Virginia Property Owners Act that provide or otherwise allow for a developer to maintain control of a homeowners' association for a specific period of time, or until a specific number of lots or units are sold to private persons, facially violate the individual homeowners' constitutional rights to the equal protection of law or to due process of law. You further ask whether an impermissible conflict of interests arises when a lawyer simultaneously serves as the attorney for both the developer and the homeowners' association during the period of developer control.

**RESPONSE**

It is my opinion that because the Virginia Property Owners Act does not expressly provide or otherwise allow for a developer to maintain control of a homeowners' association for a specific

period of time or until a specific number of lots or units are sold, there is no Virginia Code provision to evaluate for constitutionality. It is further my opinion that whether an impermissible conflict of interests exists when a lawyer is employed by the developer to serve simultaneously as the attorney for the developer and the association is not a matter of law upon which this Office can opine, but rather an ethical issue properly addressed by the Virginia State Bar.

## **BACKGROUND**

You express concern regarding the legal rights, in relation to one another, of developers, homeowners' associations, and individual homeowners upon transfer of common areas from the developer to the homeowners' association. You describe a scenario in which roads and dams have been neglected during the period of developer control. During this time, per the declaration, the attorney for the developer also serves as the lawyer for the subdivision's homeowners' association.

## **APPLICABLE LAW AND DISCUSSION**

The Virginia Property Owners' Association Act<sup>1</sup> (the "Act") governs many aspects of subdivision development control and governance. It includes provisions relating to the transfer of control from the developer,<sup>2</sup> disclosure requirements,<sup>3</sup> and the conduct of meetings of associations' boards of directors.<sup>4</sup> It also provides that "[e]very lot owner . . . shall comply with all lawful provisions of [the Act] and all provisions of the declaration."<sup>5</sup>

Notably, the Act includes but few provisions relating to the contents of the declaration or other documents governing the rights and duties of the parties subject to their terms.<sup>6</sup> Most important to your inquiry, the Act does not expressly provide or otherwise allow for a developer to maintain control of a homeowners' association for a specific period of time or until a specific number of lots or units are sold to private persons (the "declarant control period").<sup>7</sup> There is, therefore, no specific provision to evaluate for constitutionality pursuant to your request. Notwithstanding the absence of such specific provision, it is my opinion that the retention of control of a homeowners' association by the developer for a declarant control period can be done lawfully pursuant to the terms of the declaration.

The relationship between a homeowners' association and the homeowners is contractual in nature.<sup>8</sup> In general, the contracting parties are allowed broad latitude in the terms of their agreement.<sup>9</sup> "As with other contracts, effect must be given to the intention of the parties."<sup>10</sup> Accordingly, a provision establishing a declarant control period is likely valid<sup>11</sup> if it does not

violate applicable provisions of law.<sup>12</sup> The question of whether any particular such provision is valid is a fact-specific determination beyond the scope of this Opinion.<sup>13</sup>

. Any recourse a homeowner may have against a developer regarding defective community property, in essence, is a private cause of action.<sup>14</sup> If the developer's actions, by and through control of the association, contravene the declaration or the Act, such owner may bring a lawsuit for appropriate redress.<sup>15</sup> Section [55-515\(A\)](#) of the Act provides that any lack of compliance with the Act or the declaration **[Page 269]**

[S]hall be grounds for an action or suit to recover sums due, for (damages or injunctive relief, or for any other remedy available at law or in equity, maintainable by the association, or by its board of directors or any managing agent on behalf of such association, or in any proper case, by one or more aggrieved lot owners on their own behalf or as a class action.<sup>16]</sup>

The above-quoted language of § [55-515\(A\)](#) would appear to anticipate a wide array of legal claims. Indeed, courts interpreting identical language<sup>17</sup> under the Condominium Act<sup>18</sup> have applied it broadly.

The Condominium Act language “contemplates that a violation of a right held in common by all unit owners shall be maintained by a unit owners' association, unless the association fails or refuses to assert the common right.”<sup>19</sup> Individual unit owners have standing to bring a claim on their own behalf if the association fails to assert a common claim.<sup>20</sup> Nonetheless, individual owners may maintain only “claims arising from lack of compliance with the [Condominium] Act or relevant condominium instruments. [S]tanding to institute claims or actions concerning common elements . . . is restricted to condominium unit owners' associations.”<sup>21</sup> Applying these holdings to the identical language in § [55-515\(A\)](#) of the Act, it appears individual owners in a homeowners' association may pursue claims arising from lack of compliance with the Act or the declaration.<sup>22</sup>

Additionally, the Act requires every association to conduct a capital reserve study at least once every five years and to budget adequate cash reserves for the repair or replacement of capital components.<sup>23</sup> The provisions of the Act establishing these requirements do not distinguish between the declarant control period and other time periods.<sup>24</sup> During the declarant control period, therefore the association must meet the Act's capital study and reserve requirements. Failure of an association to satisfy these requirements may give individual homeowners the right to pursue an action under § [55-515\(A\)](#).

Another course of redress potentially available to individual homeowners is a derivative suit to enforce any cause of action the association, as a corporate entity, may have against the developer. “A derivative claim enforces a corporate cause of action where the corporation has not sued to protect its own right.”<sup>25</sup> A party may “sue in a derivative capacity only upon a showing either that the managing agents are themselves the authors of the wrong, or that their refusal to bring suit in the name of the corporation is an act of bad-faith, or an abuse of the discretionary power vested in them.”<sup>26</sup> Thus, if the association is incorporated and homeowners can make these showings, they may have standing to assert a derivative claim against the developer on behalf of the association.

In regard to your second question, Virginia's conflict of interests law, the State and Local Government Conflict of Interests Act,<sup>27</sup> provides minimum rules of ethical conduct for state and local government officers and employees. In general, the law relates to certain personal interests of such officers and details certain types of conduct that are improper.<sup>28</sup> This law applies only to state and local government officers and employees;<sup>29</sup> it does not govern private business actors.

