

**DRAFT MINUTES  
Regular Meeting  
Commission on Local Government  
10:30 a.m., July 9, 2013  
Falls Church City Hall  
Dogwood Room  
300 Park Avenue  
Falls Church, Virginia 22046**

**Members Present**

John G. Kines, Jr., Chairman  
John T. Stirrup, Jr., Vice-Chairman  
Cole Hendrix  
Harold H. Bannister, Jr.  
Bruce C. Goodson

**Members Absent**

Wanda C. Wingo\*

**Staff Present**

Zack Robbins, Senior Policy Analyst  
Ed Lanza, Senior Public Finance Analyst

**\*Mrs. Wanda C. Wingo's term on the Commission expired on December 31, 2012; however, pursuant to Va. Code Section 15.2-2902, Mrs. Wingo continues to serve as a temporary member of the Commission for the limited purpose of participating in the final report on the Commission's review of the Front Royal Limited Partnership – Town of Front Royal – Warren County citizen-initiated annexation action. This matter is currently pending before the Commission, which Mrs. Wingo fully participated in prior to the expiration of her term.**

**Call to Order**

Commission Chairman John Kines called the meeting to order at 10:33 a.m. on July 9, 2013 in the Dogwood Room at Falls Church City Hall in Falls Church, Virginia.

**I. Administration**

**A. Approval of Minutes of the May 6, 2013 Regular Meeting**

Mr. Bannister made a motion that the minutes of the Commission's regular meeting held on May 6, 2013 be approved. Such motion was seconded by Mr. Hendrix, and the Commission approved the minutes without amendment. Mr. Goodson abstained from voting on the minutes.

**B. Public Comment Period**

The Chairman opened the floor to receive comments from the public. No person appeared to testify before the Commission during the public comment period.

**C. Presentation of Financial Statement for June 2013**

Referencing an internally produced financial statement that encompassed expenditures through the end of June 2013, Mr. Robbins stated that fiscal year expenditures for personnel were 95% of the budgeted amount and that non-personnel expenditures were 150%. He noted that the non-personnel expenditures included a \$19,000 payment from the Commission's budget for DHCD insurance premiums. He also stated that total expenditures amounted to 100% of the total budget for Fiscal Year 2013. Mr. Bannister inquired about the status of the vacant manager's position. Mr. Robbins indicated that the job has been advertised and that the agency would hire during the 2014 fiscal year.

**D. Staff's Report**

Mr. Robbins reported that there has not been an update on the status of the Town of Clarksville – Mecklenburg County voluntary settlement agreement. Next, he noted that the reversion of the City of Bedford to town status became effective on July 1. He continued by stating that there have been several news articles related to the FRLP-Town of Front Royal-

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Warren County annexation action as well as friendly boundary adjustments between the Town of Appomattox and Appomattox County as well as the Town of Leesburg and Loudoun County. He made a note of possible road impact fees to be collected by Stafford County. He also stated that Commission staff is monitoring a possible case involving the City of Martinsville.

Mr. Robbins reported that DHCD is required to evaluate the boundaries of planning district commissions and that Commission staff has completed the first phases of that process. He noted that there have not been any suggestions for changes.

Mr. Robbins indicated that the three task forces for which the commission staffs have all had meetings in the month of June. He also stated that the annual cash proffer survey would be mailed to localities in July. He reported that he will begin coordination with state agencies for the mandates catalog as well. Finally, he noted that Ed Lanza was chosen as DHCD's employee of the month for July.

Mr. Goodson asked if staff resources are adequate. Mr. Robbins responded by saying that in-house DHCD resources could be utilized in the short term. Mr. Kines stated that a commissioner should be on the interview panel for the policy manager's position. Mr. Hendrix made a motion that the commission should inform Bill Shelton, Director of the Department of Housing and Community Development, of the desire to have a commissioner serve on the interview panel for the policy manager position. The motion was seconded by Mr. Bannister. Mr. Goodson moved to amend the motion so that the chairman could appoint which commissioner would serve on the panel which was accepted by Mr. Hendrix. The amended motion was approved unanimously.

