



**TOWN OF FRONT ROYAL, VIRGINIA
TOWN COUNCIL MEETING
Monday, January 28, 2013 @ 7:00 p.m.
Warren County Government Center**

1. Pledge of Allegiance
 2. Moment of Silence
 3. Roll Call
 4. Approval of the Regular Council Meeting minutes of January 14, 2013.
 5. Receipt of Petitions and/or Correspondence from the Public
 6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 - 1] Report from Warren County Administrator Doug Stanley
 - 1] Report from EDA – Jennifer McDonald
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
 - *7. **CONSENT AGENDA ITEMS** – (**ROLL CALL VOTE REQUIRED**) - None
 - A. COUNCIL REFER TO PLANNING COMMISSION – Make Recommendations to Town Code that would Restrict Unfinished Fence Sides from Facing Neighboring Properties
- *The nature of a consent agenda is such that discussion of individual items does not occur.*
8. **COUNCIL APPROVAL** – An Ordinance to Amend Town Code Pertaining to Freedom of Information Act (FOIA) Requests (*2nd Reading*)
 9. **COUNCIL APPROVAL** – An Ordinance to Amend Town Code Pertaining to Utility Accounts (*2nd Reading*)
 10. **COUNCIL APPROVAL** – An Ordinance to Amend Town Code Pertaining to Outdoor Display, Outdoor Sales and Outdoor Storage (*2nd Reading*)
 11. **COUNCIL APPROVAL** – Funding for Water and Sewer Systems at the Guard Hill and Crooked Run Pump Stations
 12. **COUNCIL APPROVAL** – Budget Transfer and Funding for the Front Royal-Warren County Power of Partnerships Alliance (POPA) Proposal
 13. **CLOSED MEETING** – Acquisition of Real Property for a Public Purpose/Disposition of Publicly held Real Property and Personnel Matter



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7 A)

Meeting Date: January 28, 2013

Agenda Item: COUNCIL REFER TO PLANNING COMMISSION – Make Recommendations to Town Code that would Restrict Unfinished Fence Sides from Facing Neighboring Properties

Summary: Council is requested to consider referring to the Planning Commission recommendations to the Front Royal Town Code that would restrict unfinished fence sides from facing neighboring properties.

Budget/Funding: None

Attachments: None

Meetings: None

Staff

Recommendation: Approval ☒ Denial ☐

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council refer to the Planning Commission recommendations to the Front Royal Town Code that would restrict unfinished fence sides from facing neighboring properties.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 8

Meeting Date: January 28, 2013

Agenda Item: COUNCIL APPROVAL – An Ordinance to Amend Town Codes 12-6, 175-137.C, and 148-58.C Pertaining to Freedom of Information Act (FOIA) Requests
(2nd Reading)

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend Town Codes 12-6, 175-137.C, and 148-58.C pertaining to Freedom of Information Act (FOIA) requests. If adopted, simple request requiring less than one-half (1/2) hour of staff time or less than ten (10) pages of 8 1/2" x 11" paper shall not be assessed a fee.

Budget/Financing: None

Attachments: Proposed Ordinance

Meetings: October 15, 2012 & December 3, 2012 Work Sessions; Public Hearing was held on January 14, 2013

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend Front Royal Town Codes 12-6, 175-137.C, and 148-58.C pertaining to Freedom of Information Act (FOIA) requests.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance.

*To be clear and concise, motions should be made in the positive

Approved By: SB

**ORDINANCES TO AMEND SECTION 12-6; 175-137.C and 148-58.C OF THE FRONT ROYAL
TOWN CODE PERTAINING TO FREEDOM OF INFORMATION ACT (FOIA) REQUESTS**

WHEREAS, Town Code Chapter 175-137.C and 148-58.C were modified on June 11, 2012 to include reference to charges associated with record requests submitted to the Town's Planning and Zoning Department under the Freedom of Information Act (FOIA); and,

WHEREAS, the Town desires to fully define such FOIA requests and associated charges for general Town and Planning and Zoning requests; and,

WHEREAS, the Town desires to provide availability to information in a timely fashion and provide simple requests requiring less than half (½) hour of staff time or less than ten (10) pages of 8 ½" x 11" paper, shall not be assessed a fee; and,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapters 12-6; 175-137.C and 148-58.C of the Front Royal Town Code are hereby amended as follows:

12-6 MISCELLANEOUS FEES

Town Code, hardcopy - \$100.00

Update Town Code, hardcopy - \$40.00 per year

Town Right-of-Way Vacation Application - \$100.00

Freedom of Information Act (FOIA) requests for available information shall be submitted to the appropriate Department that maintains the records sought for processing. Any request for records or documents from the Town is considered a FOIA request. All FOIA requests shall be communicated by the Department to the Town Manager and Town Attorney. FOIA regulations allow the Town to assess a reasonable charge for the costs to access, search, duplicate, and supply the requested materials if they exist. The Town shall not assess fees if staff time is less than thirty (30) minutes and ten pages of 8 1/2 x 11 paper. An individual requesting materials through a FOIA request will be notified as soon as practicably possible. The Town shall conform to all FOIA regulations established by the Commonwealth of Virginia to ensure access to all available Town documents.

148-58 FEES

~~C. Additional fees may charged for Staff time used to research/prepare Freedom of Information Act (FOIA) requests.~~ **Freedom of Information Act (FOIA) requests for available information shall be submitted to the appropriate Department that maintains the records sought for processing. Any request for records or documents from the Town is considered a FOIA request. All FOIA requests shall be communicated by the Department to the Town Manager and Town Attorney. FOIA regulations allow the Town to assess a reasonable charge for the costs to access, search, duplicate, and supply the requested materials if they exist. The Town shall not assess fees if staff time is less than thirty (30) minutes and ten pages of 8 1/2 x 11 paper. An individual requesting materials through a FOIA request will be notified as soon as practicably possible. The Town shall conform to all FOIA regulations established by the Commonwealth of Virginia to ensure access to all available Town documents.**

175-137 FEES, CHARGES, & EXPENSES

C. Additional fees may charged for Staff time used to research/prepare Freedom of Information Act (FOIA) requests. Freedom of Information Act (FOIA) requests for available information shall be submitted to the appropriate Department that maintains the records sought for processing. Any request for records or documents from the Town is considered a FOIA request. All FOIA requests shall be communicated by the Department to the Town Manager and Town Attorney. FOIA regulations allow the Town to assess a reasonable charge for the costs to access, search, duplicate, and supply the requested materials if they exist. The Town shall not assess fees if staff time is less than thirty (30) minutes and ten pages of 8 1/2 x 11 paper. An individual requesting materials through a FOIA request will be notified as soon as practicably possible. The Town shall conform to all FOIA regulations established by the Commonwealth of Virginia to ensure access to all available Town documents.

This ordinance shall become 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 _____ 2013, upon the following recorded vote:

Thomas H. Sayre	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
N. Shae Parker	Yes/No	Daryl L. Funk	Yes/No

A public hearing on the above was held on _____, 2013 having been advertised in the Northern Virginia Daily on _____, 2013 and _____, 2013. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2013.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 9

Meeting Date: January 28, 2013

Agenda Item: COUNCIL APPROVAL – An Ordinance to Amend Town Code 134-71 Pertaining to Utility Accounts (*2nd Reading*)

Summary: Council is requested to second and final reading an Ordinance to amend Town Code 134-71 pertaining to Utility Accounts. If adopted, Chapters 137-71.B.1 and 137-71.D would include fees previously approved by Council, and Chapter 137.C.4 will allow utility customers or dependents who are in poor health an extension on payment before utility service is disconnected due to non-payment.

Budget/Financing: None

Attachments: Proposed Ordinance & Application Forms

Meetings: December 3, 2012 Work Sessions; Public Hearing held January 14, 2013

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend Front Royal Town Code 134-71 pertaining to utility accounts as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance.