[Page 270]

Thus, there is no law for this Office to construe related to any potential conflict of interests a lawyer may have when serving as counsel to both to a developer and a homeowners' association. Rather, such questions concern ethical rules promulgated by the Virginia State Bar. I am therefore not in a position to render an opinion in response to your second inquiry.<sup>30</sup>

## CONCLUSION

Accordingly, it is my opinion that because the Virginia Property Owners Act does not expressly provide or otherwise allow for a developer to maintain control of a homeowners' association for a specific period of time or until a specific number of lots or units are sold, there is no Virginia Code provision to evaluate for constitutionality. It is further my opinion that whether an impermissible conflict of interests exists when a lawyer is employed by the developer to serve simultaneously as the attorney for the developer and the association is not a matter of law upon which this Office can opine, but rather an ethical issue better addressed by the Virginia State Bar.

## FOOTNOTES

<sup>1</sup> VA. CODE ANN. §§ [55-508](#) through [55-516.2](#) (2012).

<sup>2</sup> See, e.g., §§ [55-509.1](#) (payment of taxes); [55-509.2](#) (provision of documents).

<sup>3</sup> See §§ [55-509.4](#) through [55-509.10](#).

<sup>4</sup> See § [55-510.1](#).

<sup>5</sup> Section [55-515](#).

<sup>6</sup> See, e.g., §§ [55-509](#), [55-509.2](#), [55-512\(A\)](#), [55-513](#), [55-515.2\(F\)](#), and [55-516.1](#).

<sup>7</sup> See §§ [55-508](#) through [55-516.2](#). It is worth noting that while the Act does not expressly authorize declarant control, it recognizes such control by references to such arrangements. See, e.g., §§ [55-509.1:1](#) (limits on certain contracts and leases formed during declarant control period); [55-509.2](#) (provision of documents to association upon termination of declarant control period); [55-510\(B\)\(2\)](#) (association's employee salary information not available for examination during declarant control period). Compare the Act with § [55-79.74](#) of the Condominium Act, which expressly authorizes declarant control of a condominium owners' association. It is noteworthy, however, that unlike homeowners' associations governed by the Act, condominiums are entirely creations of statute. See *Unit Owners Assoc. v. Gillman*, [223 Va. 752, 762](#), 292 S.E.2d 378, 383 (1982); 1989 Op. Va. Att'y Gen. 288, 292 [1989 Va. AG 288, 292](#).

<sup>8</sup> 2011 Op. Va. Att'y Gen. 163, 163, [2011 Va. AG 163, 163](#) (citing *Sully Station II Cmty. Ass'n v. Dye*, [259 Va. 282, 284](#), 525 S.E.2d 555, 556 (2000); *Farran v. Olde Belhaven Towne Owners Ass'n*, [19 Cir. CL200911786](#), 80 Va. Cir. 508, 511 (Fairfax Cnty. Cir. Ct. 2010)).

<sup>9</sup> See 2011 Op. Va. Att'y Gen. 163, 163, [2011 Va. AG 163, 163](#).

<sup>10</sup> See *Sully Station II Cmty. Ass'n Inc.*, 259 Va. at 284, 525 S.E.2d at 556 (2000); *Lake Holiday Country Club, Inc. v. Teets*, [26 Cir. L0044](#), 56 Va. Cir. 113, 117 (Frederick Cnty. Cir. Ct. 2001).

<sup>11</sup> 2002 Op. Va. Att'y Gen. 266, 269, [2002 Va. AG 266, 269](#) (noting that a developer owning a majority of the lots may retain control of association).

<sup>12</sup> For example, the Act sets certain limits on actions the developer may cause the association to take during the declarant control period. See § [55-509.1:1](#). The Act also specifies certain actions the developer must take at the end of such period. See § [55-509.2](#).

<sup>13</sup> See 2012 Op. Va. Att'y Gen. No. 11-053 [[2012 Va. AG 117](#)]. See also, e.g., 1991 Op. Va. Att'y Gen. 122, 124, [1991 Va. AG 122, 124](#), and opinions cited therein for matters requiring factual determinations.

<sup>14</sup> 2006 Op. Va. Att'y Gen. 191, 192, [2006 Va. AG 191, 192](#).

<sup>15</sup> *Farran v. Olde Belhaven Towne Owners Ass'n*, [19 Cir. CL20112339](#), 83 Va. Cir. 286, 294 (2011). **[Page 271]**

<sup>16</sup> Section [55-515\(A\)](#) (emphasis added).

<sup>17</sup> *See, e.g., Farran*, 83 Va. Cir. at 294.

<sup>18</sup> Sections [55-79.39](#) through [55-79.103](#) (2012).

<sup>19</sup> *Frantz v. CBI Fairmac Corp.*, [229 Va. 444, 451](#), 331 S.E.2d 390, 395 (1985).

<sup>20</sup> *Asterita v. Ghent Dev. Partners*, [4 Cir. CL076408](#), 2009 Va. Cir. LEXIS 23, 40-41 (Norfolk Cir. Ct. 2009).

<sup>21</sup> *Kuznicki v. Mason*, [273 Va. 166, 176](#), 639 S.E.2d 308, 312 (2007); *313 Freemason v. Freemason Assocs., Inc.*, [4 Cir. CL001339](#), 59 Va. Cir. 407, 417 (Norfolk Cir. Ct. 2002). *But see Millisor v. Anchor Point Ventures, L.L.C.*, [6 Cir. CL08114](#), 77 Va. Cir. 246, 252 (Hopewell Cir. Ct. 2008) (wherein the court concluded that the plaintiff had standing to assert a claim respecting common elements because the Condominium Act authorized such actions during the declarant control period).

<sup>22</sup> *See Farran* 83 Va. Cir. at 294. I note declarations often place an obligation on the association to properly maintain common property. Failure to comply with such provisions of a declaration may permit individual homeowners to pursue an action under § [55-515\(A\)](#) to compel compliance.