**II. Annual Report on Municipal Boundary Changes**

While Mr. Blair Mitchell, the attorney for Warren County, tried to contact Mr. Doug Napier, the attorney for the Town of Front Royal, the Commission moved ahead in the agenda. Mr. Robbins stated that the Commission reports annually on municipal boundary changes as reported to the Secretary of the Commonwealth. He also stated that a GIS data set is being compiled in conjunction with the boundary changes. Mr. Goodson made a motion to approve the report which was seconded by Mr. Hendrix. The report was approved unanimously.

**III. Front Royal Limited Partnership – Town of Front Royal – Warren County Citizen-Initiated Annexation Action**

Mr. Mitchell indicated to the Commission that Mr. Napier would be available via speaker phone. Mr. Robbins provided a brief update regarding the pending proceedings and reminded the Commission that they will need to take action on the updated preliminary review schedule.

Mr. Kines called upon the representatives of the parties to make comments. Mr. Mitchell made reference to a request for a 63-day extension. The letter is dated June 19, 2013 and is signed by all three parties. The letter requests that the deadline for the Town's and the County's responses to the action be delayed until August 27, 2013. The goal of the extension is to give the parties more time to work towards a voluntary settlement agreement. He stated that the primary concern of the County is the impact on the school system, while the Town was

more interested in the impact to the transportation system. He indicated that there are reasons why the Town would want to annex the property and be able to connect those future units to its water and sewer system. He stated that the Town is under a DEQ and EPA mandate to update its sewage treatment plant. He also noted some processes in the Town's water treatment plant that also require an upgrade and the funds generated from the FRLP property could help pay for those costs. Mr. Mitchell stated that the County is looking for a limit on the number of units on the FRLP property as well as cash proffers to help support the school system. He stated that a mock rezoning was completed between FRLP and the Town but that VDOT refused to be involved because it was not a real rezoning process. He also indicated that Mr. David Vazzana of FRLP is having difficulty with negotiations with the Town and it is affecting his negotiations with the County. Next, Mr. Mitchell stated that the hope is that the County Board of Supervisors will vote on a potential voluntary settlement agreement at its meeting on the first Tuesday of August. He also indicated that the hope is to get a vote from the Town in mid-August. If the agreement is not approved, Mr. Mitchell stated that the County will have its response to the citizen-initiated action ready for the Commission by August 27.

Mr. Vazzana reported to the Commission that the changes to the draft voluntary settlement have been the reason for the extension. He noted that he is awaiting response from the Town and is hopeful that those comments are consistent with those of Town Council and the town planning commission. He also stated that potential increases in the Town's water and sewer rates have made it difficult for FRLP to agree on potential cash proffers on the property.

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Mr. Lanza asked the parties if they could keep Commission staff informed in August as the Town Council and County Board of Supervisors voted on the voluntary settlement agreement. Mr. Mitchell agreed to inform the Commission.

Mr. Robbins asked if the Town would have its response ready on August 27, 2013 if the voluntary settlement is not approved. Mr. Napier responded that the Town would be ready.

Mr. Robbins indicated that Ms. Wingo will also be hearing the case when the Commission visits Front Royal. Next, he presented the following review schedule.

**Deadline for receipt of materials and exhibits filed by the Town of Front Royal and Warren County in response to Front Royal Limited Partnership's (FRLP's) annexation notice:** Tuesday, August 27, 2013 at the close of business.

**OR**

**Deadline for receipt of proposed voluntary settlement agreement, materials/exhibits in support of the proposed agreement and the resolutions approved by the governing bodies:** Tuesday, August 27, 2013 at the close of business.

**Deadline for parties' (i.e., FRLP's, the Town of Front Royal's and Warren County's) responses to requests for additional information / supplemental submissions by parties:** Friday, November 1, 2013 at the close of business.