*To be clear and concise, motions should be made in the positive

Approved By: SB

**ORDINANCES TO AMEND SECTION 134-71 OF THE FRONT ROYAL
TOWN CODE PERTAINING TO UTILITY ACCOUNTS – PAYMENTS/TERMINATION OF SERVICE**

WHEREAS, Town Code Chapter 12 was amended June 23, 2008 to increase the fee for a returned check. Town Code Chapter 12 was again amended June 25, 2012 to include other fees that include reconnection fees for non-payment; and,

WHEREAS, the Town desires to include the fees, previously approved for Chapter 12, to correspond with fees in Chapter Sections 137-71.B.1 and 137-71.D; and,

WHEREAS, the Town also desires to revise 134-71.C.4 “Persons in Poor Health” to allow utility account holders an extension on payment before utility service is disconnected due to non-payment; and,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapter Sections 134-71.B.1; 134-71.C.4 and 134-71.D of the Front Royal Town Code are hereby amended as follows:

134-71 UTILITY ACCOOUNTS – PAYMENTS/TERMINATION OF SERVICE

B. PAYMENTS:

1. Due Date - Fines and Charges: All payments for water, sewer, electric, and garbage collection services shall be due within 20 days of the date of billing. Accounts, for which full payment is not received within 20 days, are delinquent. A late charge of 2% of the delinquent bill immediately shall be charged to the delinquent account. If the account remains delinquent for 10 days after the original notice, an additional service charge of \$10.00 shall be charged. Finally, a service charge will be required to reconnect service that has been discontinued due to non-payment. If the reconnection occurs during normal business hours, the reconnection fee shall be ~~\$15.00~~ **\$20.00-first reconnection fee; \$30.00-Second reconnection fee; \$40.00-third reconnection fee; \$50.00 reconnection fee for all other times per account.** ~~All other times, the reconnection fee shall be \$25.00.~~

2. Allocation of Payments: During a delinquency in the payment for any service (electric, water, sewerage, or garbage collection) any subsequent payment received for services will be applied first against the most delinquent account which is not subject to a defense of any applicable statute of limitations.

3. Budget Billing: Notwithstanding the foregoing, the Director of Finance, in his discretion, may enter into agreements with customers for alternative billing and payment schedules with persons on fixed or limited incomes.

C. TERMINATION OF SERVICES:

1. Notice: The Director of Finance shall notify the customer in writing of all 20 day delinquencies, imminent service termination, and right to contest as set forth below. Notice also shall be posted on the door of the premise with the delinquent account.

2. Protest: The customer may contest the bill by contacting the Director of Finance for the Town of Front Royal who will immediately schedule a hearing on the customer's claim that his account is not delinquent.

3. Disconnection of Service: If the matter is not successfully contested by the customer and arrearages remain 10 days after the date of the aforementioned notices, water service shall be disconnected. If the

account remains delinquent after another 2 days, electric service shall be disconnected. If, however, the customer has not secured water service, electric service (rather than water) will be disconnected after 10 days. Notwithstanding the foregoing, no services shall be disconnected prior to a requested hearing.

4. Persons in Poor Health: ~~Notwithstanding the foregoing, neither water nor electric service of a delinquent customer shall be disconnected pursuant to this section if the Director of the Warren County Department of Health previously has certified to the Front Royal Director of Finance, in writing that shutting off the water or electricity will endanger the health of the Customer or other occupants.~~

Customer may seek an additional 30 days before water & electric services are disconnected if the Director of the Warren County Health Department certifies in writing to the Town of Front Royal Director of Finance that the customer has a serious medical condition or the customer resides with a family member with a serious medical condition. Upon providing certification the service termination may be delayed twice within a 12-month period, but may not be consecutive. Certification shall be valid for period of 365 days.

5. Conditions for Reconnection of Service:

Once disconnected, services shall not be restored to that customer until the outstanding balance (service fee(s), penalty, and reconnection fee(s)) for that service location is paid in full, unless the Director of Finance has approved other arrangements for payment in full.

D. RETURNED CHECK POLICY:

If a check is returned to the Town for any reason, the Director of Finance shall notify, in the same manner as provided above, the Customer. If payment, in full, plus a \$20.00 **\$35.00** service charge is not received by the close of business three days after the date on the notice, all utility services to the customer's service location shall be disconnected. If the customer presents the Town with more than two bad checks during any twelve month payment, payment by check will no longer be accepted.

This ordinance shall become 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 _____ 2013, upon the following recorded vote:

Thomas H. Sayre	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
N. Shae Parker	Yes/No	Daryl L. Funk	Yes/No

A public hearing on the above was held on _____, 2013 having been advertised in the Northern Virginia Daily on _____, 2013 and _____, 2013. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2013.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 10

Meeting Date: January 28, 2013

Agenda Item: COUNCIL APPROVAL – An Ordinance to Amend Town Codes Pertaining to Outdoor Display, Outdoor Sales, and Outdoor Storage (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend Town Code Chapter 175, Sections 3, 44, 52, 53.7, 63, 70, 98.4, 98.5, 100, 109.2 and 110.2 and Chapter 158, Section 19.1 pertaining to outdoor displays, outdoor sales, and outdoor storage. If adopted, the proposed amendment would amend or add certain definitions, clarify existing language, and modify existing regulations pertaining to outdoor displays, outdoor sales, outdoor storage, portable storage containers, travel trailers, semi-trailers, recreational vehicles, and the Town's Entrance Corridor. In general, the proposed changes are less restrictive than the current regulations in the Town Code. Exemptions are provided for certain activities, and additional flexibility is provided for temporary uses and minor activities. In some circumstances, the regulations may be more restrictive on certain uses, such as, but not limited to, greater limitation of when a recreational vehicles or travel trailers may be parked at a residence.

Budget/Financing: None

Attachments: Proposed Ordinance

Meetings: October 15, 2012 Work Session; Public Hearing held January 14, 2013

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend Front Royal Town Code Chapter 175, Sections 3, 44, 52, 53.7, 63, 70, 98.4, 98.5, 100, 109.2 and 110.2 and Chapter 158, Section 19.1 pertaining to outdoor displays, outdoor sales, and outdoor storage.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance.

*To be clear and concise, motions should be made in the positive

Approved By: JB

DRAFT AMENDMENT - VERSION 8

OUTDOOR DISPLAY, OUTDOOR SALES, & OUTDOOR STORAGE.

This draft amendment is intended to establish new regulations pertaining to outdoor activities, such as outdoor storage, outdoor sales, outdoor display, portable storage containers, trailers and semitrailers. The proposed regulations were developed by Staff and the Planning Commission from input received by the public during public input meetings. Version 8 includes changes made after the second work session with Town Council, held on 12/3/12.

START -----

CHAPTER 175

• GENERAL PROVISIONS

Section 175-3 DEFINITIONS

OUTDOOR DISPLAY – The keeping of products, goods, merchandise, and/or materials, excluding signs, outside of an enclosed building for the purpose of making it known that similar items or related services are available for purchase.

OUTDOOR SALES – The retail selling of products, goods, merchandise, and/or materials, outside of an enclosed building.

OUTDOOR STORAGE – The keeping, without retail sale, of products, goods, merchandise, and/or materials outside of an enclosed building.

PORTABLE STORAGE CONTAINERS - ~~A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares or merchandise, and which shall be considered an accessory building on any lot or parcel within the Town, subject to the provisions of Section 175-109.2. A large portable container, other than trailers and semitrailers, and which are typically referred to as "PODS" or cargo containers, that are transported to a desired location for use as storage of products, goods, merchandise, and/or materials. Portable storage containers are subject to the provisions of Section 175-109.2.~~

RECREATIONAL VEHICLE- also known as a "MOTOR HOME" and "TRAVEL TRAILER, Every-vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use, that either has its own motive power or is mounted in, or is towed by another vehicle. The basic entities are: travel, fifth wheel trailer, camping trailer and motor home. The parking and storing of such vehicles is guided by Section 175-100. Such term refers also to travel trailers.

TEMPORARY TRAILERS – A transportable manufactured building, similar to a manufactured home, but not used for residential purposes.

55 TRAILER - Every vehicle without motive power designed for carrying property and
56 passengers wholly on its own structure and for being drawn by a motor vehicle.