<sup>23</sup> Section [55-514.1](#).

<sup>24</sup> *See id.*

<sup>25</sup> *Efessiou v. Efessiou*, [19 Cir. C143425](#), 41 Va. Cir. 142, 149 (Fairfax Cnty. Cir. Ct. 1996). *See also Richelieu v. Kirby*, [19 Cir. C157001](#), 48 Va. Cir. 260, 261 (Fairfax Cir. Ct. 1999) (derivative actions may be brought on behalf of both stock and non-stock corporations).

<sup>26</sup> *Abella v. Universal Leaf Tobacco Co.*, 495 F. Supp. 713, 717 (E.D. Va. 1980) (citations omitted).

<sup>27</sup> VA. CODE ANN. §§ [2.2-3100](#) through [2.2-3131](#) (2011),

<sup>28</sup> See § [2.2-3103](#).

<sup>29</sup> “[F]or the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.” Section [2.2-3100](#).

<sup>30</sup> Section [2.2-505](#) articulates the authority of an Attorney General to render official legal opinions. Generally, it is recognized that such opinions must be confined to matters of law: thus the Attorney General historically has limited responses to requests for opinions to matters that require an interpretation of federal or state law or regulation. See 2002 Op. Va. Att’y Gen. 266, 267-68, [2002 Va. AG 266, 267-68](#) (citing 2 A.E. DICK HOWARD, COMMENTARIES ON THE CONSTITUTION OF VIRGINIA 668 (1974)). Moreover, this Office declines to render an official opinion when the matter is better addressed by another agency. See, e.g., 2000 Op. Va. Att’y Gen. 106, 107

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## Town of Front Royal, Virginia Work Session Agenda Form

Date: May 2, 2016

**Agenda Item:** Master Police Officer changes

**Summary:**

The Police Department is requesting Council's approval for upgrades and improvements to the MPO program.

**Council Discussion:**

**Staff Evaluation:**

These changes were recommended by a panel of Master Police Officers within our department and approved by the Police Administration. We believe the changes will enhance the officer's knowledge as they advance in their career paths.

**Budget/Funding:**

No additional funding.

**Legal Evaluation:**

**Staff Recommendations:** Request Council's approval.

**Town Manager Recommendation:**

**Council Recommendation:**

Additional Work Session     Regular Meeting     No Action  
Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session



## TOWN OF FRONT ROYAL

POLICE DEPARTMENT  
23 EAST JACKSON STREET  
FRONT ROYAL, VIRGINIA 22630-1560

NORMAN SHIFLETT  
Chief of Police  
(540) 635-2111  
(540) 635-6160 (Fax)

March 24, 2016

Dear Mr. Mayor and Members of Council;

The Master Police Officer Program (MPO) was developed to enhance our experienced officers' job skills and community involvements. Our goal was to create a career development program that retains experienced police officers which also creates longevity within the police department.

The long term investment comes back ten-fold with the best trained career officers that we retain. This program provides our community with the best means of retaining the investments the police department has put into training and career development.

In the enclosed packet I am requesting Council's approval in upgrading requirements to the MPO program to enhance the job skills, capabilities and knowledge so our experienced officers will be more productive in their responsibilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman A. Shiflett".

Chief Norman A. Shiflett



# TOWN OF FRONT ROYAL

POLICE DEPARTMENT  
23 E. JACKSON STREET  
FRONT ROYAL, VIRGINIA 22630-1560

*Norman A. Shiflett*

Chief of Police  
(540) 635-2111  
(540) 635-6160 (Fax)

Master Police Officer Program Improvements (see attachment for current versus proposed changes)

Problems with current program:

- General Instructor Requirement: DCJS changed required instructional times on certified DCJS Instructors creating serious administrative and time constraints which cannot be circumvented at the local level (statewide standards).
- Problems in that not every officer makes a good instructor. This, coupled with the newly enforced DCJS standards create further problems within our career ladder concept.
- Competency standards are evaluated through the quality and standards of an officers training, not simply through certification as an instructor.
- Field Training Officer certification falls into the same evaluation standards as General Instructor above. We have very good police officers that DO NOT make very good one-on-one trainers.
- With the new guidelines of DCJS, the "in-house instruction" standard for the current MPO program cannot be met in a timely or a financially sound manner. Basically, the time required for everyone to meet that standard cannot be efficiently maintained or met therefor creating a bias toward instructors whose area of expertise is required through DCJS (firearms, defensive tactics, driver training).
- Some current MPOs have huge collateral duties within the department where others may not. This again creates a bias in the workload of all MPOs in the agency.

Corrective Actions:

- Remove General Instructor and FTO requirements from MPO Program and place in the departments training program.
- Increase skills based training requirements to more appropriately affect the competency levels of each officer.
- Uniformly assign collateral duties to both MPOs and PO-3s to develop the officer's ability to function within the whole department while simultaneously increasing the effectiveness of the departments work-force.
- Incorporate multiple avenues for the officer to gain and maintain MPO status that enhances the officer's abilities as well as enhancing the department's ability to respond to and appropriately handle all types of calls-for-service.
- Increase the time-frame in which an officer can obtain MPO status. The department's objective is to create an avenue for the career minded police officer while generating a solid pool to select future supervisors.

## Current MPO Program Regulations vs.

## New MPO Program Regulations

### Police Officer I (PO-1, no experience)

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- New Hire

### Police Officer I (PO-1, no experience)

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No Change

### Police Officer II (PO-2)

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- 2 years of service
- Successfully complete LEO Basic Academy
- Successful completion of Field training Program
- No disciplinary actions above verbal in previous six months. Anything above a verbal requires 1 year separation from time of action.

### Police Officer II (PO-2)

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No Change

### Police Officer III (PO-3)

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- 5 years active Virginia Law Enforcement
- General Instructor Certification
- 1 Specialized job specific course
- 3 Community Involvements
- 16 hours general in-service
- Good evaluations (previous 2) and in good standing
- 

### Police Officer III (PO-3)

---

5 years active Virginia Law Enforcement with 1 year service at PO-2 level.