**Monday, November 18, 2013 (Front Royal, Virginia):**

9:00 AM        Tour of the affected area  
10:30 AM        Oral presentations by the Petitioner, Town and County  
12:30 PM        Lunch  
2:00 PM        Oral presentations by the Petitioner, Town and County (Continued)

**Tuesday, November 19, 2013 (Front Royal, Virginia):**

9:00 AM        Regular Commission Meeting  
10:30 AM        Oral presentations by the Petitioner, Town and County (Continued)  
12:30 PM        Lunch  
2:00 PM        Oral presentations by the Petitioner, Town and County (Continued)  
7:30 PM        Public Hearing

**Wednesday, November 20, 2013 (Front Royal, Virginia):**

9:00 AM        Oral presentations by the Petitioner, Town and County  
                    (Continued, if needed)\*  
12:30 PM        Lunch  
2:00 PM        Oral presentations by the Petitioner, Town and County

TBA (Continued, if needed)\*  
Special Commission Meeting

\*Note: If the parties negotiate a voluntary settlement agreement, it is unlikely that the oral presentations will continue into Wednesday.

**Closing of record:** Two weeks after the Commission's public hearing (at the close of business) on Wednesday, December 4, 2013.

**Commission's draft report:** Date to be determined but **January 13, 2014 regular meeting** unless parties jointly request another extension.

Mr. Bannister made a motion to accept the tentative schedule as written, which was seconded by Mr. Goodson. The motion passed unanimously.

#### **IV. Staff Updates on Task Forces**

##### **a. Governor's Task Force for Local Government Mandate Review**

Mr. Lanza reported that the most recent meeting of the task force was a meeting of the education subcommittee. He stated that the subject was teacher recertification and that in attendance were representatives of the Department of Education (DOE), teachers, principals, administrators, and the Virginia Education Association (VEA). Finally, he reported that the next meeting of the task force will be on July 31 and will take place in Fairfax County.

##### **b. Local Fiscal Impact Analysis Task Force**

Mr. Lanza reported that since the last Commission meeting, the FIS task force has met twice. He also noted that the next two meetings are scheduled for July 26, 2013 and August 26, 2013. Next, he indicated some of the issues currently facing the task force, such as the use of volunteers for local fiscal analysis, changes to the statutory language, and others. He indicated

that the use of outside help would be discussed at the next meeting. Mr. Bannister asked that the task force be reminded that outside help had been considered in the past, but it was determined that the expertise existed within the state. Mr. Kines noted that VML and VACo might be able to help bring consistency to local estimates.

**c. Town-County Powers Task Force**

Mr. Robbins stated that the task force consists of four town attorneys and four county attorneys as well as representation from VML and VACo. He also recognized Chris Costas of Fairfax County in the audience as one of the members of the task force. He reported that the first meeting of the town-county powers task force occurred on June 19, 2013. He stated that the task force may address individual statutes where there may be overlap rather than a broader approach that could lead to unintended consequences. He also stated that the next task force meeting will be on August 28, 2013 at the Virginia Housing Center.

**V. Commending Resolution for Ms. Williams**

Mr. Robbins referenced a copy of the resolution in the commissioners' packets. Mr. Hendrix made a motion to approve the resolution which was seconded by Mr. Bannister. The motion was approved unanimously.

**VI. Scheduling of Regular Meetings in 2013**

Mr. Robbins adjusted the 2013 regular meeting schedule to account for the changes related to the FRLP-Town of Front Royal-Warren County case:

Monday, September 9 at 10:00 a.m. in Richmond



Tuesday, November 19 at 10:00 a.m. in Front Royal/Warren County

**VII. Upcoming Events of Interest**

VML Annual Conference  
October 13-15, 2013  
Arlington County, Virginia

VACo's 79th Annual Conference  
November 10-12, 2013  
The Homestead, Bath County, Virginia

**VIII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 11:58 a.m.

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John G. Kines, Jr.  
Chairman

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Zachary Robbins  
Senior Policy Analyst