57
58 TRAVEL TRAILER - Any recreational vehicle.
59
60

61 • COMMUNITY BUSINESS DISTRICT (C-1)
62

63 Section 175-44 PERFORMANCE STANDARDS
64

65 A. Screening:

- 66 1. Except where otherwise specifically approved in the Town Code, Ppermitted
67 uses shall be conducted wholly within a completely enclosed building, or
68 ~~within an area enclosed on all sides by a solid masonry wall, a uniformly~~
69 ~~paintd solid board fence or a dense evergreen hedge at least six (6) feet in~~
70 ~~height. Public utilities and signs requiring natural air circulation, unobstructed~~
71 ~~view or other technical consideration necessary for proper operation may be~~
72 ~~exempt from this provision. This exception does not include storing of any~~
73 ~~materials.~~
- 74 2. Outdoor storage, outdoor display or outdoor sale of goods shall only be
75 permitted when each of the following standards are met.
- 76 a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in
77 direct association with the primary use or uses of the property.
- 78 b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to
79 obstruct view from any adjacent public street. A screen may consist of a
80 building, solid masonry wall, uniformly painted solid board fence or
81 landscaping. The height of the screening shall be 6' feet unless an
82 alternative height is approved by the Planning Commission during the
83 review of a site plan.
- 84 3. The following types of outdoor display and/or outdoor sales shall be exempt
85 from the requirements of Section 175-44.A.2.b:
- 86 a. Motor vehicles.
- 87 b. Power operated machines designed for outdoor labor, such as farming,
88 construction or lawn maintenance, as well as large equipment, products,
89 and materials designed to be kept outdoors.
- 90 c. Plants and other landscaping products typically sold with plants.
- 91 d. Temporary or seasonal activities, such as but not limited to, peddlers, yard
92 sales, and itinerant merchants that have obtained approval from the Town.
- 93 e. Pre-manufactured buildings.
- 94 f. Vending machines.
- 95 g. General products, goods, merchandise, and/or materials, provided that (i)
96 no more than 200 square feet of area is used, and (ii) outdoor display and/or
97 sales are restricted from the evening and night hours from 8PM to 5AM,
98 except that general products, goods, merchandise, and/or materials may be
99 kept outdoors if located under a roofed structure.

h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.

24. Commercial development shall be permanently screened from adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of five (5) six (6) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational areas, or by topographic or other natural conditions.

35. The provision of subsection 24 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.

B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be directed so that the lighting does not extend beyond the property boundary. Lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

C. Outdoor Storage/Waste Disposal-Miscellaneous:

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

2. All fuel, and raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.

3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.

4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only in completely closed containers.

5. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

D. Landscaping: All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148-46, 148-47 and 148-48.

• DOWNTOWN BUSINESS DISTRICT (C-2)

Section 175-52 PERFORMANCE STANDARDS

A. Screening:

1. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building. ~~or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.~~
2. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met.
 - a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
 - b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.
3. The following types of outdoor storage, outdoor display or outdoor sales shall be exempt from the requirements of Section 175-52.A.2.b.
 - a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
 - c. Plants and other landscaping products typically sold with plants.
 - d. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.
 - e. Pre-manufactured buildings.
 - f. Vending machines.
 - g. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.

187 h. Flea markets, subject to any conditions issued with special use permit,
188 performance standards of the underlying zoning district, and
189 requirements of Section 98-46 of the Town Code.
190

191 24. Commercial development shall be permanently screened from adjoining and
192 contiguous residential district by a wall, fence, evergreen hedge, and/or other
193 suitable enclosure with a minimum height of five ~~(5)~~ six (6) feet. Any area
194 between such enclosure and the property line shall be landscaped to form a
195 permanent screening area. The requirement for a screening area may be waived
196 if equivalent screening is provided by existing parks, recreational areas, or by
197 topographic or other natural conditions.
198

199 35. The provision of subsection 2 shall not apply when the (architectural) front of
200 any commercial building faces the street across from a residential district or
201 when strict application of the requirement relative to screening can be
202 demonstrated as not serving the purpose for which it is intended.
203

204 B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public
205 roadway and neighboring properties from direct glare, intrusion or hazardous
206 interference. Parking lot and building lighting shall be down-directed so that the
207 lighting does not extend beyond the property boundary. Where needed, lighting
208 facilities shall be required along private and public streets and within parking areas,
209 installed at the developer's expense.
210

211 C. Outdoor Storage/Waste Disposal/Miscellaneous:

212 1. No flammable or explosive liquids, solids or gases shall be stored in bulk
213 above ground; provided, however, that tanks or drums of fuel directly
214 connecting to energy devices, heating devices or appliances located on the
215 same lot as the tanks or drums of fuel are excluded from this provision.

216 2. All fuel, and raw materials and products stored outdoors shall be enclosed by a
217 fence adequate to conceal the facilities from any adjacent properties or
218 roadways.

219 3. No materials or wastes shall be deposited upon a lot in such form or manner
220 that it may be transferred off the lot by natural causes or forces.

221 4. All refuse containers shall be adequately sized to handle the needs of the
222 facility or development and all material or wastes which might cause fumes or
223 dust, constitute a fire hazard, or may be edible or otherwise attractive to
224 rodents or insects shall be stored only in completely closed containers.

225 5. All outdoor refuse storage areas shall be located in a paved area and hidden
226 from general public view, either from within or outside the lot, by means of
227 fences or walls, and landscape planting. A solid wood or masonry fence at least
228 six (6) feet in height shall be provided on three (3) sides, with a solid opaque
229 gate on the fourth side. Landscaping shall be incorporated to improve the
230 visual appearance.
231

• HIGHWAY CORRIDOR BUSINESS DISTRICT (C-3)

Section 175-53.7 PERFORMANCE STANDARDS

A. Screening:

1. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building, or ~~within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.~~
2. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met.
 - a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
 - b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.
3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-53.7.A.2.b.
 - a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
 - c. Plants and other landscaping products typically sold with plants.
 - d. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.
 - e. Pre-manufactured buildings.
 - f. Vending machines.
 - g. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.
 - h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.
23. Commercial development shall be permanently screened from adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other

suitable enclosure with a minimum height of ~~five (5)~~ six (6) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational areas, or by topographic or other natural conditions.

34. The provision of subsection 2 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.

- B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be down-directed so that the lighting does not extend beyond the property boundary. All gasoline canopy lighting shall be down-directed and shielded to direct the lighting to the area under the canopy only. Lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

C. Outdoor Storage/Waste Disposal/Miscellaneous:

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
2. All fuel, and raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.
3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only in completely closed containers.
5. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

D. Landscaping:

1. All new developments shall provide for the planting, replacement and/or maintenance of trees on the site to the extent that, at maturity of twenty (20)

years, minimum tree cover shall be at least ten (10) percent of the site area. Such sites shall be planted in accordance with the provisions of Section 148-46.

2. All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148-46, 148-47 and 148-48.

E. Building location and treatment:

1. Integrated development. All buildings within a property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically. Architectural treatment shall be designed so that all building facades of the same building (whether front, side or rear) that are visible from the public right-of-way shall consist of similar architectural treatment in terms of materials, quality, appearance and detail.
2. Building bulk and mass. All buildings and parking areas should be designed with treatments to break up the mass and bulk. The treatment of buildings shall include vertical architectural treatment at least every fifty (50) feet to break down the scale of the building into smaller components. Any facade with a blank wall must be screened in a manner approved by the Zoning Administrator. Architectural details shall continue on all facades visible from the public right-of-way.
3. Materials. Building materials for structures and retaining walls should be typical of those prevalent in Front Royal and Warren County, including stucco, brick, wood siding and standing seam metal roofs. Inappropriate materials include reflective glass, and plastic and fiberglass replications of natural materials. No facade visible from adjoining property or the corridor highway shall be constructed of unadorned cinder block, concrete, corrugated metal or sheet metal.
4. Color. The permanent color of building materials (to be left unpainted) should resemble primarily earthen tones.

• LIMITED INDUSTRIAL DISTRICT (I-1)

Section 175-63 PLANS REQUIRED; ADDITIONAL REQUIREMENTS

- A. Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show compliance with substantive provisions of this chapter and the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator shall refer these plans to the Planning Commission for its recommendation. Modification of the plans may be required. Such plans shall be drawn in accordance with Sections 175-116 and 175-117.
- B. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building. ~~or within an area~~

enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

C. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met.

1. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.

2. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.

3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-63.C.2.

a. Motor vehicles.

b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors. Plants and other landscaping products typically sold with plants.

c. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.

d. Pre-manufactured buildings.

e. Vending machines.

f. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.

h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.

CD. The Planning Commission may require landscaping within any established or required front setback area. The plans and execution must take into consideration traffic circulation. Landscaping may be permitted up to a height of three (3) feet and to within fifty (50) feet from the corner of any intersecting streets.

DE. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking, which shall be in accordance with the provisions set forth in Section 175-104.

EF. The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty-day period. Failure on the part of the

Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

• INDUSTRIAL EMPLOYMENT DISTRICT (I-2)

Section 175-70 PERFORMANCE STANDARDS

The following performance standards shall apply to all uses within the I-2 Industrial Employment District:

A. Vibration:

1. No continuous, frequent or repetitive vibrations shall be produced which are discernible to a person of normal sensitivities, without instruments, on land that is not zoned for industrial uses.
2. Vibrations from temporary construction and vehicles leaving the property (such as trucks or trains) are excluded. Vibrations from on-site equipment or vehicles that remain primarily on-site are included.
3. Vibrations of no more than five (5) minutes in any one (1) day between the hours of 7:00 a.m. and 7:00 p.m. shall not be deemed continuous, frequent or repetitive.

B. Glare: Any operation or activity producing intense light or glare shall be performed in such a manner as not to create a glare effect across lot lines. Direct illumination from any source shall be screened from adjoining properties.

C. Heat:

1. Heat from an industrial use shall not at any time cause a temperature increase in the air on any adjacent property in excess of ten degrees Fahrenheit (10 F.).
2. Heat from an industrial use shall not at any time cause a temperature increase in a stream, wetland, lake or any other body of water, at or beyond the property line of the lot on which it is located, that would have an adverse effect on any aquatic life.

D. Liquid or solid wastes:

1. No industrial use shall result in the discharge of liquid or solid waste into any public sewer, private sewage system, public waters or into the ground except in compliance with applicable federal, state or local laws governing such discharge.
2. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects.
3. All discharges into any public sewer shall comply with the provisions of Section 134-2, et seq.

E. Smoke and particulate matter:

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1. Open storage and open processing operations, including on-site transportation movements which are the source of windborne dust or other particulate matter or which involve dust or other particulate air contaminant generating equipment (such as used in paint spraying, grain handling, sand or gravel processing or sandblasting) shall be conducted so that dust and other particulate air contaminants are not transported in visible quantities across the boundary line of the tract on which the industrial use is located.
 2. All industrial uses shall comply with state and federal air pollution control regulations.

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F. Toxic and hazardous materials:

1. All toxic and hazardous materials used in industrial operations shall be registered with the Front Royal Fire Department for purposes of safety.
2. Activities involving the storage or use of materials or products which decompose by detonation shall be registered with the Front Royal Fire Department.
3. Explosives shall be stored, used and manufactured in accordance with applicable state and federal regulations.

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G. Odor:

1. No continuous, frequent or repetitive emission of odors or odor-causing substances of such intensity and character as to be detrimental to the health and welfare of the public or neighboring landowners or to interfere with the comfort of the public or neighboring landowners at or beyond the property line shall be permitted. Any such odor or odor causing activity or substance shall be removed, stopped or so modified as to remove the odor.
2. An odor which is evident no more than once in any one (1) day for a period not exceeding five minutes shall not be deemed as continuous, frequent or repetitive within the meaning of these regulations.

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H. Noise:

1. No industrial activity shall generate noise that tends to have an annoying or disruptive effect upon uses located beyond the property boundary.
2. Where technical evidence of violation is warranted, sound levels shall be measured at locations specified in Section 175-71 with a sound level meter and associated octave band filter, manufactured in accordance with the American Standards Association. Measurements shall be made using the flat network of the sound level meter. No sound pressure level shall exceed the decibel levels in the octave bands shown herein.

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3. Maximum permitted sound levels (in decibels):

TABLE 175-70.H.3.

Octave Band Cycles Per Second	Maximum Permitted Sound Level in Decibels
0 to 75	72
5 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	41
2400 to 4800	38
Above 4800	35

I. Screening:

1. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building, or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.
2. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met:
 - a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
 - b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.
3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-70.1.2.b:
 - a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
 - c. Plants and other landscaping products typically sold with plants.
 - d. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.
 - e. Pre-manufactured buildings.
 - f. Vending machines.
 - g. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM,

except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.

- h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.

14. All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148-46, 148-47 and 148-48.

25. Automobile graveyards and junkyards, including those in existence at the time of the adoption of this chapter, shall completely screen, on any side open to view from a public road, the operation or use by a solid masonry wall, a uniformly-colored solid fence or dense evergreen plantings at least six (6) feet in height at the time of planting.

• **ENTRANCE CORRIDOR OVERLAY DISTRICT (EC)**

Section 175-98.4 REVIEW FOR DESIGN COMPLIANCE

A. ~~When Required: Any building or structure to be erected, reconstructed or enlarged shall be reviewed for compliance with the provisions of the EC. The provisions of this ordinance shall not apply to the regular maintenance of structures within the EC. Single-family detached dwellings or any structures existing as of January 1, 1999 that are expanded by not more than 100% of their heated square footage as of January 1, 1999 are excluded from the review requirements of the EC. The requirements of the EC District shall be applicable to any property located within the EC boundaries for new development, exterior renovations, and new land use activities that propose outdoor lighting, outdoor storage, outdoor sales, and/or outdoor display areas, except that the following exceptions shall be exempt from the requirements of the EC.~~

1. Regular maintenance of structures, including minor alterations that do not significantly alter the appearance of the structure.
2. Single-family detached dwellings.
3. Accessory buildings under 200 square feet in area.
4. Additions less than 500 square feet in area for buildings existing as of January 1, 1999.
5. Exempt signs and temporary signs.
6. Authorized temporary or seasonal activities and structures.

B. ~~Review Board Authority:~~ The review board authority responsible for the review and approval of projects in accordance with the EC shall be the ~~Front Royal Planning Commission Director~~, except for the construction of new buildings and new non-

exempt ground-mounted signs, which shall be reviewed by the Planning Commission. Such review shall take place in conjunction with the review of the site development plan or a zoning permit for the property.

Section 175-98.5 SITE AND DESIGN STANDARDS

- A. ~~Outside storage/display storage, outdoor display or outdoor sales of goods:~~ Outside storage or display of goods, except automotive and similar large item sales, shall be ~~completely screened from the view of the corridor roadway.~~ In addition to the standards for the underlying zoning district, outdoor storage, outdoor display and/or outdoor sales within the EC District shall be reviewed by the Planning Commission when located within the required yard adjacent to Route 340. The Planning Commission may place reasonable design conditions on such activities, including the designation of a specific area to be used, and/or the requirement of a distance buffer, screen or landscaping.

Section 175-100 RECREATIONAL VEHICLES AND TRAVEL TRAILERS.

- A. Recreational vehicles and travel trailers may be stored in a side, corner side, or rear yard of a lot, provided they are stored in a location that meets the minimum yard requirements as would be required for an accessory structure of the same dimensions. Except as provided in subsection B below, no recreational vehicles shall be stored closer to a street than the minimum setback line or yard requirement in any district and occupancy shall be prohibited. Other restrictions, as found under Chapter 158, Section 19.1, apply to the parking of recreational vehicles within the public right of way.
- B. Temporary parking of recreational vehicles and travel trailers may be allowed in the front yard only for the following circumstances: ~~a maximum of fourteen (14) days within any calendar month, within the driveway located on a lot, provided that such driveway is paved and the vehicle is located completely on private property. The recreational vehicle parking shall be for the purpose of cleaning and preparing the unit for use or storage. Such temporary parking may also be used for the limited accommodation by visitors for a maximum of 14 days in any given calendar year. The vehicle shall not be permanently connected to public utility system. However, the vehicle may be connected to electricity temporarily for recharging batteries or other purpose related to the preparation of the vehicle for use.~~
1. Temporary parking of up to three (3) consecutive days, located entirely on private property, and on a paved driveway, for the sole purposes of cleaning and preparing the unit for use or storage.
 2. Temporary parking of up to fourteen (14) days within any calendar month, up to three times during the calendar year, for temporary accommodation of visitors. The vehicle shall not be permanently connected to public utility system. However, the vehicle may be connected to electricity temporarily for charging batteries or other purpose related to the preparation of the vehicle for use.