General Instructor Certification or  
1 Advanced skills course (40 hr. minimum)

2 basic skills courses (16 hr. minimum each)

2 Community Involvements or Active DCJS  
Instructor

~~Already mandated by DCJS Certification~~

~~Same~~

Once becoming a PO-3, must assist an MPO with a collateral duty as approved by Administration.

## Current MPO Program Regulations vs.

## New MPO Program Regulations

### Master Police Officer (MPO)

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- 8 years active Virginia LEO service
- Field Training Officer Certification
- 1 job specific course
- 1 specialized leadership course
- 3 community involvements
- 16 hrs. general in-service
- 1 in-house training

### Master Police Officer (MPO)

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- 10 years active Virginia LEO service with 5 years continuous service at the FRPD
- 3 advanced courses (40 hr. minimum each)
- 5 "basic skills" courses (24 hr. min. each)
- 1 Supervisory/Leadership course (24 hr. min.)
- 3 Community Involvements or 1 Community Involvement and Active DCJS Instructor
- Strike as already mandated by DCJS Certification
- Strike as this will become part of the dept. training program. Should not be included to MPO program.

## Current MPO Program Regulations vs.

## New MPO Program Regulations

### MPO Maintenance (Current)

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- Maintain General Instructor and FTO certs
- 16 Hours general in-service
- 3 Community Involvements
- Organize 1 in-house training every 2 years

reviews of maintenance to remain same  
(every 2 years with evaluation)

### MPO Maintenance (Proposed)

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Must complete one of following:

- Serve as assistant squad leader,  
or
- Complete 2 Community Involvements AND manage a collateral duty as approved by Administration,  
or
- Maintain as an active DCJS Instructor AND manage a collateral duty as approved by Administration  
or
- Attend (and pass) 3 credit hours of college credit per semester (job related degree)

Plus:

- Attend 1 basic skills course (24 hr min.)
- Attend 1 leadership based course (24 hr min.)

### Implementation:

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- All requirements for each level would be implemented immediately except time of service.
- Any officer hired prior to January 1, 2016 would fall in the 8 year length of LE service for MPO time requirement (at least 2 years of service at the Front Royal Police Department).
- Officers hired after January 1, 2016 would require a 10 year length of service with 5 years at the Front Royal Police Department to meet the MPO time requirement.
- The proposed MPO maintenance requirement would begin immediately.
- Administration may approve courses and/or collateral duties that may come up as we move forward

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## Town of Front Royal, Virginia Work Session Agenda Form

Date: May 2, 2016

**Agenda Item:** Mailing of Personal Property and Real Estate Tax Bills

**Summary:** Clarify Mailing of Personal Property and Real Estate Tax Bills

**Council Discussion:** Revising Town Code 75-44 to clarify that section pertains to standard tax bills

**Staff Evaluation:** Town of Front Royal Municipal Code section 75-44 is currently titled “Delinquent Tax Lists – Mailing of Bills; Due Dates, Penalty And Interest; Imposition of the Taxes and Rates”. Section 75-44 pertains more to standard tax bills more than to delinquent tax bills. Delinquent tax bills are addressed in other sections of Municipal Code. Staff feels that removing the word “Delinquent” from the title of section 75-44 will make the title better relate to the section.

As currently written, section 75-44A could be viewed as standard tax bills being mailed in January of each year, rather than delinquent tax bills being mailed in January of each year. Staff also recommends removing “in January” and inserting “after the annual tax assessments are made available to the Town, but not later than twenty days prior to the due date of the taxes”.

Tax bills will continue to be mailed reasonably earlier, but 20 days prior would be the minimum time allowed. The Commonwealth of Virginia requires that tax bills be mailed no later than 14 days prior to the due date of taxes. Warren County, other localities, and Town of Front Royal Utility Bills require that bills be mailed a minimum of 20 days prior to the due date.

**Budget/Funding:** N/A

**Legal Evaluation:**

**Staff Recommendations:** Revise Town Code 75-44 as presented to help better clarify the section and to help make the Town of Front Royal Municipal Code more uniform for the mailing of bills.

**Planning Commission Recommendation:** N/A

**Town Manager Recommendation:**

**Council Recommendation:**

- Additional Worksession     Regular Meeting     No Action

WORKSESSION



**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL MUNICIPAL TOWN  
CODE SECTION 75-44.A. PERTAINING TO MAILING OF TAX BILLS**

**WHEREAS**, the Front Royal Municipal Town Code Section 75-44 is currently titled “*Delinquent Tax Lists – Mailing of Bills; Due Dates, Penalty and Interest; Imposition of the Taxes and Rates*”; and,

**WHEREAS**, Section 75-44 pertains more to standard tax bills and delinquent tax bills are addressed in other areas of the Town Code; and,

**WHEREAS**, Section 75-44, as currently written, views standard tax bills are being mailed in January of each year rather than delinquent tax bills; and,

**NOW THEREFORE, BE IT ENACTED** by the Town Council of the Town of Front Royal, Virginia that 75-44.A. of the Town of Front Royal Municipal Code is hereby amended and re-enacted as follows:

**75-44 ~~DELINQUENT TAX LISTS~~ - MAILING OF BILLS; DUE DATES, PENALTY  
AND INTEREST; IMPOSITION OF THE TAXES AND RATES**

A. The Town Treasurer, personally or through the Director of Finance, shall, ~~in January~~ **after the annual tax assessment s are made available to the Town, but not later than twenty (20) days prior to the due date of the taxes** each year, send or cause to be sent by United States mail to each taxpayer assessed with real and personal property taxes and levies for that year amounting to five dollars (\$5.00) or more as shown by an assessment book in the Office of the Director of Finance, a bill or bills setting forth the amount due. If the said Director or Treasurer intends to seek collection of a tax in an amount less than five dollars (\$5.00), he shall send or cause to be sent to the taxpayer a bill as set forth above. Notwithstanding any of the foregoing, failure of the said Director or Treasurer to send or of the taxpayer to receive a bill shall not affect the taxpayer’s obligation to pay the full amount of said taxes by the due date.

This ordinance is effective upon passage.

APPROVED:

\_\_\_\_\_  
Timothy W. Darr, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted \_\_\_\_\_ 2016, upon the following recorded vote:

Bébhinn C. Egger	Yes/No	Bret W. Hrbek	Yes/No
John P. Connolly	Yes/No	Hollis L. Tharpe	Yes/No
Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No

---

A public hearing on the above was held on \_\_\_\_\_, 2016, having been advertised in the Northern Virginia Daily on \_\_\_\_\_, 2016, and \_\_\_\_\_, 2016. The Ordinance was enacted at the Regular Meeting of the Town Council held \_\_\_\_\_ 2016, to become effective immediately.

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Approved as to form and legality:

\_\_\_\_\_  
Douglas W. Napier, Town Attorney

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Town of Front Royal, Virginia Work Session Agenda Form

Date: May 2, 2016

**Agenda Item:** Amendments to Sections 160-10 and 160-11 of the Code of the Town of Front Royal, Virginia.

**Summary:** It is proposed that Town Council approve by ordinance amendments of Sections 160-10 and 160-11 of the Code of the Town of Front Royal, Virginia to eliminate any inconsistencies between the current text of those Code sections and the enabling statute Section 46.2-752, Code of Virginia, 1950, as amended, regarding enforcement of local vehicle licensing.

**Council Discussion:** Town Council is asked to consider adopting the Code amendments.

**Staff Evaluation:** The proposed amendments will eliminate any inconsistencies between the current text of those Code sections and the enabling statute Section 46.2-752, Code of Virginia, 1950, amended, regarding enforcement of local vehicle licensing.

**Budget/Funding:** None.

**Legal Evaluation:** The Town Attorney will be available for legal questions.

**Staff Recommendations:** Staff recommends that Town Council adopt the Code amendments.

**Town Manager Recommendation:** The Town Manager recommends that Town Council adopt the Code amendments.

**Council Recommendation:**

Additional Work Session     Regular Meeting     No Action  
Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL TOWN CODE  
SECTIONS 160-10 AND 160-11 PERTAINING TO VIOLATIONS OF  
LOCAL VEHICLE LICENSING REQUIREMENTS**

**WHEREAS**, Town Staff has become aware that Front Royal Town Code Sections 160-10 (Prohibitions) and 160-11 (Violations and Penalties) contained some inconsistencies when compared to enabling law Section 46.2-752, Code of Virginia, 1950, as amended, regarding local vehicle licensing requirements.

**NOW THEREFORE, BE IT ENACTED**, pursuant to the authority provided by Section 46.2-752, Code of Virginia, 1950, as amended, by the Town Council of the Town of Front Royal, Virginia, that Sections 160-10 and 160-11 of the Front Royal Town Code are hereby amended and re-enacted as follows:

**160-10 PROHIBITIONS**

~~No person shall:~~

~~Operate or permit a motor vehicle, trailer or semitrailer controlled by him to be operated within the Town, which does not have attached thereto and displayed thereon the license plate or sticker assigned thereto for the current license year.~~

~~B. Display, cause or permit to be displayed or to have in possession any license plate or sticker, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.~~

~~C. Lend or knowingly permit the use by one not entitled thereto of any license plate or sticker.~~

~~D. Park upon streets, alleys or grounds of the Town of Front Royal or in any other place open to the public a motor vehicle, trailer or semitrailer which does not have attached thereto and displayed thereon the license plate or sticker assigned thereto for the current license year.~~

It shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer, located and registered in Town, to:

A. Fail to obtain, or fail to display thereon after having been assigned thereto, a Town license plate or sticker for the current license year; or,

B. Display or allow to be displayed thereon a Town license plate or sticker after its expiration date, or while knowing the same to be fictitious, canceled, revoked, suspended or altered; or,

C. Park upon streets, alleys or grounds of the Town of Front Royal or in any other place open to the public such motor vehicle, trailer or semitrailer which does not have attached thereto and displayed thereon the Town license plate or sticker assigned thereto for the current license year.

**160-11 VIOLATIONS AND PENALTIES**

~~Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed twenty dollars (\$20.).~~

Any person who violates any of the provisions of this chapter shall be guilty of a Class 4 misdemeanor. A violation of this chapter by the registered owner of the motor vehicle, trailer, or semitrailer may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required Town license plate or sticker has been obtained. The police officers of the Town are authorized to enforce the prohibitions of this chapter by issuing citations, summonses, parking tickets (Notice of Violation) or uniform traffic summonses.

This ordinance is effective July 1, 2016.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted \_\_\_\_\_ 2016, upon the following recorded vote:

Bébhinn C. Egger	Yes/No	Bret W. Hrbek	Yes/No
John P. Connolly	Yes/No	Hollis L. Tharpe	Yes/No
Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No

A public hearing on the above was held on \_\_\_\_\_, 2016, having been advertised in the Northern Virginia Daily on \_\_\_\_\_, 2016, and \_\_\_\_\_, 2016. The Ordinance was enacted at the Regular Meeting of the Town Council held \_\_\_\_\_ 2016, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

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**W W**

## Town of Front Royal, Virginia Work Session Agenda Form

Date: May 2, 2016

**Agenda Item:** ORDINANCE AMENDMENT TO SECTION 158-6 OF FRONT ROYAL TOWN CODE PERTAINING TO ADOPTION BY REFERENCE OF STATE MOTOR VEHICLE LAWS.