660 3. Temporary parking for the purpose of camping where campgrounds are
661 permitted, or permitted by special use permit.

662 4. Extensions of time to the above restrictions of this subsection may only be
663 granted under the same conditions as found under Section 175-109.2.E.
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Comment [JC1]: Added as
discussed with Town Council 12/3/12.

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666 Section 175-109.2 PORTABLE STORAGE CONTAINERS.
667

668 A. Portable Storage Containers - Notwithstanding any contrary provision of the
669 Town Code, portable storage containers located outside of a fully enclosed
670 building or structure shall be permitted in all zoning districts, located only in
671 Agricultural, Residential, Business and Industrial zoning districts, subject to the
672 following restrictions:
673

674 B. In residential districts and commercial business districts, no more than one (1)
675 portable storage container shall be allowed on a lot of record, and for no longer
676 than a total of ~~fourteen (14)~~ thirty (30) days in any consecutive twelve (12) month
677 period. In industrial districts, the use of portable storage containers shall be
678 limited to a period of time not to exceed (90) days, unless the portable storage
679 containers are converted to permanent structures that comply with all applicable
680 zoning and building code requirements.
681

682 C. In Agricultural districts, on lots where the principal use is a bona fide
683 agricultural activity, and in Industrial districts, there shall be no restriction on
684 the number of portable storage containers permitted as accessory uses.
685

686 D. In commercial ~~Business~~ districts, portable storage containers shall may be
687 allowed for more than thirty (30) days in any consecutive twelve (12) month
688 period upon approval of a ~~only pursuant to a special use permit for bulk storage~~
689 ~~where such use is permitted.~~
690

691 E. In any district, if the owner or lawful occupant of property can demonstrate, to the
692 reasonable satisfaction of the Zoning Administrator, the need to continue the use
693 of a portable storage unit on the property to alleviate an issue or problem to permit
694 or allow the reasonable use or repair of the property occasioned on or to the
695 property due to an act of God (defined herein as a natural disaster or phenomena
696 including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal
697 wave, earthquake, or fire caused by natural or non-negligent accidental causes),
698 the Zoning Administrator may extend the use of portable storage containers on the
699 property for a period of thirty (30) days longer than the corresponding period
700 otherwise allowed in that district. The Town Manager may authorize additional
701 extensions when such extension of time is necessary to permit or allow the
702 reasonable use or repair of the property for the reasons set forth in the above
703 sentence.
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Comment [JC2]: Changed as
discussed with Town Council 12/3/12.

705 F. In residential districts, ~~N~~no portable storage containers shall have dimensions
706 greater than sixteen feet (16') in length, eight feet (8') in height or eight feet (8') in
707 width. Portable storage containers in commercial business districts shall be

limited to twenty feet (20') in length, eight feet six inches (8' 6") in height or eight feet (8') in width.

G. ~~No portable storage containers shall be located (i) in any required front yard; (ii) closer than ten feet (10') to any side or rear lot line, provided that the Zoning Administrator may allow a reduced setback if mature landscaping or a solid fence at least six feet (6') in height provides adequate screening; or (iii) on any portion of a lot except behind the nearest portion of the principal building adjacent to any public street. On lots where there is no principal structure, portable storage containers shall not be allowed. No portable storage container shall be located closer than five (5) feet from the side or rear property line.~~

H. ~~In Business and Industrial Districts, no portable storage containers shall be located in any parking area. No portable storage containers shall be located in any driveway or travelway in any district. Portable storage containers shall not be located closer than eight (8) feet from required parking spaces, and shall not project into any area required for vehicular mobility and maneuvering.~~

I. Portable storage containers shall be allowed only upon issuance of a permit by the Zoning Administrator. The fee for such permit shall be set by Town Council by resolution.

J. Only one (1) portable storage container per one (1) calendar year period shall be allowed per lot or parcel of record in residential and commercial districts; and only one (1) portable storage container per twelve (12) consecutive month period shall be allowed per owner or lawful occupant of property.

Section 175-110.2 ~~PARKING OF TRUCKS AND SEMITRAILERS.~~

A. In the zoning districts listed below in this subsection, it shall be unlawful for any person, firm or corporation to keep, park or store upon any lot ~~located in R-1, R-2 or R-3 Residential Zoning Districts~~ any tractor truck or semitrailer designed to be used with a tractor truck, as defined in Virginia Code Section 46.2-100, or any truck with a registered gross weight in excess of twelve thousand (12,000) pounds. These provisions shall apply regardless of whether such a vehicle is kept, parked or stored in the open or within an enclosed structure.

1. ~~R-1 District.~~
2. ~~R-1A District.~~
3. ~~R-2 District.~~
4. ~~R-3 District.~~
5. ~~PND District (only within areas approved solely for residential use).~~

B. The provisions of subsection 175-110.2.A. ~~this section~~ shall not apply to any of the following vehicles:

1. School buses, church buses and other buses engaged in public transportation.
2. Pickup trucks with a registered gross weight of twelve thousand (12,000) pounds or less.

- 757 3. Panel truck with a registered gross weight of twelve thousand (12,000) pounds
758 or less.
759 4. Motor homes, camping trailers and recreational vehicles as defined in Virginia
760 Code Section 46.2-100. See 175-100 for recreational vehicle regulations.
761 5. Trailers of every type, except semitrailers designed to be used with a tractor
762 truck.
763 6. Hospital mobile units and fire and rescue vehicles.
764 7. Vehicles owned and operated by public utilities.
765 8. Farm vehicles used in agricultural pursuits on parcels of land one (1) acre or
766 larger.
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Comment [JC3]: Added

768 C. The provisions of subsection 175-110.2.A. ~~this section~~ shall not apply to any vehicle
769 which comes upon property in ~~residentially zoned districts~~ for pickups, deliveries
770 and service to residential property made in the regular course of business or which
771 comes upon ~~residentially zoned~~ the property in the course of construction,
772 maintenance or improvement to the property or adjoining streets and facilities.
773

774 D. Other than areas where semitrailers are restricted, as listed above under subsection
775 A, trailers may be used for temporary storage; provided that, (i) the location of the
776 semitrailer(s) is not located in the required yard area adjacent to any public street, (ii)
777 the location of the semitrailer(s) does not interfere with required parking, vehicular
778 mobility and vehicular maneuvering, (iii) the location is on an all-weather surface
779 material, (iv) all fire and building code requirements are complied with, (v) a zoning
780 permit is obtained from the Town, and (vi) no more than one trailer for temporary
781 storage shall be permitted on property in any commercial zoning district. A 6' high
782 opaque fence, hedge, landscape screen, wall, building wall, or berm may be used for
783 screening to prevent view of a trailer used for temporary storage.
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786 CHAPTER 158

787 Section 158-19.1. PARKING OF TRUCKS AND TRAILERS

- 788 A. Definitions. For the purpose of this section, the following words and phrases shall
789 have the meanings as stated herein.
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791 MOTOR HOME - Every private motor vehicle with a normal seating capacity of not
792 more than (10) persons, including the driver, designed primarily for use as living
793 quarters for human beings. Motor homes with a registered gross weight in excess of
794 seven thousand five hundred (7,500) pounds are also classified as trucks.
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797 ... [Editor's note: other definitions not shown but remain the same]
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800 B. Residential Zoning Districts

801 It shall be unlawful to park trucks, tractor trucks, trailers or semitrailers upon the
802 public streets and alleys of the Town of Front Royal located in any residential zoning
803 district.
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Comment [JC4]: This language is added for clarification since motor homes is not mentioned in the section below. Currently, the definition of "truck" includes "all vehicles" over 7,500 pounds.