**Summary:** Va. Code § 46.2-1313 states that “[o]rdinances enacted by local authorities pursuant to this chapter may incorporate appropriate provisions of... [the State Code pertaining to motor vehicle laws]. ...Nothing contained in this title shall require the re-adoption of ordinances heretofore validly adopted. Local authorities may adopt ordinances incorporating by reference the appropriate provisions of state law before the effective date of such state law; provided that such local ordinances do not become effective before the effective date of the state law. The provisions of this section are declaratory of existing law.”

This has several benefits to localities: it allows localities to write traffic tickets on local summons, and retain the fines generated therefrom, thus helping pay for local law enforcement, keeping localities safer; it helps localities not have to constantly amend its local code of ordinances pertaining to traffic laws to keep in conformity with minor tweaks in the State Code pertaining to traffic laws; and it helps keep local codes of ordinances shorter.

**Council Discussion:** Council is requested to re-adopt Town Code Section 158-6, which incorporates the State Code traffic laws by reference.

**Staff Evaluation:** An Opinion of the Attorney General, 81-82 Va. AG, 272 held “local governing bodies may adopt statutes by reference and may also adopt statutory amendments by reference, provided the amendments to them are adopted subsequent to the statutory amendments.” This means that annually, the Town must re-adopt Section 158-6 of the Town Code, which legally allows the Town to incorporate all the changes to the State Code traffic laws that have been made during the year.

**Budget/Funding:** A very positive budgetary impact to the Town by re-adopting this Ordinance.

**Legal Evaluation:** The Town Attorney will be available to answer additional questions.

**Staff Recommendations:** Staff recommends re-adoption of Town Code Section 158-6.

**Town Manager Recommendation:** The Town Manager concurs with staff recommendation.

**Council Recommendation:**

- Additional Work Session   
  Regular Meeting   
  No Action

WORKSESSION



**AN ORDINANCE TO AMEND SECTION  
158-6 OF THE FRONT ROYAL TOWN CODE  
PERTAINING TO ADOPTION BY REFERENCE  
OF THE STATE MOTOR VEHICULAR LAWS**

**BE IT ENACTED** by the Town Council of the Town of Front Royal, Virginia, that Section 158-6 of the Front Royal Town Code is hereby amended and enacted as follows:

Pursuant to the authority of Section 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the State as of July 1, 2016, contained in Title 46.2, Code of Virginia, 1950, as amended, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, 1950, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the Town, are adopted and incorporated by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made part of this chapter as fully as those set forth at length herein; and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia.

For purposes of § 4-4 (E) of the Town Code, this Ordinance is deemed routine, and is effective on **July 1, 2016.**

APPROVED:

\_\_\_\_\_  
Timothy W. Darr, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted \_\_\_\_\_ 2016, upon the following recorded vote:

Bébhinn C. Egger	Yes/No	Bret W. Hrbek	Yes/No
John P. Connolly	Yes/No	Hollis L. Tharpe	Yes/No
Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No

A public hearing on the above was held on \_\_\_\_\_, 2016, having been advertised in the Northern Virginia Daily on \_\_\_\_\_, 2016, and \_\_\_\_\_, 2016. The Ordinance was enacted at the Regular Meeting of the Town Council held \_\_\_\_\_ 2016, to become effective immediately.

Approved as to form and legality:

\_\_\_\_\_  
Douglas W. Napier, Town Attorney  
Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

!

**X**

Town of Front Royal, Virginia  
Work Session Agenda Form

Date: May 2, 2016

**Agenda Item:** Collection Charges for Solid Waste

**Summary:** The proposed budget presented for Solid Waste Management in the FY2016-2017 Budget was \$1,096,135. During Work Session discussion, \$37,000 for a rate study was recommended to be removed from the budget reducing the proposed budget to \$1,059,135. Staff has evaluated the proposed rates for this budget and propose the following rates:

- 32 Gallon Residential - \$12.00 per month (FY15-16 = \$12.00)
- 96 Gallon Residential - \$14.10 per month (FY15-16 = \$13.75)
- Entry on Private Property - \$5.00 per month (FY15-16 = \$5.00)
- 96 Gallon Commercial - \$26.00 per month (FY15-16 = \$23.00)
- Dumpster 1x per week - \$215.00 per month (FY15-16 = \$227.00)
- Dumpster 2x per week - \$300.00 per month (FY15-16 = \$277.00)
- Commercial Dumpster Tipping Fee - \$58.00 per dumpster (FY15-16 = n/a)

**Council Discussion:** Council is requested to consider the proposed rates as presented and identified in Chapter 85-3 of the Town Code.

**Staff Evaluation:** The proposed Code Amendment of Chapter 85-3 is presented to reflect the proposed rate adjustments. Staff are currently evaluating operation of the Division to identify operational changes to improve efficiency in collections that will be presented to Council in the future.

**Budget/Funding:** The Acting Director of Finance will be available to address fiscal issues.

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

**Staff Recommendations:** Staff recommends Town Council consider the proposed rate adjustments for Solid Waste Management operations for FY2016-2017.

**Town Manager Recommendation:** The Town Manager recommends Town Council consider the proposed rate adjustments for Solid Waste Management operations for FY2016-2017.

**Council Recommendation:**

- Additional Work Session
  - Regular Meeting
  - No Action
- Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)



**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL TOWN CODE  
SECTION 85-3.A. PERTAINING TO REFUSE COLLECTION CHARGES OF  
GARBAGE, RUBBISH, REFUSE AND SOLID WASTE**

**WHEREAS**, the Town Charter and the Code of Virginia at Section 15.2-928, expressly authorizes the Town of Front Royal to regulate the collection of garbage and refuse, and to charge for the collection of these materials; and,

**WHEREAS**, the Town has reduced expenses to operate the Solid Waste Management Enterprise to the minimum necessary to continue servicing the Town's customers; and,

**NOW, THEREFORE, BE IT ENACTED** by the Town Council of the Town of Front Royal, Virginia that Section 85-3.A. of the Front Royal Town Code is hereby amended and re-enacted as follows:

**85-3 COLLECTION CHARGES**

A. The owner or occupant of each residential unit, office, retail and wholesale business, church, public building, and any other building or unit, provided such structure is connected to the Town's water and sewer system, whether using or not, shall pay a charge to the Town for its collection of solid waste. The owners or occupants of such structures which are not so connected to the water and sewer system may request and pay for refuse collection services from the Town. The collection charge shall be ~~two hundred seventy seven and 00/100 dollars (\$277.00)~~ **three hundred and 00/100 dollars (\$300.00)** per month for every customer who requires twice weekly pickup service on an ~~eight (8) cubic yard~~ **larger than six (6) cubic yards**; and ~~two hundred twenty seven and 00/100 dollars (\$227.00)~~ **two hundred fifteen and 00/100 dollars (\$215.00)** per month for every customer who requires once weekly pickup service on ~~an eight (8) cubic yard~~ **a container larger than six (6) cubic yards**; **an additional monthly charge of fifty-eight and 00/100 dollars (\$58.00) for tipping fees per pickup of a commercial dumpster**; **twenty-six and 00/100 dollars (\$26.00) per month for each ninety-six (96) gallon container per commercial customer each week**; ~~thirteen and 75/100 dollars (\$13.75)~~ **fourteen and 10/100 dollars (\$14.10)** per month for each ninety-six (96) gallon container per customer each week; and ~~twelve and 00/100~~ **(\$12.00)** dollars per month for each thirty-two (32) gallon container per customer each week.

**This ordinance is effective July 1, 2016.**

APPROVED:

\_\_\_\_\_  
Timothy W. Darr, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted \_\_\_\_\_ 2016, upon the following recorded vote:

Bébhinn C. Egger	Yes/No	Bret W. Hrbek	Yes/No
John P. Connolly	Yes/No	Hollis L. Tharpe	Yes/No
Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No

A public hearing on the above was held on \_\_\_\_\_, 2016, having been advertised in the Northern Virginia Daily on \_\_\_\_\_, 2016, and \_\_\_\_\_, 2016. The Ordinance was enacted at the Regular Meeting of the Town Council held \_\_\_\_\_ 2016, to become effective immediately.

Approved as to form and legality:

\_\_\_\_\_  
Douglas W. Napier, Town Attorney

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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# Town of Front Royal, Virginia Work Session Agenda Form

Date: May 2, 2016

Work Session

**Agenda Item:** Deed of Easement for Town sanitary sewer line located at 8498-8506 Winchester Road ("Cedarville Corner").

**Summary:** Upon determination that an existing, recorded sanitary sewer easement conveyed by the owners of Cedarville Corner did not convey an interest to the Town, is proposed that the Town acquire a 20' easement from the owners of Cedarville Corner, conveying to the Town the right to own, inspect, operate, repair and maintain a sanitary sewer lines serving the improvements located at Cedarville Corner.

**Council Discussion:** Town Council is asked to accept the sanitary sewer line easement from the owners of Cedarville Corner.

**Staff Evaluation:** The proposed easement will provide the Town with a deeded easement to the Town's sanitary sewer line located at Cedarville Corner.

**Budget/Funding:** None.

**Legal Evaluation:** The Town Attorney will be available for legal questions.

**Staff Recommendations:** Staff recommends that Town Council adopt the Code amendments.

**Town Manager Recommendation:** The Town Manager recommends that Town Council accept the sanitary sewer easement from the owners of Cedarville Corner.

**Council Recommendation:**  
 Additional Work Session     Regular Meeting     No Action  
Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

# DRAFT

This Deed of Easement is made and entered this 29<sup>th</sup> day of February, 2016, by and between David E. Moreman and Evelyn C. Moreman, husband and wife, and Raymond C. Grimm and Leilani P. Grimm, husband and wife, herein referred to as **GRANTOR** and the Town of Front Royal, Virginia, a Municipal Corporation, herein referred to as **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, its successors and assigns, the following rights in real property situated in the North River Magisterial District, Warren County, Virginia, to wit:

The privilege and easement in perpetuity to construct, lay, maintain, repair, inspect, improve and operate within the easement a sanitary sewer line, (herein "sewer" facilities), to serve Lot 1 and Lot 6 as shown on that certain plat of survey prepared by Patton, Harris, Rust & Associates, PC entitled "Plat Showing Lot Consolidation, Various Easements, and Right of Way Dedication, Cedarville Properties of David E. Moreman, Evelyn C. Moreman, Raymond C. Grimm and Leilani Grimm", and recorded in the Clerk's Office of the Circuit Court of Warren County, Virginia at Slide 237 at pages G & H. The aforesaid easement is marked thereon "20' San. Easement", and erroneously states "Hereby Granted to Warren Co.". No easement has been granted heretofore to Warren County, nor does Warren County operate or maintain any sanitary sewer facilities. Lots 1 and 6 shall be referred herein as "the Property".

The purpose of the aforementioned easement is to provide for sanitary sewer facilities to supply sanitary sewer to the Property.

This easement is subject to all existing easements, rights-of-way, and restrictions and is further subject to the following conditions:

1. The Grantee shall assume all responsibility for repair, maintenance, reconstruction and replacement of the sanitary sewer facilities within the easement.

2. The sanitary sewer facilities constructed shall remain the property of the Grantee. The Grantee shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations, additions to or extensions of its sanitary sewer facilities within the boundaries of said easement as are consistent with the purpose expressed herein. All construction, maintenance, equipment and sanitary sewer facilities shall comply with all applicable law ordinances, codes and regulations.

3. Upon completion of any activity by Grantee upon the easement, Grantee shall restore the Property as nearly as possible to its original condition as is practicable, including backfilling, and compaction of trenches, repaving, reseeding or resodding of lands, replacement of equipment and facilities of Grantor, removal of trash and debris, and removal of Grantee's equipment, accessories or appurtenances not inconsistent with the construction, maintenance or operation of said sanitary sewer facilities or the exercise of any rights or privileges expressed herein, and will make a good faith effort to minimize any damage. Grantee shall maintain said easement and sanitary sewer facilities in such repair as not to endanger or otherwise limit the enjoyment or use of the Property, including ingress, egress or parking in, on and over driveways, roads, or parking lots.