-----END

806 Editorial Notes: All language shown in highlight is proposed new text. All language shown in ~~strikethrough~~ is
807 existing language that is proposed to be removed. Regular text shown is existing language with no changes
808 proposed.
809
810 Draft Prepared 5/16/2012 (JFC); 6/21/2012 (JFC); 7/17/2012 (JFC); 7/19/2012 (JFC); 9/11/12 (JFC); 11/27/12
811 (DN/JFC); 12/5/12 (JFC).



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: January 28, 2013

Agenda Item: COUNCIL APPROVAL – Funding for Water and Sewer Systems at the Guard Hill and Crooked Run Pump Stations

Summary: CHA Consulting, Inc. (CHA) is proposing to develop a Preliminary Engineering Report (PER), hydraulic model and design for the upgrades needed to the Guard Hill Water Pump Station and Crooked Run Sanitary Sewer Pump Station to supply water and wastewater services to Virginia Dominion Power. Due to the power generation facility being built and the requirement of 652,000 gallons of potable water a day and increased wastewater, the need for improvements are necessary to continue to provide services to existing users and Virginia Dominion Power. Council is requested to consider funding in the amount of \$51,500.00 for PER development, hydraulic model and design.

Budget/Funding: \$51,500 Water/Sewer Upgrades

Revenue:

9601-3410206 [Water Reimbursement] \$15,450.00

9801-3410206 [Sewer Reimbursement] \$36,050.00

Expense:

9601-7519 Dominion W/S Upgrades \$15,450.00

9801-7519 Dominion W/S Upgrades \$36,050.00

Attachments: Letter from CHA

Meetings: Work Session held January 22, 2013

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council approve funding in the amount of \$51,500.00 for development of a Preliminary Engineering Report, hydraulic mode and design for upgrades needed to the Guard Hill Water Pump Station and Crooked Run Sanitary Sewer Pump Station to supply water and wastewater services to Virginia Dominion Power, contingent upon reimbursement from Virginia Dominion Power as per agreement with the Town.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB



January 3, 2013

Mr. Mike Kisner
Water Treatment Plant Superintendent
Town of Front Royal
P.O. Box 1560
15 North Royal Avenue
Front Royal, VA 22630

Re: Water and Sewer System Upgrades;
CHA Proposal No. X35895-P2

Dear Mr. Kisner:

CHA Consulting, Inc. (CHA) is pleased to provide the following proposal for the design of upgrades to the Guard Hill water pump station and Crooked Run sanitary sewer pump station.

Project Understanding

Virginia Dominion Power is constructing a power generation facility in Warren County, just north of the Town of Front Royal. This facility will require a maximum of 652,000 gallons of potable water per day and produce increased wastewater loading. In November of 2010, CHA was hired by the Town to provide an independent assessment of the impacts of this new demand on the Town's water supply and distribution system and to provide an updated version of an existing water distribution model. In our evaluation of the water system, we determined that the proposed power plant would double the demand on the Guard Hill pump station and recommended improvements at the pump station. Additionally, a modification of the Virginia Water Protection Permit to increase the raw water withdrawal allocation from the North Fork Shenandoah River was recommended. In our evaluation of the sewer system, we recommended equalization storage and improvements to the Crooked Run pump station. While an alternative agreement with Dominion Power has eliminated the need for equalization storage, the improvements to the Crooked Run pump station will still provide considerable benefit.

The 1.55 MGD Guard Hill pump station provides potable water to the pressure zone known as the 522/340 Corridor which includes the Fairgrounds Road water storage tank. The existing station is a packaged pump station with two 1,050 gpm, 50 HP PACO end suction pumps in a prefabricated building on Route 522 near Dodson Lane. Based on the water distribution model analysis, CHA recommended that the existing pumps be replaced with new 1,750 gpm, 75 HP pumps with a new Fairgrounds Road tank pressure transducer and a new 125 KW emergency generator.

The 1.73 MGD Crooked Run sewer pump station conveys flows across the North Fork Shenandoah River to a point on the interceptor located upstream of the Riverton pump station. Two 50 HP, 1,200 gpm Flygt dry pit submersible pumps convey flow through a 16-inch force main running under the river. When

operating at full capacity, flow from the pump station can cause sewer surcharging upstream of the Riverton pump station. Based upon the report recommendations, these pumps will be replaced with similar pumps of the same capacity, equipped with variable frequency drives. It is important to note that this upgrade will only allow the Crooked Run pump station to better match incoming flows; when the pump station is operating at full capacity, the downstream collection system will experience surcharging similar to the existing conditions.

In order to accomplish the required improvements, we propose three phases of engineering services.

- Phase I: CHA will prepare a Preliminary Engineering Report (PER) for all proposed improvements:
- Phase II: CHA will prepare final plans and specifications for the recommended upgrades at the pump stations.
- Phase III: CHA will address the raw water intake permitting.

We propose to design and bid the improvements to both pump stations as one project. This will reduce costs to both design and construct the improvements. The following is a detailed scope of the services to be provided.

I. Scope of Services (Exhibit A):

We propose to perform the following tasks as part of the Scope of Services for the water and sewer system upgrades:

PHASE I – Preliminary Engineering Report

Task 1 – Kick-off Meeting, Data Collection, and Preliminary Engineering Report Development

CHA will prepare for and attend a design project kick-off meeting with key members of the Town staff which will be followed by a visit to each pump station to collect additional information. CHA will present the documented data on the existing station and discuss any additional operational and facility needs identified by the staff. The kick-off meeting will, at a minimum, review the following:

- Scope of work, approach, deliverables, and overall project goals
- Project schedule
- Data collection/confirmation
- Operational considerations and constraints
- Communications

CHA will review the existing Guard Hill design plans and existing conditions during an onsite visit. CHA will determine any additional modifications that will be necessary to install the selected pump, generator, and new transducer. At this time, we anticipate the need for:

- Minor modifications to the piping but no changes to the valves;
- An electrical upgrade but no modifications to the electrical service to the building;
- Minor modifications for instrumentation including the new pressure transducer; and
- An exterior mounted weather sound attenuated enclosed emergency generator with a self-contained fuel storage tank.

CHA will use the existing water distribution system model to develop a system curve to establish the Total Dynamic Head (TDH) and horsepower required for the new Guard Hill 1,750 gpm pumps. If

necessary, we may collect field data on the existing pump operations to confirm the system curve generated by the model. Based on this design criteria, CHA will select the required pumps for the upgrade as well as the new 125 KW generator set.

Similar to the Guard Hill pump station, CHA will review the existing Crooked Run pump station design plans and existing conditions during the onsite visit. CHA will determine any additional modifications required to install the new pumps and motors and examine any additional equipment requirements while onsite. At this time we anticipate the need for:

- Minor modifications to the piping but no changes to the valves;
- New air-conditioned cabinets for VFDs;
- No changes to the pump station building other than electrical conduit and panels

CHA will prepare a PER that will include the final design criteria for the pump station upgrades and identify the required improvements. An engineer's opinion of probable construction costs will also be developed. Electronic copies of the draft PER will be submitted to the Town for review and comment. After revising the PER to address the Town's comments, CHA will submit the final PER to the Town and a copy will also be submitted to VDH for regulatory review and approval.

Task 2 – Hydraulic Modeling

The existing Route 522 Corridor water distribution system will be updated to include relevant portions of the suction side of the pump station. This model will be utilized to examine the effects of the increased flows on the distribution system, including any localized low pressures that may result from the pump station upgrade. The updated portions of the model will be developed based upon information available in the Town's GIS. The results of the modeling effort will be included in the PER developed as part of Task 1.

Phase II – Final Design and Construction Administration

Task 1 – Pump Stations Design

CHA will prepare for review and approval by the Town, its legal counsel and other advisors, drawings, technical specifications, contract agreement forms, general and supplementary conditions of the construction contract, proposal forms, invitation to bid, and instructions to bidders, referred to as "Contract Documents".

CHA will utilize as-built drawings and existing GIS topographical and utility information to prepare the design drawings. The Contract Documents will be provided to the Town in two phases: the first at approximately 50% completion for Town review; and then at 90% completion for Town review. CHA will conduct a 2-hour work session after the 50% submittal to go over the design with Town staff and ensure that there is a good understanding of the upgrades proposed. Complete Contract Documents that address all Town comments will be provided.

Task 3 – Pump Station Bidding

Upon approval of the Contract Documents, CHA will assist the Town in advertising and administering the bidding process. The Town will place and pay for the advertisement in the newspaper, if required. CHA will provide the Town with electronic files of the bidding and Contract Documents, including the plans and specifications for posting on the Town's website. In addition, CHA will provide three (3) hard

copy sets of the Bid Issue documents, and distribute these documents to interested contractors as required. CHA will answer questions from bidders and issue any needed addenda. Upon receipt of the bids from the Town, CHA will evaluate the bids and make recommendation for securing the lowest responsible capable bidder. Due to the size of the project, no prebid meeting has been budgeted.

Task 4-- Pump Station Contract Administration

CHA will take an active role during construction of the proposed pump station improvements. CHA will issue Notice of Award, Notice to Proceed, and distribute the construction contract agreements for the project. CHA will issue the required number of Contract Documents to all parties. CHA will schedule, attend, and administer the preconstruction conference for the project. CHA will review and distribute all shop drawings and pay requests and will respond promptly to contractor questions to accommodate any changes in field conditions. CHA will review monthly pay requests from the contractor, prepare field orders, change proposal requests, and respond to any requests for information from the Contractor. CHA will collect the record drawings from the Contractor and update the drawings based upon the final installation and distribute these documents to the Town in AutoCAD format.

Task 5 – Part-Time Project Representation

CHA proposes to provide part-time Resident Project Representation to ensure the Contractor is constructing the improvements in accordance with the Contract Documents. The nature of the project, as envisioned, is to install new pumps, upgrade the electrical system within the building, and install an outdoor generator. We propose to provide inspection during the installation of the pumps and generator and to provide a final inspection by a professional engineer once these items have been installed. We estimate the physical installation of this equipment to take approximately six weeks and propose to provide 20 hours a week of inspection at \$75/hour plus reimbursables.

PHASE III – Raw Water Intake Permitting

The following activities will be conducted for the acquisition or modification of a Virginia Water Protection Permit (VWPP) for increasing the Town of Front Royal (Town) Water Treatment Plant withdrawal from the Shenandoah River. These activities will also address the permitting necessary for any required or planned improvements to the current intake structure and will be used to obtain permits from the Virginia Marine Resources Commission, Department of Environmental Quality, and the U.S. Army Corps of Engineers.

Task 1 – Project Kickoff and Data Analysis

The initial work on the project will include a project kickoff meeting to review the project scope and schedule as well as to obtain data needed to prepare the water withdrawal permit application and the associated Alternatives Analysis. This meeting will be held at the Town offices. Prior to the meeting, a list of items needed from the Town will be prepared and provided to Town. In addition, DEQ will be contacted to discuss and identify specific components of the Alternatives Analysis.

The water withdrawal and water usage data generated after start-up of the Dominion Power facility will be analyzed to determine the withdrawal amount for the new or modified VWPP.

Task 2 – Joint Permit Application

A Joint Permit Application (JPA) will be prepared to obtain the increased withdrawal permit and will include identifying and documenting in the application the following items:

- Section 1 - *Project Location Information*, including impacted water bodies, project type, latitude/longitude, project map, project name and site directions;
- Section 2 - *Applicant and Agent Information*, including applicant contact information, SCC number, property owner information, and agent information;
- Section 3 - *Project Description, Purpose, and Alternatives*, including a detailed description of the project, the primary and secondary purposes, potential impacts to surface waters, alternatives considered to minimize impacts, a summary of the water supply issues that form the basis of the project, the proposed initiation and completion dates for the project and any issues involving unresolved environmental law or litigation for the project site;
- Section 4 - *Project Permit Information*, including prior permitting actions for the project site.
- Section 5 - *Projected Project Costs*, including estimated costs for the project as well as the costs for the work impacting state waters;
- Section 6 - *Public Notification*, including contact and address information for all adjacent property owners and newspaper publication information to support public notices;
- Section 7 - *Threatened and Endangered Species Information*, including detailed information for endangered and threatened species within the project area obtained from the Virginia Department of Game and Inland Fisheries and the Virginia Department of Conservation and Recreation; this will also include measures planned to minimize potential impacts to these and other indigenous organisms;
- Section 8 - *Historic Resources Information*, including identification of any historic sites, historic structures, archaeological resources, and archaeological surveys as provided by the Virginia Department of Historic Resources, and measures planned to minimize potential impacts to any such sites;
- Section 9 - *Water Impact Information*, including impact description, impact area, river dimensions and classification, stream flows, drainage area, wetlands search results and area identification map;
- Section 10 - *Applicant and Agent Certifications*, including applicant certification and authorization of applicant agent;
- Section 26 - *Intake Structures Information*, including intake pipe sizes, pump sizes, withdrawal rates, screen mesh size, drainage area, critical river flows, median river flows by month, stream gage information, descriptions of potential impacts to the river, information regarding variations in withdrawal rates, water use and consumptive use analysis, and preparation of a map showing all withdrawal and return flows; and

- Section 27 - *Water Withdrawal Use, Needs and Alternatives Analysis*, including:
 - Detailed water use description;
 - Average and maximum instantaneous, daily, monthly and annual water withdrawal rates along with supporting calculations;
 - Existing source use and demand data as well as projected use data and the basis for a minimum 30-year planning period to support the determination of a safe-yield;
 - Detailed Alternatives Analysis in compliance with 9 VAC 25-210-115 C 2 and 9 VAC 25-210-115 C 3;
 - Description of existing in-stream and off-stream beneficial uses of river; and,
 - Description of aquatic life known to be present in project area, those that may be impacted by the withdrawal, and their habitat requirements.

Draft copies of the JPA will be provided to the Town for review and signature. CHA will convene a meeting with representatives of the Town at the Town offices to review the Alternatives Analysis and the draft JPA contents.

Task 3 – Additional Permitting and Services

CHA will submit copies of the signed application and supporting documents to the Virginia Marine Resources Commission on behalf of the Town for use and distribution to the Virginia Department of Environmental Quality, the U.S. Army Corps of Engineers, and the other participating state and federal agencies.

In addition to preparation and submittal of the JPA, CHA will provide additional services to the Town to support the requested increase in water withdrawals. The type and scope of these additional services will be determined on an as-needed basis and may include activities such as meetings with local stakeholders; meetings with regulatory agencies; additional meetings with Town; providing additional information or performing site-specific studies as requested by the permitting agencies; preparation and participation in public hearings; and other items that may develop as part of the permitting process. These additional activities will be initiated only upon Town authorization and will be billed on a time and materials basis.

II. Schedule (Exhibit B):

CHA will be prepared to advertise the project for bid no later than May 31st, 2013, following the schedule below:

Phase I – Preliminary Engineering Report Development:

Kick-off Meeting and Site Visit – January 10, 2012
Final PER Delivery – January 31, 2012

Phase II - Final Design and Construction Administration

(Assuming final comments/VDH approval of PER prior to February 15th, 2012)

50% Design Submittal March 29th, 2013

90% Design Submittal – April 30th 2013

Advertisement for Bids – May 30th 2013

Phase III – Permitting

All permitting activities will be initiated at the Town's request.

III. Fees (Exhibit C):

CHA proposes to be compensated on a lump sum basis for all items except Phase II – Task 4. This part of the project representation is on an time and materials basis.

Phase I: Preliminary Engineering Report

Task 1 – Data Collection and PER Development\$9,000
Task 2 – Hydraulic Modeling.....\$4,000

Phase II – Final Design and Construction Administration

The following fees are based upon the scope of work identified in this document and CHA will perform the work identified for the fees shown below. However, after an approved PER is in place, CHA proposes to review the above scope of work and provide the Town with an assessment of any reductions or additions in scope and fee that may be practical given the conclusions of the PER.

Task 1 – Pump Station Improvements Design..... \$23,500
Task 2 – Pump Station Bidding..... \$4,000
Task 3 – Pump Station Contract Administration..... \$11,000
Task 4 – Part Time Project Representation..... \$12,000 Hourly

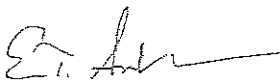
Phase III – Permitting

The permitting fees will be developed at the request of the Town.