4. 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 right-of-way or easement, that may in any manner, in Grantee's judgment, endanger or interfere with the proper and efficient operation of the sanitary sewer facilities 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 easement herein granted for the aforesaid purpose.

5. The granting of the easement herein described neither expressly nor impliedly constitutes any payment, nor the waiver of any obligation for the payment, by the Grantors or their successors or assigns, of 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.

6. Grantee will exercise reasonable care to protect the Property from damage or injury occasioned in the enjoyment of the easement and rights herein granted, and to promptly repair the Property or reimburse the Grantor for any property damaged beyond repair.

7. That if the 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 be the expense of Grantee be removed from the Property.

8. That Grantor shall have no right, title, interest, estate or claim whatsoever in or to any of the sanitary sewer facilities and accessories installed by virtue hereof.

9. This permanent easement shall run with the land of the Grantor, and shall be binding upon the heirs, executors, administrators, successors, and assigns of the Grantor and the Grantee.

WITNESS the following signatures and seals.

\_\_\_\_\_ (SEAL)  
David E. Moreman

\_\_\_\_\_ (SEAL)  
Evelyn C. Moreman

\_\_\_\_\_ (SEAL)  
Raymond C. Grimm

\_\_\_\_\_ (SEAL)  
Leilani P. Grimm

THIS SPACE INTENTIONALLY LEFT BLANK

STATE OF VIRGINIA

COUNTY OF WARREN, TO-WIT:

I, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do hereby certify that David E. Moreman and Evelyn C. Moreman, whose names are signed to the foregoing Deed of Easement, dated February 29, 2016, have this day personally appeared and acknowledged the same before me in my State and County aforesaid.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

Registration No.: \_\_\_\_\_

STATE OF VIRGINIA

COUNTY OF WARREN, TO-WIT:

I, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do hereby certify that Raymond C. Grimm and Leilani, P. Grimm, whose names are signed to the foregoing Deed of Easement, dated February 29, 2016, have this day personally appeared and acknowledged the same before me in my State and County aforesaid.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

Registration No.: \_\_\_\_\_

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: \_\_\_\_\_  
Timothy W. Darr, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer E. Berry  
Clerk of Council

STATE OF VIRGINIA

COUNTY OF WARREN, TO-WIT:

I, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do hereby certify that Timothy W. Darr, Mayor and Jennifer E. Berry, Clerk, whose names are signed on behalf of the Town of Front Royal, Virginia, to the foregoing Deed of Easement bearing the date of the 29<sup>th</sup> day of February, 2016, have each this day personally appeared and acknowledged the same before me in my State and County aforesaid.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

Registration No.: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Douglas W. Napier, Town Attorney

Date: \_\_\_\_\_

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## Town of Front Royal, Virginia Work Session Agenda Form

Date: April 25, 2016

**Agenda Item:** Request to Reschedule the Liaison Committee Meeting for May 19, 2016

**Summary:** Council is requested to consider a request from the County of Warren to reschedule the Liaison Committee Meeting scheduled for May 19, 2016 due to it conflicting with the Northern Shenandoah Valley Regional Commission's Annual Spring Dinner being held the same night.

**Council Discussion:** Council takes desired action

**Staff Evaluation:** None

**Budget/Funding:** None

**Legal Evaluation:** Town Attorney will be available for questions or concerns

**Staff Recommendations:** None

**Town Manager Recommendation:** Town Manager will be available.

**Council Recommendation:**

Additional Work Session     Regular Meeting     No Action

Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session



# COUNTY OF WARREN

County Administrator's Office  
Warren County Government Center  
220 North Commerce Avenue, Suite 100  
Front Royal, Virginia 22630

Phone: (540) 636-4600

FAX: (540) 636-6066

Email: [dstanley@warrencountyva.net](mailto:dstanley@warrencountyva.net)

*Douglas P. Stanley*  
County Administrator

April 6, 2016

**BOARD OF  
SUPERVISORS**

\*\*\*\*\*

**CHAIR**  
Linda P. Glavis  
South River  
District

**VICE-CHAIR**  
Archie A. Fox  
Fork  
District

Tony F. Carter  
Happy Creek  
District

Daniel J. Murray, Jr.  
North River  
District

Thomas H. Sayre  
Shenandoah  
District

Mr. Steve Burke, Town Manager  
Town of Front Royal  
P.O. Box 1560  
Front Royal, Virginia 22630

RE: *Liaison Committee Agenda Items*

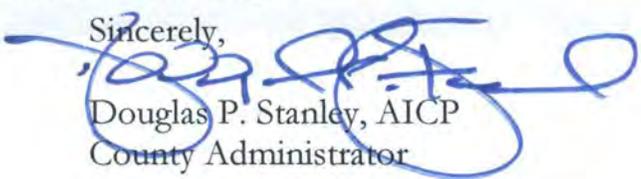
Dear Steve:

At its meeting on Tuesday, April 5, the Warren County Board of Supervisors requested that the following items be included for discussion at an upcoming Liaison Committee meeting:

- ▶ Current Town of Front Royal Transportation Priorities

In addition, our next scheduled Liaison Committee meeting is scheduled for Thursday, May 19 at 6:00 pm. Please note that the Northern Shenandoah Valley Regional Commission has its annual banquet scheduled that evening at 5:00. Please let me know if your representatives would like to reschedule the meeting to permit attendance at the Regional Commission banquet.

Sincerely,

  
Douglas P. Stanley, AICP  
County Administrator

DPS  
Attachment

cc: Warren County Board of Supervisors  
Jennifer Berry, Clerk of Council



*Front Royal-Warren County*  
*Rivers of Opportunity-Mountains of Success*

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