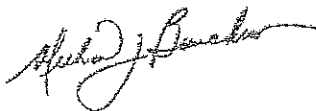
Written authorization to proceed is needed to initiate activities; this can be provided by signing and returning one of the two enclosed Agreements where indicated. Please sign the other copy and keep for your files.

We look forward to the opportunity to continue to work with you on this project. As always, please do not hesitate to contact me should you have any questions or wish to discuss this further.

Sincerely,



Eric Anderson, P.E.
Project Manager



Michael Bianchino
Vice President of Market Operations –
Environmental

ETA/MJB/egl
Enclosures



CHA
SHORT FORM AGREEMENT

THIS AGREEMENT is made this 3rd day of January 2013 by and between CHA Consulting, Inc. ("CHA" shall include CHA, Inc., a Delaware corporation, and its affiliate, Clough Harbour & Associates LLP, a New York limited liability partnership) and the Town of Front Royal (hereinafter "Client"). Client and CHA, for the consideration hereinafter set forth, hereby agree as follows:

1. Services of CHA - CHA agrees to provide the professional services described in Exhibit A (hereinafter the "Services") attached and incorporated by reference. For projects located in Connecticut, Massachusetts, Michigan, New York, North Carolina, Vermont, or the District of Columbia, the Services shall be performed by Clough Harbour & Associates LLP. For all other projects, the Services shall be performed by CHA Consulting, Inc.
2. Schedule of Services - CHA shall use its best efforts to complete the Services in a timely fashion to meet Client's requirements. If the parties have agreed to a specific project schedule and specific milestone dates, such information will be set forth in Exhibit B attached hereto.
3. Responsibilities of Client - Client shall furnish or make available to CHA any and all of its records, maps, or other data which are pertinent to CHA's work. Client shall authorize and assist CHA in obtaining any such pertinent information from other public and private sources.
4. Compensation - As compensation for the performance of the Services, Client shall pay CHA its fees and expenses in accordance with Exhibit C. Payments are due at the address appearing on the invoice within 30 days following the invoice date. Invoices not paid within 30 days will accrue interest from the 31st day at the rate of 1% per month (12% per annum).
5. Termination - This Agreement may be terminated by either party upon not less than seven (7) days written notice. CHA shall be compensated for all Services performed until the receipt of notice plus any fees and/or costs reasonably necessary to properly terminate the project.
6. Relationship of Parties - CHA is and shall at all times during the term of this Agreement be an independent contractor of Client. This Agreement and the relationship of the parties shall not be deemed to create or be one of employment, agency, partnership, joint venture or any other association.
7. Standard of Care - The standard of care for all professional engineering and related Services performed or furnished by CHA under this Agreement will be the care and skill ordinarily used by the members of CHA's profession practicing under similar conditions at the same time and in the same locality. CHA makes no warranties, express or implied, under this Agreement or otherwise, in connection with CHA's Services.
8. Insurance - CHA shall procure and maintain worker's compensation and employer's liability insurance in accordance with requirements of the state in which the Services are being performed, comprehensive liability insurance (including contractual and contractor's protective liability coverage) with combined single limits of \$1,000,000 per occurrence for bodily injury and property damage; automobile liability coverage including owned and hired vehicles with a combined single limit of \$1,000,000 per occurrence for bodily injury and property damage and professional liability insurance in the amount of \$2,000,000 per claim.
9. Indemnification - Client shall indemnify CHA, its partners, officers, directors and employees from all claims, damages, losses and expenses including reasonable attorney's fees, arising out of or in any manner connected with, the performance of the Services to the extent caused by Client's negligence.

CHA shall indemnify Client, its partners, officers, directors and employees from all claims, damages, losses and expenses including reasonable attorney's fees, arising out of or in any manner connected with, the performance of the Services to the extent caused by CHA's negligence.
10. Limitation on Liability - The total liability of CHA and its partners, principals, employees and agents to Client and any one claiming by, through or under Client for any and all injuries, claims, losses, expenses or damages whatsoever arising out of, or in any way related to, the Services of this Agreement from any cause or causes whatsoever including, but not limited to, negligence, errors, omissions, strict liability or breach of contract shall not exceed the total compensation received by CHA under this Agreement or the total amount of \$1,000,000, whichever is greater.

11. Assignment - This Agreement is binding on the heirs, successors, and assigns of the parties hereto. This Agreement may not be assigned by Client or CHA without the prior written consent of the other. Any assignment without written consent of the other party shall be null and void.

12. No Consequential Damages - In no event shall CHA be liable to Client or the Client to CHA for consequential, special or indirect damages, including but not limited to, loss of profits or revenue, loss of use of equipment, loss of production, additional expenses incurred in the use of the equipment and facilities and claims of customers of the Client. This disclaimer shall apply to consequential damages based upon any cause of action whatsoever asserted including, but not limited to, ones arising out of any breach of warranty, guarantee, products liability, negligence, tort, strict liability, or any other cause arising out of the performance or non-performance of the contract by Client/CHA.

13. Mediation - The parties, as a condition precedent to commencing litigation (other than for the non-payment of CHA's fees), shall endeavor to resolve their claims by mediation which, shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Request for mediation shall be filed in writing with the other party to the contract and with the American Arbitration Association.

14. Collection Costs - In the event legal action is necessary to enforce the payment terms of this Agreement, CHA shall be entitled to collect from Client any judgment or settlement sums due plus reasonable attorney's fees, court costs and other expenses incurred by CHA for such collection action.

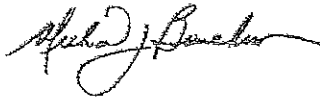
15. Other Agreements - (a) The services to be performed by CHA are intended solely for the benefit of Client and no benefit is conferred on, nor any contractual relationship established with any person or entity not a party to this Agreement; (b) Any provision or part thereof of this Agreement held to be void or unenforceable under any law shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the parties; (c) This Agreement represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters; (d) This Agreement shall not be amended, modified, supplemented or rescinded in any manner except by written agreement executed by the parties; (e) This Agreement shall be governed by and construed in accordance with the laws of the State of New York; (f) CHA shall not be liable for any failure to perform or delay in the performance of the Services due to circumstances beyond its reasonable control.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the date set forth above.

TOWN OF FRONT ROYAL

CHA CONSULTING, INC.

By: _____
Name: _____
Title: _____
Date: _____

By: 
Name: Michael J. Bianchino
Title: VP of Market Operations -
Environmental
Date: January 3, 2013

Rev.
01/09



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 12

Meeting Date: January 28, 2013

Agenda Item: COUNCIL APPROVAL – Budget Transfer and Funding for the Front Royal-Warren County Power of Partnerships Alliance (POPA) Proposal

Summary: Council is requested to approve a Budget Transfer in the amount of \$3,800.00 to fund the proposal from of the Front Royal-Warren County Power of Partnerships Alliance (POPA). Council further authorizes staff to use \$3,800.00 from the Community Development Position. The funds will be reimbursed to POPA after authorization by Tourism

Budget/Funding: Budget transfer
From 1101-3002 \$3800.00 to 1205-3018 Tourism Promotion

Attachments: None

Meetings: Work Sessions held January 14, 2013

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council approve a Budget Transfer in the amount of \$3,800.00 to fund the proposal from of the Front Royal-Warren County Power of Partnerships Alliance (POPA). I further move that Council authorizes staff to use \$3,800.00 from the Community Development Position with funds being reimbursed to POPA after authorization by Tourism.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 13

Meeting Date: January 28, 2013

Agenda Item: CLOSED MEETING – Acquisition of Real Property for a Public Purpose/Disposition of Publicly held Real Property and Personnel Matter

Summary: Council is requested to convene and go into a Closed Meeting for the purpose of 1) discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711.A.3. of the Code of Virginia; and, 2) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of a public body, pursuant to Section 2.2-3711.A.1. of the Code of Virginia.

Budget/Funding: None

Meetings: None

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion:

Motion to Go Into Closed Meeting

Council is requested to convene and go into a Closed Meeting for the purpose of 1) discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711.A.3. of the Code of Virginia; and, 2) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of a public body, pursuant to Section 2.2-3711.A.1. of the Code of Virginia.

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 during 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.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB