



TOWN OF FRONT ROYAL, VIRGINIA
TOWN COUNCIL MEETING
Monday, June 24, 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 June 10, 2013.
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 - A. Report from the EDA – Executive Director 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) –**
 - A. COUNCIL APPROVAL – Bid – Chemicals used at Water Treatment Plant
 - B. COUNCIL APPROVAL – Bid – Chemicals used at Wastewater Treatment Plant
 - C. COUNCIL APPROVAL – Bid – Various Grades of Stone
 - D. COUNCIL APPROVAL – Second Amendment to Lease with Comcast

**The nature of a consent agenda is such that discussion of individual items does not occur.*
8. **PUBLIC HEARING** – Special Use Permit and Site Development Plan Application for a Replacement Telecommunication Tower off Guard Hill Road – CWS VIII, LLC
9. **PUBLIC HEARING** – An Ordinance to Repeal Town Code Section 158-40 Pertaining to the Towing Advisory Board (*1st Reading*)
10. **COUNCIL APPROVAL**– An Ordinance to Amend Town Code Section 1-22 to Include Online Auctions (*2nd Reading*)
11. **COUNCIL APPROVAL** – Resolution – Employee Appreciation Week
12. **COUNCIL APPROVAL** – Fireworks Display Permit – New Hope Bible Church
13. **COUNCIL APPROVAL** – Fireworks Display Permit – Poe's South Fork Campground
14. **COUNCIL APPROVAL** – Budget Amendment for Water Treatment Plant Improvements
15. **COUNCIL APPROVAL** – Front Royal Limited Partnership Review Extension



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

Page 1
Item No. 7(A)

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – Bid – Chemicals used at Water Treatment Plant

Summary: Council has received a request from the Purchasing Agent, seeking approval of a bid from UNIVAR USA for sodium hypochlorite @ \$0.072/lb, carbon @ \$0.72/lb and sodium fluoride @ \$0.98/lb. and approval of a bid from USALCO for polyaluminum hydroxychlorosulfate @ \$2.04/gl. for chemicals used at the Water Treatment Plant during FY14.

Budget/Funding: Water Treatment FY14 budget line item 9601-45413 “Other Operating Supplies”

Attachments: Memorandum and Quotation Tabulation from Purchasing Agent

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 approve a bid from UNIVAR USA for sodium hypochlorite @ \$0.072/lb, carbon @ \$0.72/lb and sodium fluoride @ \$0.98/lb. and a bid from USALCO for polyaluminum hydroxychlorosulfate @ \$2.04/gl. for chemicals used at the Water Treatment Plant during FY14.

*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



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE
PURCHASING DIVISION
102 E. MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560

CYNTHIA A. HARTMAN, CPPB
Purchasing Agent
(540) 636-6889
(540) 636-7473 fax
email: cahartman@frontroyalva.com

MEMORANDUM

Date: June 17, 2013
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

On Friday, June 14, 2013, I held a bid opening to set firm pricing during FY14 for chemicals used at the Water Treatment plant. I received four (4) responses (see attached tabulation sheet).

As we have no means of forecasting the quantities of these chemicals we will use during the year, the request is for estimated quantities. Due to the dollar amount the Town historically spends for these commodities, the award will need Town Council approval. Please add this to the June 24, 2013 agenda for their action.

Staff recommends awards as follows:

UNIVAR USA:

Sodium Hypochlorite @ \$0.072/lb.

Carbon @ \$0.72/lb.

Sodium Fluoride @ \$0.98/lb.

USALCO

Polyaluminum Hydroxychlorosulfate @ \$2.04/gal

The award for the potassium permanganate will be requested at a later date, due to concerns regarding the specifications of the quoted product.

Funding for these chemical will be available from the Water Treatment FY14 budget line item 9601-45413 "Other Operating Supplies".

TOWN OF FRONT ROYAL, VIRGINIA
Quotation Tabulation

ITEM: WATER TREATMENT CHEMICALS

Quotation #20

Date: June 14, 2013

Mailed 4

Replied 4

Vendor Quotation

	BRENNTAG NORTHEAST	UNIVAR USA	JCI JONES CHEMICALS	USALCO BALTIMORE
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
FIRM DELIVERED PRICE FOR THE PERIOD OF: JULY 1, 2013 - JUNE 30, 2014				
<u>ESTIMATED QUANTITIES</u>				
35,000 GALLONS - POLYALUMINUM HYDROXYCHLOROSULFATE	N/Q	N/Q	N/Q	\$2.01/GL
270 TONS - SODIUM HYPOCHLORITE	N/Q	\$0.076/LB	N/Q	N/Q
5 TONS - CARBON (AQUA NUCAR)	\$0.95/LB	\$0.732/LB	N/Q	N/Q
8 TONS - SODIUM FLUORIDE	N/Q	\$0.81/LB	N/Q	N/Q
6 TONS - POTASSIUM PERMANGANATE	\$3.45/LB	\$3.14/LB	N/Q	N/Q
Total				
Discount				
Net Quotation				
Terms				

The above proposals verified to specifications and compliance
with terms and conditions.

Witness

Witness


Purchasing Agent



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

Page 1
Item No. 7(B)

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – Bid – Chemicals used at Wastewater Treatment Plant

Summary: Council has received a request from the Purchasing Agent, seeking approval of a bid from JCI Jones Chemical for (1) ton cylinders of chlorine @ \$700.00/ton and (1) ton cylinders of sulfur dioxide @ \$950.00 per ton for chemicals used at the Wastewater Treatment Plant during FY14.

Budget/Funding: Wastewater Treatment FY14 budget line item 9801-45413 "Other Operating Supplies"

Attachments: Memorandum and Quotation Tabulation from Purchasing Agent

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 approve a bid from JCI Jones Chemical for (1) ton cylinders of chlorine @ \$700.00/ton and (1) ton cylinders of sulfur dioxide @ \$950.00 per ton for chemicals used at the Wastewater Treatment Plant during FY14.

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proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JB



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE

PURCHASING DIVISION

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email: cahartman@frontroyalva.com

MEMORANDUM

Date: June 17, 2013
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

On Friday, June 14, 2013, I held a bid opening to set firm pricing during FY14 for chemicals used at the Wastewater Treatment plant. I received only one (1) response, (see attached tabulation sheet). This is the same company that has provided these chemicals to the Town since 2006.

As we have no means of forecasting the quantities of these chemicals we will use during the year, the request is for estimated tonnage. Due to the dollar amount the Town historically spends for these commodities, the award will need Town Council approval. Please add this to the June 24, 2013 agenda for their action.

Staff recommends the award for wastewater treatment chemicals be made to JCI Jones Chemical for 1 ton cylinders of chlorine at \$700.00 per ton and 1 ton cylinders of sulfur dioxide at \$950.00 per ton.

Funding for these chemical will be available in the Wastewater Treatment FY14 budget line item 9801-45413 "Other Operating Supplies".

Quotation Tabulation

Replied 1

C. L. Hodge
Purchasing Agent 3



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(C)

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – Bid – Various Grades of Stone

Summary: Council has received a request from the Purchasing Agent, seeking approval of a bid from O-N Minerals, d/b/a Carmeuse Lime & Stone for various grades of stone for use during FY14.

Budget/Funding: DES FY14 budget line item 4500-45407 "Highway Maintenance", and Water and Sewer Maintenance FY13 budget line items 9602-45407 "Water Line Maintenance" and 9802-45407 "Sewer Line Maintenance".

Attachments: Memorandum from Purchasing Agent and Quotation Tabulation

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 approve a bid from O-N Minerals, d/b/a Carmeuse Lime & Stone for various grades of stone for use during FY14.

*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



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CYNTHIA A. HARTMAN, CPPB
Purchasing Agent
(540) 636-6889
(540) 636-7473 fax
email: cahartman@frontroyalva.com

MEMORANDUM

Date: June 17, 2013
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

On Friday, June 14, 2013, a bid opening was held to set firm pricing on various grades of stone for use during FY14. Three responses were received (see attached tabulation sheet).

The Request for Quotation document noted that we would add a \$5.00 overhead cost to any quotation received from a vendor with a location more than 3 miles outside the Town limits. The tabulation sheet reflects this overhead + cost in parentheses for the companies affected.

As we have no means of forecasting the quantities of stone we will use during the year, the request is for estimated tonnage. Due to the dollar amount the Town historically spends for this commodity, the award will need Town Council approval. Please add this to the June 24, 2013 agenda for their action.

Staff recommends the award for stone purchases during FY14 be made to O-N Minerals, d/b/a Carmeuse Lime & Stone, as the prices shown on the tabulation form.

Funding for the stone will be available in the Public Works FY14 budget line item 4500-45407 "Highway Maintenance", and the Water and Sewer Maintenance FY14 budget line items 9602-45407 "Water Line Maintenance" and 9802-45407 "Sewer Line Maintenance".

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: STONE

Quotation #18

Date: JUNE 14, 2013

Mailed 3

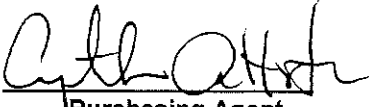
Replied 3

	Vendor Quotation			
	CARMEUSE NA	STUART M. PERRY	ESSROC	
QUANTITY	STRASBURG QUOTATION	WINCHESTER QUOTATION	RIVERTON QUOTATION	QUOTATION
FIRM PER TON PRICES: JULY 1, 2013 - JUNE 30, 2014				
ALL STONE MUST BE STATE APPROVED.				
<u>ESTIMATED TONNAGE:</u>				
1000 TONS - #26 CRUSHER RUN	\$4.00 (\$9.00)	\$9.50 (\$14.50)	\$10.50	
5000 TONS - #68 STONE	\$5.00 (\$10.00)	\$10.25 (\$15.25)	\$12.00	
8000 TONS - #8 STONE	\$6.00 (\$11.00)	\$10.25 (\$15.25)	\$12.00	
5000 TONS - #21B	\$4.00 (\$9.00)	\$9.66 (\$14.66)	\$11.00	
600 TONS - #57 STONE	\$5.00 (\$10.00)	\$10.00 (\$15.00)	\$11.50	
(NO EST.) - CBR-30 STONE	\$4.00 (\$9.00)	\$9.66 (\$14.66)	\$10.00	
(NO EST.) - 21A STONE (PUGGED)	\$4.00 (\$9.00)	\$9.66 (\$14.66)	\$11.50	
*NOT STATE APPROVED				
Total				
Discount				
Net Quotation				
Terms				

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


Purchasing Agent



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

Page 1
Item No. 7(D)

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – Second Amendment to Lease with Comcast

Summary: Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, dba “Comcast” wishes to extend the lease with the Town for a portion of Town real property located at 15 N Royal Avenue, for one (1) year, with an option to renew annually, not to exceed three additional (1) year periods, with an annual increase in rent of 3%. Council is requested to consider approval of an amendment to the current Comcast Office Lease at 15 N. Royal Avenue.

Budget/Funding: None

Attachments: Lease

Meetings: Work Session held June 17, 2013.

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 approve the second amendment to the lease with Comcast for use of a portion of Town real property located at 15 N. Royal Avenue for one (1) year, with an option to renew annually, not to exceed three additional (1) year periods, with an annual increase in rent of 3%.

*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

SECOND AMENDMENT TO LEASE

THIS SECOND AMENDMENT TO LEASE entered into this _____ day of _____, 2013, by and between Town of Front Royal ("Landlord") and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC ("Tenant").

WHEREAS, Tenant is tenant and Landlord is landlord under a certain business premises lease originally between Town of Front Royal and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, dated July 25, 2005 as amended by the Amendment to Lease August 10, 2009 (collectively, the "Lease") respecting certain real property located at 15 North Royal Ave. Front Royal, Virginia and

WHEREAS, the term of the Lease expires on June 30, 2013, and both parties wish to extend the term from July 1, 2013 through June 30, 2014.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby AMEND the Lease as follows:

1. The term of the Lease is hereby extended from July 1, 2013 through and including June 30, 2014 (the "Fourth Extension Term").
2. Rent for the Fourth Extension Term will be as follows:

7/1/13 – 6/30/14 \$ 876.87/month \$ 10,522.44/year
3. Tenant shall have the right to further extend the term of the Lease for three (3) additional periods of one (1) year each (the "Fifth, Sixth and Seventh Extension Terms"). Tenant shall provide Landlord written notice of its election to do so no later than March 31 of each year. The Fifth, Sixth and Seventh Extended Terms shall be upon the same terms, conditions and provisions contained in the Lease as amended hereby, including that the Rent shall continue to escalate by three percent (3%) annually on each July 1.
4. Landlord shall have the right to terminate this Lease with three (3) months prior written notice to the Tenant.
5. On the expiration or earlier termination of this Lease, Tenant shall surrender the Premises free and clear of all tenants, occupants, and personal property, broom clean and in good condition and repair, ordinary wear and tear and damage by fire or casualty only excepted.

6. Section 25 of the Lease is amended to provide that all notices under the Lease, in order to be effective, must be in writing, and shall be given either by certified mail, return receipt requested, or by nationally recognized overnight courier service, addressed as follows:

To Landlord: Town of Front Royal,
102 E. Main Street
P.O. Box 1560
Front Royal, Virginia 22630

To Tenant: Comcast of Potomac, LLC
8098 Sandpiper Cr.
Baltimore, MD 21236
Attn: Lease Administrator

With a copy to: Comcast Cable Communications, LLC
One Comcast Center
1701 John F. Kennedy Boulevard
Philadelphia, PA 19103-2838
Attn: General Counsel

Notices shall be effective on (a) the date of hand delivery, (b) one (1) business day after deposit with a national courier service, or (c) five (5) business days after deposit in the U.S. Mail. Inability to deliver due to change of address for which no notice was given or refusal to accept delivery shall be deemed delivery hereunder. Each party shall have the right to designate by notice in writing any other address to which such party's notice is to be sent.

7. All other terms and conditions of the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the Landlord and Tenant have caused this Second Amendment to Lease to be duly executed as of the date first written above.

Town of Front Royal

By: _____
Name:
Title:

Comcast of
California/Maryland/Pennsylvania/Virginia/West
Virginia, LLC

By:  _____
Name: Marc Sirota
Title: Vice President- Finance



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

Page 1
Item No. 8

Meeting Date: June 24, 2013

Agenda Item: PUBLIC HEARING – Special Use Permit and Site Development Plan Application for a Replacement Telecommunication Tower off Guard Hill Road – CWS VIII, LLC

Summary: Council is requested to consider approval of a Special Use Permit and Site Development Plan Application from CSW VIII, LLC for a replacement telecommunication tower on the property identified (*Tax Map # 20A2-4-1-5*) in a location generally referred to as Guard Hill. The existing tower would be removed and the proposed tower would be installed. The Tower is a 115' monopole tower with a 2' lightning rod, as well as a new compound area.
(SUP13-03-260) and (DEV13-03-210)

Budget/Funding: None

Attachments: Staff report with various attachments

Meetings: Planning Commission Meeting was held May 15, 2013. Council Work Session was held June 3, 2013.

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve a Special Use Permit and Site Development Plan Application from CSW VIII, LLC for a replacement telecommunication tower on the property identified (*Tax Map # 20A2-4-1-5*) in a location generally referred to as Guard Hill, as presented.
(SUP13-03-260) and (DEV13-03-210)

*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
DEPARTMENT OF PLANNING & ZONING



**STAFF REPORT FOR THE TOWN COUNCIL WORK SESSION ON JUNE 3, 2013 AND
 FOLLOWING PUBLIC HEARING, TENTATIVELY SCHEDULED FOR JUNE 10, 2013**

APPLICATION #:

SUP13-03-260/DEV13-03-210

APPLICANT:

Guard Hill Replacement Tower

APPLICATION(s) SUMMARY:

Special Use Permit Application (SUP13-03-260) and Site Development Plan Application (DEV13-03-210), submitted by CWS VIII, LLC, requesting a special use permit and site plan approval for a replacement telecommunication tower on the property identified by Tax Map Number 20A2-4-1-5, in a location generally referred to as Guard Hill, situated between Rt. 340 (Winchester Road) and Rt. 637 (Guard Hill Road), behind the Shell Gas Station. The existing tower would be removed and the proposed tower is a 115' monopole tower with a 2' lightning rod, as well as a new compound area. An ordinance amendment request was also submitted by the Applicant that, if ultimately approved, may allow the proposed tower to be built at a height of 150'; however, this will be considered separately and at a later date. The Special Use Permit and Site Plan Applications are included with this report as **Exhibit A**. A copy of the Site Plan is included as **Exhibit B**.

GENERAL INFORMATION:

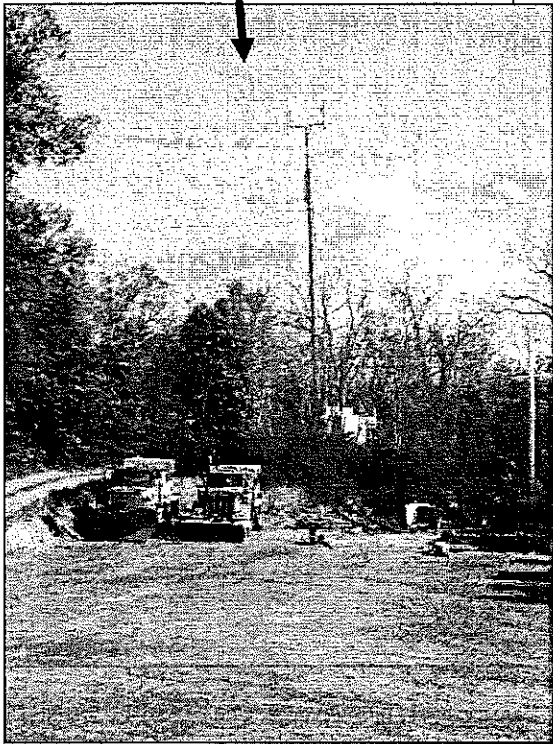
<i>Site Address</i>	No address.		
<i>Existing Zoning</i>	C-3 District		
<i>Existing Use</i>	Telecommunication Tower surrounded by a wooded area with access passing through an existing gravel parking area located off of Guard Hill Road.		
<i>Overlay Districts</i>	Historic Area - NO	Floodplain - NO	Entrance Corridor - YES
<i>Tax Identification</i>	Tax Parcel 20A2-4-1-5		
<i>Location</i>	The site is located near the intersection of Guard Hill Road and Winchester Road.		

<i>Proposed Use</i>	Same as the existing use, except that the existing tower shall be removed and replaced with a taller monopole tower. The carriers of the proposed tower will be ShenTel, InTelos, and an unknown future carrier. An increase in the proposed tower height to 150', with two additional carriers may be added in the future if the Town Code is modified after the separate evaluation of the Applicant's Code Amendment Request.
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ILLUSTRATIONS



**EXISTING
TOWER**

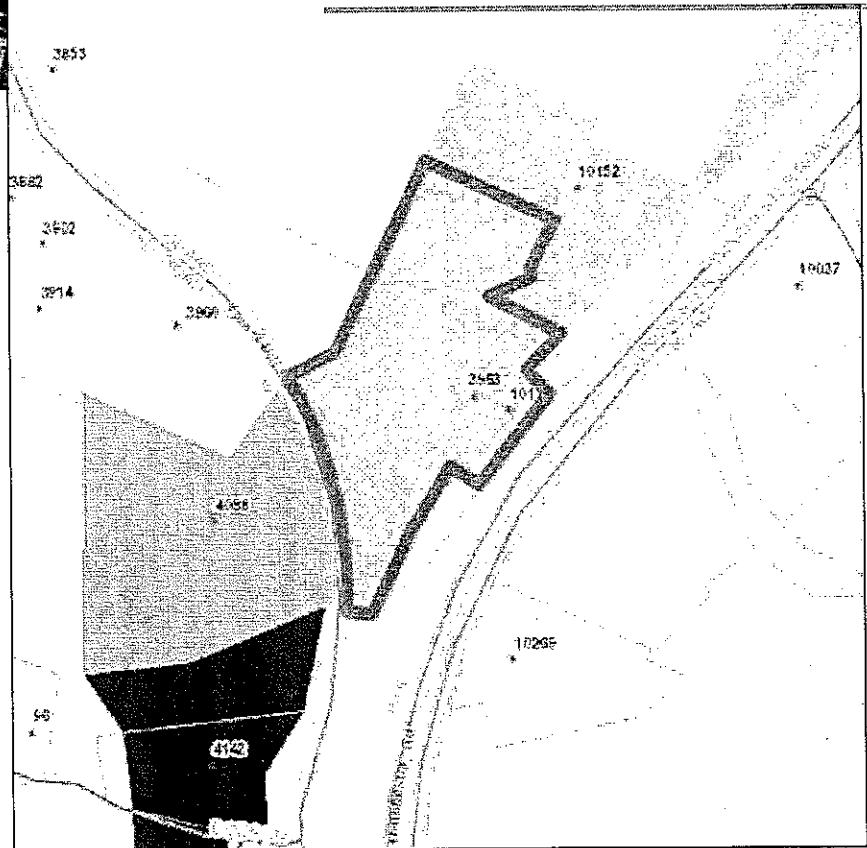


Aerial/Vicinity Map

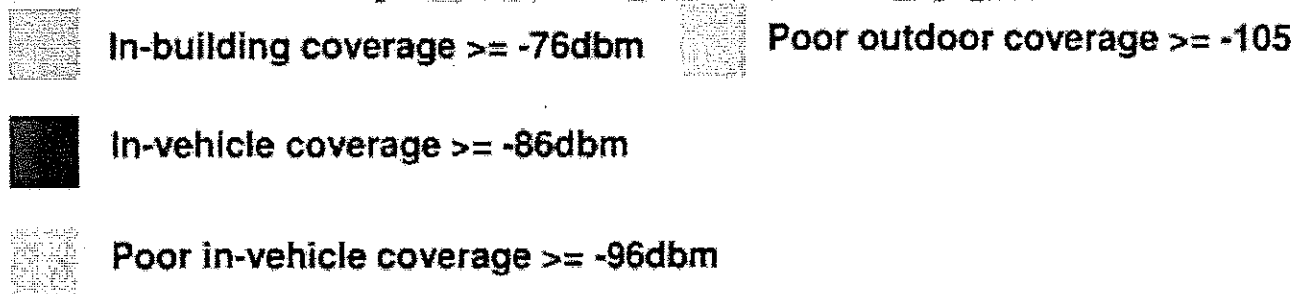


**PROPOSED
TOWER
SITE**

Existing Zoning Map



WN107 Proposed Coverage at 115'



ADDITIONAL INFORMATION:

Background

The applicant submitted a Site Plan and Special Use Permit Application on March 19, 2013. The applications were reviewed by Town Staff, including the Departments of Planning & Zoning, Environmental Services, and Energy Services. In addition, the Warren County Building Inspector reviewed the applications. Also, as required by Section 175-110.4.K. the Town's third-party telecommunication consultant, Atlantic Technology Consultants, Inc., reviewed the applications and provided a technical review report with recommendations. The initial review comments for these agencies and departments are listed below.

Development of the wireless communication network in and around the Town of Front Royal is an important service for local citizens, future economic development, emergency services, and others that use the growing technologies focused around wireless electronic devices.

The parcel where the tower exists, and the replacement tower is proposed, is within the Entrance Corridor. The existing wooded area and elevation difference between Rt. 340 and the top of Guard Hill minimizes visual impacts. The existing tower is visible but discrete. A balloon test was run by the Applicant of the proposed height of 115', as well as a height of 150'. Pictures are included as a portion of Exhibit A.

Review Comments

A. ATLANTIC TECHNOLOGY CONSULTANTS, INC.(04/15/2013)

A copy of the full report is attached. Below are the report's recommendations:

- 1) "Approve the proposed Application at 115' on technical merit."
- 2) "If a Variance can be granted, Approve tower at 150' AGL for future growth."
- 3) "Applicant to have consultation with Warren County Hospital concerning Med Flight Airspace."
 - 3a) "That the Warren County Hospital Emergency Services be notified on this new/taller tower."
 - 3b) A "Beacon" lighting system is placed on this tower as per FAA Standards if the hospital requests it."
- 4) "Applicant to complete and submit NEPA Analysis with VDEQ"
- 5) "Applicant to complete and submit Section 106 Report to VDHR."

Exhibit C is a copy of the report prepared by Atlantic Technology Consultants, Inc. As required by Town Code, the applicant has paid the cost of this third-party consultant review. In the report,

Atlantic Technology Consultants, Inc. explains that the tower is needed for the purpose of providing "a link to tie I-66 and the Town of Front Royal together."

B. PLANNING & ZONING REVIEW COMMENTS (04/15/2013).

- 1) Please add signature spaces on the coversheet of the site plan, including a space for the Town of Front Royal Department of Planning & Zoning, Department of Environmental Services, and Finance Department.
- 2) Please include the Town of Front Royal General Notes on the coversheet.
- 3) Within a commercial district, a fence of up to 8' in height is allowed for security purposes as specified under Section 175-102 of the Town Code. Please modify the proposed 9' tall fence.
- 4) The proposed compound area is shown to expand considerably. Staff recommends that this area be minimized to the greatest extent possible to reduce impacts. Furthermore, staff recommends that the compound be phased so that it is initially built for only 3 carriers, and expanded if needed in the future.
- 5) On the coversheet, please change the current use of "industrial storage". The current use should be specified as a telecommunication tower. Likewise, please specify that the proposed use is a telecommunication tower.
- 6) Please include the language below on the site plan, which are requirements under Section 175-110.4 of the Town Code:
 - "The tower shall be inspected annually and certified as safe by a private firm acceptable to the Town and contracted for by the applicant. A copy of the inspection report with a certification that the tower is structurally safe and all microwave equipment is in proper working condition shall be provided to the Town Manager."
 - "The tower shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the Town Attorney and in an amount reasonably determined by the Town to be sufficient to pay for the costs of demolition and removal."
 - "The following shall be submitted to the Administrator after installation of the tower is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the tower, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that any lightning rod's height does not exceed two

(2) feet above the top of the tower and width does not exceed a diameter of one (1) inch."

**C. ENVIRONMENTAL SERVICES REVIEW COMMENTS
(04/03/2013).**

"Access road to site should be paved. No bond for public improvements or connection fees appears to be associated with the proposed development."

D. DEPT. OF ENERGY SERVICES REVIEW COMMENTS (03/21/2013).

"Staff has reviewed the plans and the proposed site is out of our service area. If you have any questions, please let me know."

E. WARREN COUNTY DEPT. OF BUILDING INSPECTIONS (4/22/2013).

- The applicant's information indicates the site will be less than what requires a permit or review. If the disturbed area is less than 10,000 square feet it would not require further action.
- This size of disturbance also applies to the Stormwater Permit process.
- All construction activity would be subject to the normal requirements of application, review and approval prior to work beginning.

Resubmission

The Applicant resubmitted the site plan to address the above comments on April 25, 2013, which is currently under review. The original comments offered by the Department of Planning & Zoning appear to be adequately addressed. This includes the recommendation to phase the compound area into two phases, the first phase covering what is needed for the 115' tower (3 carriers), and the second phase covering area for an additional two carriers if the tower is increased in height in the future. The applicant has also modified the proposed entrance road to include a pavement surface at the entrance and parking area, as well as other minor corrections to the site plan.

Legal Venue

The Town is authorized to require a Special Use Permit for certain uses within any zoning district under Virginia Code § 15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes.

Section Special Use Permit.175-53.2.B.8 of the Front Royal Municipal Code requires a Special Use Permit for telecommunication towers. Therefore, a special use permit application is required to be approved by the Town before the replacement tower can be constructed. The issuance of a Special Use Permit is subject to such conditions as are deemed necessary by the Front Royal Town Council, after recommendations of

the Front Royal Planning Commission.

Prior to an action by Town Council or a recommendation by the Planning Commission, a public hearing is required for Special Use Permits.

RECOMMENDATIONS:

On May 15, 2013, the Planning Commission recommended to Town Council that the Special Use Permit and Site Plan Application described herein be approved, subject to the following conditions.

DRAFT CONDITIONS FOR #SUP13-03-260 (DEV13-03-210)

1. **Site Plan.** Site Plan Application DEV 13-03-210 shall be approved by Town Staff upon the adequate resolution of all review agency comments.
2. **Tower Type and Maximum Height.** The telecommunication tower shall be of a monopole design, and shall not exceed the height of 115 feet. However, should the Town Code be amended in the future to allow a taller height, the maximum tower height of 115' may be increased to the maximum tower height allowed by the Town Code; provided that, no other conditions herein are violated.
3. **Lighting.** The proposed tower shall not be lighted; except that, a Beacon lighting system shall be installed if required by the FAA, or if requested by the Warren County Hospital or Town of Front Royal. Lighting of the compound area is permitted, but shall be designed to meet Dark Sky Lighting Standards, or equivalent lighting standards.
4. **Code Compliance Notice.** The requirements of the Town Code regarding Wireless Telecommunication Towers, as currently found under Section 175-110.4, shall be complied with at all times.
5. **Inspection.** The Zoning Administrator, and/or designee, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this Special Use Permit.
6. **Revocation.** Notwithstanding the above conditions, the Town may revoke the Special Use Permit at any time if it is found that the property is not in compliance with local regulations, including, but not limited to, the conditions of this Special Use Permit.

ATTACHMENTS:

Exhibit A (Applications), Exhibit B (Site Plan), and Exhibit C (3rd-party consultant's technical review report)



TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236

Fax: 540.631.2727

Internet: www.frontroyalva.com

SUP 13-03-260

SPECIAL USE PERMIT REQUEST

APPLICANT

NAME CWS VIII, LLC PHONE 703-845-1971
ADDRESS 2800 Shirlington Road, Suite 716, Arlington, VA 22206
E-MAIL queli.campos@sharedsites.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS 3963 Guard Hill Road, Front Royal, VA 22630
TAX MAP 20A2-4-1-5 SECTION N/A BLOCK N/A LOT N/A
SUBDIVISION NAME N/A ACREAGE 5.922

REQUEST

ZONING DISTRICT C-3
PROPOSED USE OF PROPERTY Telecommunications Site
SPECIFIC SPECIAL USE PERMIT REQUEST To construct a 115' telecommunications
monopole with a 2' lightning rod and associated 60' X 50' fenced compound.

ATTACHMENTS --The following must be submitted with the application. Additional information may be required depending on the nature of the request.

1. Survey/Plat of property showing all **existing** improvements.
(10 copies if larger than 11" X 17")
2. Site Plan Application
3. Application Fee of \$400.00 (Checks payable to the Town of Front Royal)
4. Additional information as required by the Department of Planning & Zoning

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge and should the special use permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

Signature [Signature] Date 3/11/13

By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

Receipt # 507219 Date Paid 3-19-13



TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236
Fax: 540.631.2727
Internet: www.frontroyalva.com

DEV 13-03-210

DEVELOPMENT APPLICATION REQUEST FOR SITE PLAN APPROVAL

APPLICANT

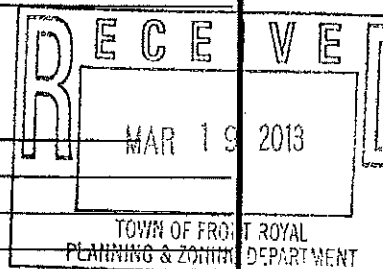
NAME CWS VIII, LLC PHONE 703-845-1971
ADDRESS 2800 Shirlington Road, Suite 716, Arlington, VA 22206
Designated Contact for Applicant Queli Campos, queli.campos@sharedsites.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS 3963 Guard Hill Road, Front Royal, VA 22630
TAX MAP 20A2-4-1-5 SECTION N/A BLOCK N/A LOT N/A
SUBDIVISION NAME N/A ACREAGE 5.922

REQUEST

ZONING DISTRICT c-3
PROPOSED USE OF PROPERTY Telecommunications Site
PROPOSED BUILDING SIZE N/A
BUILDING COVERAGE N/A
NUMBER OF PARKING SPACES PROVIDED 1
AMOUNT OF OPEN SPACE AREA 79% of open area



ATTACHMENTS ----The following must be submitted with this application. Additional information may be required depending on the nature of the request.

1. Five (5) copies of the site development plan, prepared in accordance with the requirements of Town Code Section 148-20.
2. One (1) copy of an Erosion and Sediment (E&S) Plan.

(The required number of copies of the Erosion and Sediment Plan should be to the Warren County Bldg. Inspection office, as their approval is required before the development plan can be approved by the Town.)

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge, and the project will be implemented as presented and approved by the Town of Front Royal, in accordance with the Town's Land Development Regulations (Chapter 148) and Zoning Ordinance (Chapter 175).

Signature [Signature] Date 3/11/2013

Fee: Change of Use 1 acre or less \$100 New Construction or Change of Use Over 1 Acre \$750
Receipt Number 507219 Date 3-19-13

By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

Revised 2-12-13



**Federal Communications Commission
Washington, DC 20554**

Informational Notice of Section 106 Filings

Date: 04/17/2013
Reference Number: 755918

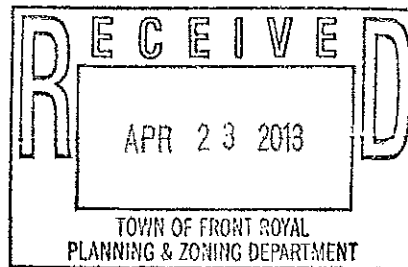
Jeremy Camp, Director
Town of Front Royal Department of Planning and Zoning
16 North Royal Avenue
Front Royal, VA 22630

The following new Section 106 filing has been submitted:

FILE NUMBER: 0005733666
Purpose: New Tower Submission Packet
Notification Date: 7AM EST 04/12/2013
Applicant: Community Wireless Structures VIII, LLC
Consultant: EnviroBusiness Inc d/b/a EBI Consulting (61130078)
Site Name: CWS: Guard Hill
Site Address: 10178 Winchester Road (EBI 61130078)
Site Coordinates: 38-57-19.3 N, 078-12-00.2 W
City: Front Royal
County: WARREN
State: VA
Lead SHPO/THPO: Virginia Department of Historic Resources

Consultant Contact Information:

Name: Jennifer Davis
Title:
PO Box:
Address: 6876 Susquehanna Trail S
City: York
State: PA
Zip: 17403
Phone: (203) 309-8285
Fax:
Email: jdavis@ebiconsulting.com



NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.



**FRONT ROYAL, VA
TECHNICAL REVIEW**

**PROPOSED NEW
115' WIRELESS TELECOMMUNICATIONS FACILITY
By
CWS VIII, LLC.
At
GUARD HILL**

Submitted by:
ATLANTIC TECHNOLOGY CONSULTANTS, INC.
A Member of The Atlantic Group of Companies

ATC PROJECT #: 1128-05

April 15, 2013



THE ATLANTIC GROUP
OF COMPANIES INC.

EXECUTIVE SUMMARY:

CWS VIII, LLC (a Virginia based tower developer/owner) has made application to the Town of Front Royal for the issuance of a Conditional Use Permit to allow construction of a new telecommunications monopole at the property located at 3963 Guard Hill Road, Front Royal, VA, owned by the Quarles Petroleum Inc.

Currently on the parcel in question, there is a fifty (50) foot wooden monopole tower and one (1) wireless carrier, SHENTEL Wireless, occupying the site. The Current site is licensed by the FCC and approved by the Town of Front Royal to provide wireless service. The current wooden pole facilitates coverage for the existing tenant in the local coverage area.

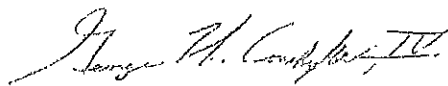
This Application is to upgrade the entire site by replacing the existing fifty (50') foot wooden pole with a 115' steel tower, provide tower space for three (3) carriers and expand the ground compound to accommodate the new tenant carriers and update the facility in general.

CWS is a telecommunications structure developer/owner provider who facilitates digital wireless PCS service to the Front Royal/Warren County area as well as the various geographic areas of Virginia, and proposes the addition of a 115' monopole style tower to support service delivery in an area with a lack of system coverage in the area known as the Rt. 340/I-66 and the Town of Front Royal.

CWS also seeks to propose a Variance to provide a 150' monopole style tower in lieu of the originally proposed 115' monopole style tower if the jurisdiction would approve it. The 150' monopole will accommodate five (5) co-locators but does not have the adequate set-back requirements established by the Town of Front Royal.

This report outlines the specific areas of evaluation with respect to this proposal, and this consultant's recommendations regarding the site plans as presented. Supporting and clarifying evidence regarding the suitability of the proposed design in meeting the specified coverage goals is also included.

In summary, the consultant concurs with the replacement and upgrade of the current wooden tower to a steel 115' tower and would further support the raising in height to 150' AGL for technical reasons if the governing body approves the Variance requested.



George N. Condyles, IV
President and COO
Atlantic Technology Consultants, Inc.

Statement of Justification

CWS Site 125: Guard Hill
Statement of Justification

CWS proposes to develop a 115 foot monopole on the Quarles Service Station property located on Route 340, north of the Town of Front Royal, and south of Interstate 66. The monopole is a replacement of an existing 50 foot wooden pole at the same location. NTELOS and Shentel are currently installed on the existing structure and will relocate to the CWS monopole and install 4G antennas and equipment. The monopole would be located in a fifty (50') by sixty (60') foot compound surrounded by an eight foot (8') high chain link fence.

The purpose of the proposed telecommunications facility is to enhance wireless communications for the citizens, businesses, visitors, and emergency personnel of the Town of Front Royal and vicinity. Specifically, the taller, more substantial CWS structure will allow NTELOS and Shentel to improve the coverage of their existing wireless telecommunications network and to add 4G service (broadband wireless) to the northern portion of the Town and adjacent areas. The tower has been designed to accommodate the equipment and antennas of up to two additional wireless service providers which may desire to locate here in the future for a total of four carriers.

As the photo simulations show, the site is wooded, surrounded by dense vegetation and trees and screened from most adjacent vantage points by existing vegetation and its higher elevation. As the site is approached from both the north and south on Rt. 340, the monopole will be obscured to a large extent by the wooded areas that exist along the side of the road and around the site. Only the portion of the monopole above the treeline will be visible from this line of sight. The monopole will not be lit and will be a neutral color to blend with the sky.

From a land use perspective, the zoning classification C-3 (Highway Corridor Business District) and EC (Entrance Corridor Overlay District) is a logical one for a telecommunications monopole, and the nearest house is over 500 feet from the proposed pole location. The proposed monopole is also consistent with other land uses in the area. The Quarles Petroleum service station shares the parcel, and an auto repair shop is immediately across Guard Hill Road.

The proposed telecommunications facility will have no impact on air quality, water quality, light pollution, noise pollution, traffic congestion or circulation. The facility will meet all safety requirements. This is an unmanned facility and once constructed, visits to the site will be minimal. There will be no customers at the site and thus traffic generation is minimal.

This proposal is consistent with the policies set forth in Town of Front Royal Performance Standards for Wireless (Cell Phone) Communications Towers. In general, the location of the facility (i) provides the needed wireless coverage, (ii) is already zoned for commercial purposes, (iii) is surrounded by properties also zoned for commercial purposes, (iv) is not close to any

residences and (v) is screened in all directions by the surrounding woods and vegetation and elevation.

The individual Performance Standards are addressed below.

A. The following sites shall be considered by applicants as the preferred order of location of proposed broadcasting or communication facilities:

1. Existing broadcasting or communications towers.
2. Public structures, such as water towers, utility structures, fire stations, bridges, and other public buildings within all zoning districts not utilized primarily for residential uses.
3. New structures.

The proposed monopole is a replacement of an existing wooden pole that is currently utilized by NTELOS and Shentel. Both carriers are in the process of upgrading their networks to provide for 4G service. The existing wooden pole will not structurally accommodate these new antennas and other required equipment. In addition, the taller monopole will enhance the coverage area for both carriers.

There are no other existing structures which are suitable for the mounting of these antennas. Please refer to the attached site inventory.

B. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of Town Council that no other existing tower or structure can reasonably accommodate the applicant's proposed antenna.

There are no other existing structures which are suitable for the mounting of these antennas. Please refer to the attached site inventory.

C. The maximum height of any wireless telephone (cell phone) communications tower shall be made a condition of the special permit, but in no event shall exceed one hundred fifty feet (150') above finished grade of the property upon which it stands.

The proposed monopole is 115'.

D. Wireless telephone (cell phone) communications towers shall conform to each of the following minimum setback requirements:

1. Towers shall have a minimum front, side and rear yard setback equal to the height of the tower.
2. Towers guys and accessory structures shall satisfy the minimum setback requirements of the underlying zoning district.
3. Towers shall not be located between the principal structure and a public street.

The proposed monopole conforms to the minimum setback requirements. Please refer to the attached Site Plan.

E. All towers shall be designed, structurally, electrically and in other respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users.

The monopole has been designed to accommodate four wireless carriers.

F. Towers shall be illuminated as required by the Federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA), but no lighting shall be incorporated if not required by the FCC and/or FAA, other than essential security lighting. Site lighting shall not be directed toward adjacent properties.

FAA does not require lighting of this structure. Please refer to the attached letter from Walter Wulff, aviation consultant.

G. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Applicant will conform to the signage restrictions.

H. Before activating the facility into service the applicant/developer shall provide the Town with a certificate by a qualified consultant that the radio frequencies used by the facility shall not interfere with any other pre-existing radio frequencies in use within the coverage area of the facility including, but not limited to, public safety communication frequencies.

Applicant will provide the specified radio frequency certification at the time antennas are installed on the tower.

I. For any proposed tower, photographs shall be taken of a balloon test, which shall be conducted as follows:

1. The applicant shall provide the Administrator with at least seven (7) days prior notice of the conducting of the test; provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the Administrator.
2. The test shall consist of raising one or more balloons from the site to a height equal to the proposed facility.
3. The balloons shall be of a color or material that provides maximum visibility.
4. The photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as deemed appropriate by the Administrator.

A balloon test was conducted on Friday, January 18, 2013. Jeremy Camp, Director of Planning, was present during the test. Public notice of the test was advertised on January 14, 2013 in the Northern Virginia Daily newspaper. Photo simulations developed from the balloon test are enclosed with this application.

J. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.

Carriers will make a separate application for their antennas and other equipment.

K. The Town shall require the review of the application by a third-party consultant retained by the Town at the expense of the applicant.

Applicant acknowledges that the Town will require a review of its application by a third party consultant and that applicant will be responsible for the cost of this review.

L. The applicant shall execute a letter of intent to allow other parties to share space (co-locate) on their tower and negotiate in good faith with other interested parties, including the Town Council and the Board of Supervisors of Warren County for emergency services radio and telephone facilities.

Please refer to the enclosed letters of intent from NTELOS and Shentel.

M. The tower construction shall be of a design that minimizes the visual impact of the tower and related facilities shall be camouflaged and/or screened from view from adjacent properties and rights-of-way to the greatest extent practicable. To this end, the application must provide for the retention of existing stands of trees and the installation of screening where existing trees do not mitigate the visual impact of the facility. Such screening shall, at a minimum, include a double row of evergreen trees at least two inches (2") in diameter at breast height separated by not further than ten feet (10') on center. The Planning Commission may recommend and the Council may require additional trees and screening when the minimum provisions do not mitigate adverse visual impacts of the facility.

The attached Site Plan shows the design of the communications facility. The existing vegetation and trees provide adequate screening. CWS asks for a modification of the screening requirements of this section to allow use of existing screening.

N. The electromagnetic fields produced by the facility and any attachments to the tower do not exceed the radio frequency emissions standards established by the American National Standards Institute (ANSI).

The communications facility will comply with the RF standards established by the American National Standards Institute.

O. The tower shall be inspected annually and certified as safe by a private firm acceptable

to the Town and contracted for by the applicant. A copy of the inspection report with a certification that the tower is structurally safe and all microwave equipment is in proper working condition shall be provided to the Town Manager.

The tower will be inspected annually.

P. The tower shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the Town Attorney and in an amount reasonably determined by the Town to be sufficient to pay for the costs of demolition and removal.

Applicant agrees to demolish and remove the tower within 90 days after abandonment, and will provide the required security.

Q. Any equipment cabinet not located within an existing building shall be fenced only with the approval of the Administrator upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or in rural areas, to protect the facility from livestock or wildlife; (ii) would not be detrimental to the character of the area; (iii) would not be detrimental to the public health, safety or general welfare; and (iv) shall assist in the effective screening of the facility.

The proposed site will be surrounded by an eight foot (8') high chain link fence with two feet (2') of barbed wire on top.

R. Each tower shall be constructed so that all cables, wiring and similar attachments that run vertically from the ground equipment to the antennas are placed on the pole to face the interior of the property and away from public view, as determined by the Administrator, or so that vertical cables, wiring and similar attachments are contained within the tower's structure.

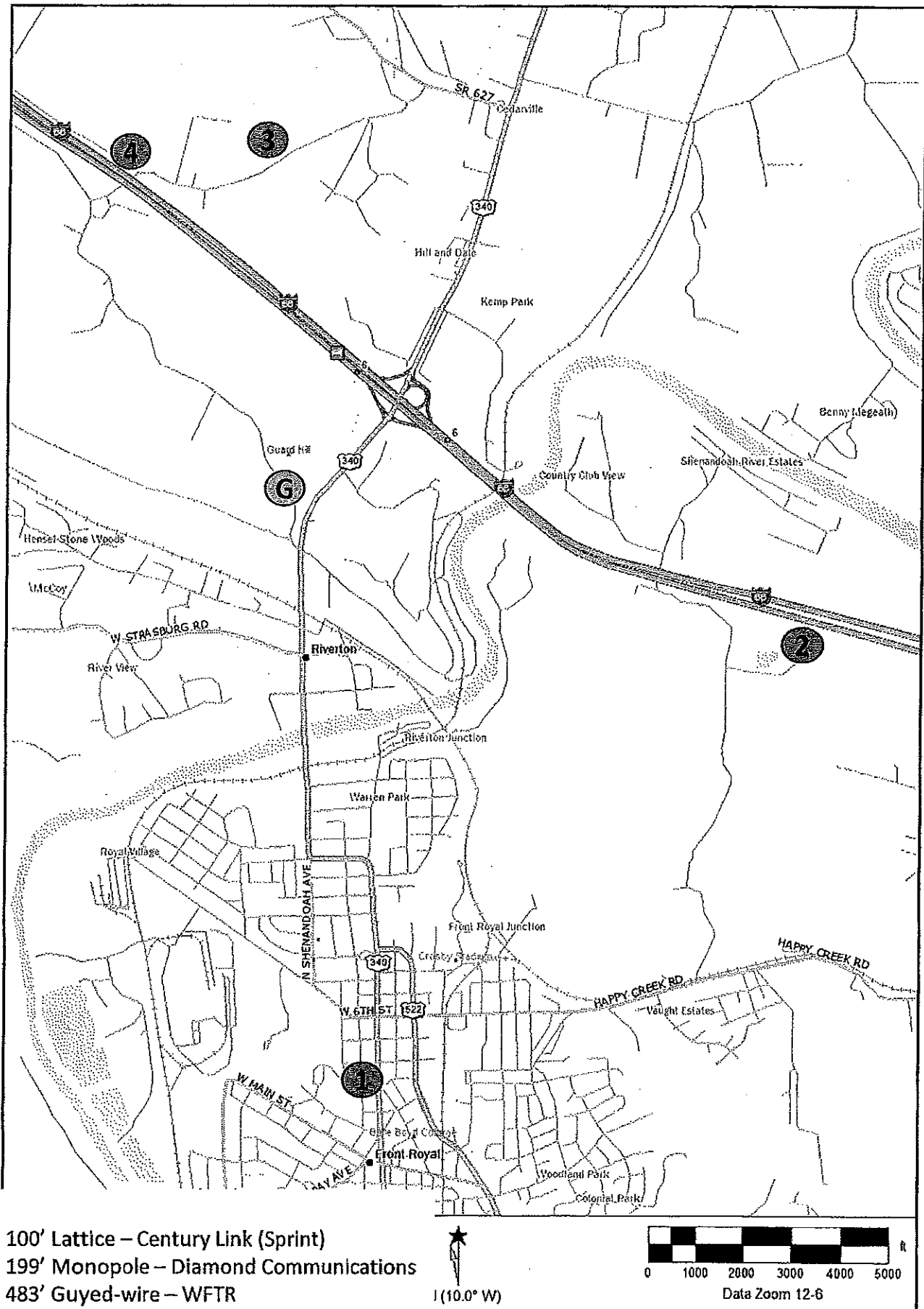
The tower will be designed to accommodate wires, cables and similar attachments in the interior of the structure to the maximum extent. Any exterior cables will comply with the provisions of this section.

S. The following shall be submitted to the Administrator after installation of the tower is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the tower, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that any lightning rod's height does not exceed two (2) feet above the top of the tower and width does not exceed a diameter of one (1) inch.

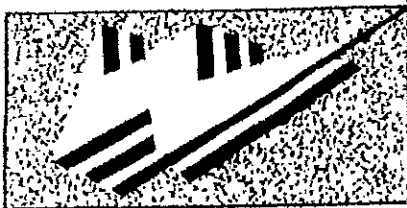
Applicant will comply with the required certifications.

**Antenna Support Structures Near
CWS 125: Guard Hill**

Antenna Support Structures Near CWS Site 125: Guard Hill



**Walter Wulff Letter —
No FAA Notification Necessary**



WALTER WULFF & ASSOCIATES

Aviation Consultants
P.O. Box 914
Point Clear, AL 36564
(251) 990-2502
Fax (251) 990-2503

February 20, 2013

Queli Campos
Community Wireless Structures
2800 Shirlington Road, Suite 716
Arlington, VA 22206

Ref. Case No: 13-013

AERONAUTICAL STUDY REPORT

This is a report of an aeronautical study to determine the maximum height structure on CWS Site 125: Guard Hill.

COORDINATES: 38°57'19.894" N., 78°11'59.878" W.

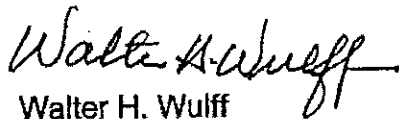
SITE ELEVATION: 639' AMSL

NEAREST PUBLIC USE/MILITARY LANDING AREA:

The site is 3.19 nautical miles northeast of the Warren County Airport, Front Royal, VA.

AERONAUTICAL STUDY RESULTS:

1. Notice to the FAA is required for a structure exceeding 200' AGL.
2. The maximum height structure the FAA should approve on the site is 420' AGL, 1059' AMSL. The FAA should issue a determination within 30-45 days.
3. The installation of obstruction marking and lighting equipment is not required for a structure at or below 200' AGL.


Walter H. Wulff

Shentel Letter of Intent



March 8, 2013

CWS VIII, LLC
c/o Thomas A. Murray
2800 Shirlington Road,
Suite 716
Arlington, VA 22206

Re: Letter of Interest for the Relocation of Cell Site
CWS Site 125: Guard Hill
Latitude 38-57-19.894 - Longitude -78-11-59.878

Dear Mr. Murray:

Shenandoah Personal Communications, LLC ("Shentel") seeks to improve its wireless telecommunications network in the northern portion of The Town of Front Royal. Shentel is currently located on a wooden pole which is not sufficient in height to meet its coverage objectives, nor does it have the structural integrity to support Shentel's planned 4G equipment upgrade for this area. The monopole facility currently proposed by CWS to be located on Guard Hill will address these inadequacies and Shentel will pursue a licensing arrangement with CWS if its project is approved.

Shentel will be seeking to license from CWS the following:

- a) Equipment Space: The right to use a 12' x 20' square foot portion of the ground space for the placement of its ground equipment for the operation of its wireless communications equipment, together with appropriate grounding facilities surrounding the same.
- b) Antenna Space: The right to install up to Nine (9) panel antennas on the proposed monopole at a mounting height of One Hundred Three Feet (103').
- c) Accessory Space: The right to install wires, cables, conduits and other ancillary and complimentary devices by, through and between the Equipment Space and the Antenna Space, including easements for telephone, fiber optics and electric utility services.

Should you have any questions, please do not hesitate to contact me at (540) 984-3003.

Sincerely yours,

Leonard L. Greisz
Manager - Site Acquisition

Please be advised that this is not contractually binding on the parties. This letter is only an expression of the basic terms and conditions to be incorporated in a formal written agreement. The parties shall not be contractually bound unless and until they execute a formal lease, which must be in the form and content satisfactory to each party in its sole discretion. Neither party may rely on this letter as creating any legal obligation of any kind.

NTELOS Letter of Intent



1150 Shenandoah Village Drive
Waynesboro, Virginia 22980

February 28, 2013

CWS VIII, LLC
c/o Thomas A. Murray
2800 Shirlington Road, Suite 716
Arlington, VA 22206

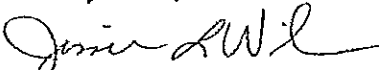
Re: Non-Binding Letter of Intent - CWS Site 125: Guard Hill
NTELOS Site: WN107 Front Royal/McDonald's
Lat : 38-57-19.894
Long : -78-11-59.878

Dear Mr. Murray:

This letter serves to notify you that Virginia PCS Alliance, L.C., d/b/a NTELOS ("NTELOS") has analyzed the proposed wireless communications facility proposed by CWS VIII, LLC located on the Town of Front Royal tax map parcel 20-24, 20A 241 5 owned by Quarles Petroleum, Incorporated at 3963 Guard Hill Road, Front Royal, VA. NTELOS is currently located at the top position on a wooden pole at this location. Assuming NTELOS is provided an antenna radiation center of approximately 113' above ground level, the proposed CWS 125: Guard Hill monopole will meet our coverage objectives to improve coverage along Interstate 66 and the northern portion of the Town of Front Royal. NTELOS supports CWS' effort to secure any required approvals and/or permits from the Town of Front Royal and any other local, state or federal governmental approvals necessary to develop the wireless communication facility as proposed.

If approved, NTELOS intends to enter into a lease agreement with CWS to relocate its antennas from the existing wooden pole to the CWS monopole and terminate its agreement with Quarles Petroleum, Incorporated. Should you have any questions, please do not hesitate to contact me at (540) 941-3610.

Thank you for your assistance with this matter.


Jessica Wilmer
NTELOS - Network Coordinator
1150 Shenandoah Village Drive
Waynesboro, VA 22980
wilmerj@ntelos.com

Please be advised that this is not contractually binding on the parties. This letter is only an expression of the basic terms and conditions to be incorporated in a formal written agreement. The parties shall not be contractually bound unless and until they execute a formal lease, which must be in the form and content satisfactory to each party in its sole discretion. Neither party may rely on this letter as creating any legal obligation of any kind.

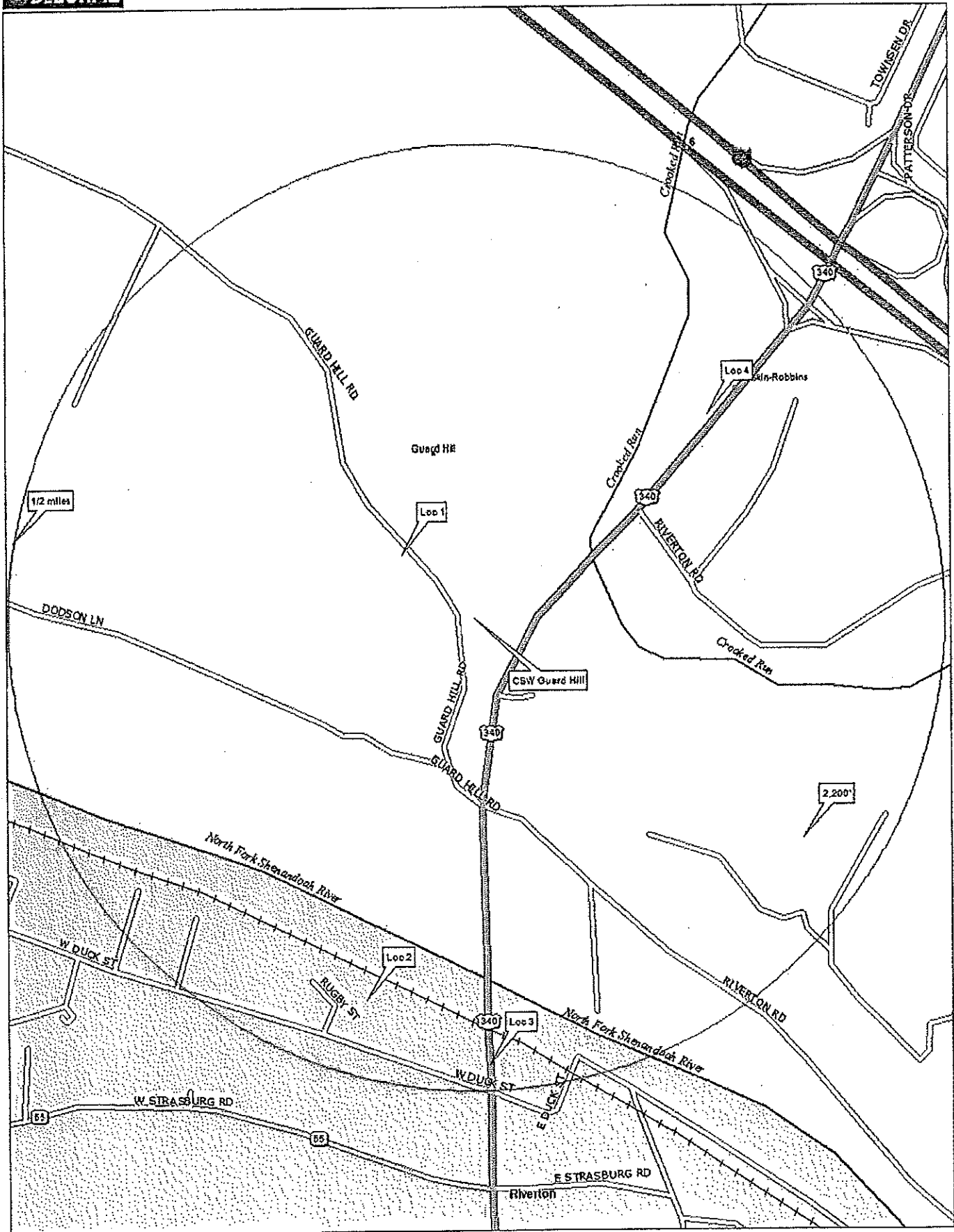
Co-location Policy

CWS Co-Location Policy

3/4/2013

Community Wireless Structures (CWS) develops infrastructure for wireless networks. This infrastructure enables carriers to develop the elevation antenna sites that are needed for seamless service. To date, CWS has built in nine Virginia counties, providing key infrastructures for the following carriers: AT&T Wireless, Sprint-Nextel, NTELOS, T-Mobile, Cricket, Clearwire, Fibertower and Verizon Wireless. If you live in the counties of Culpeper, Fairfax, Fauquier, Louisa, Loudoun, Madison, Orange, Prince William, or Stafford the chances are that a CWS structure has helped your call get through. CWS designs and builds structures which optimize the co-location of multiple wireless service providers.

Photo-Simulations

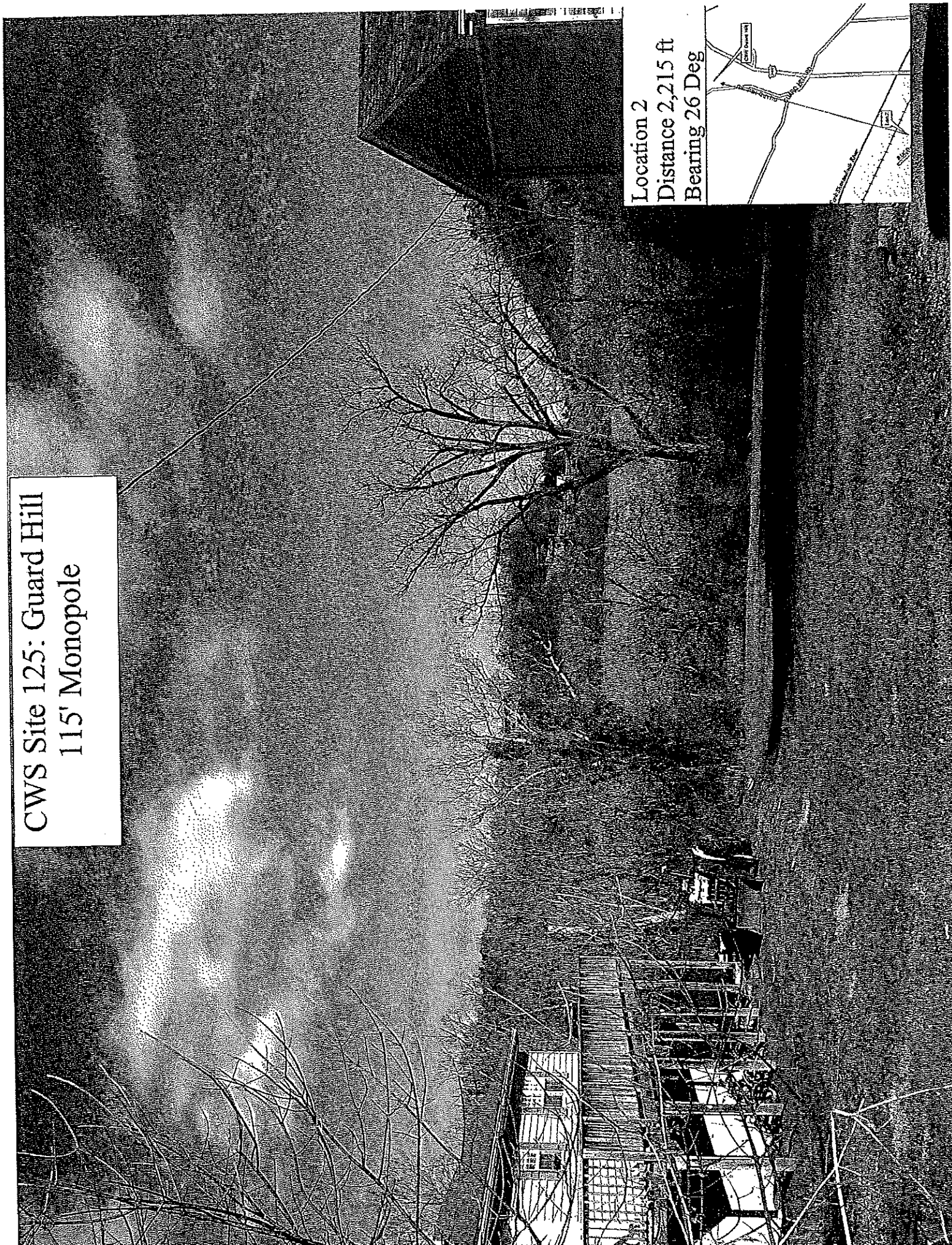
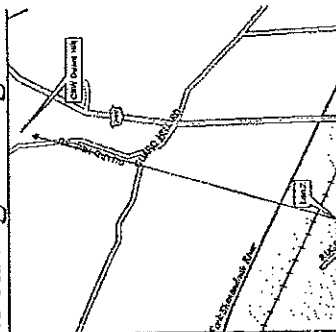


CWS Site 125: Guard Hill
115' Monopole

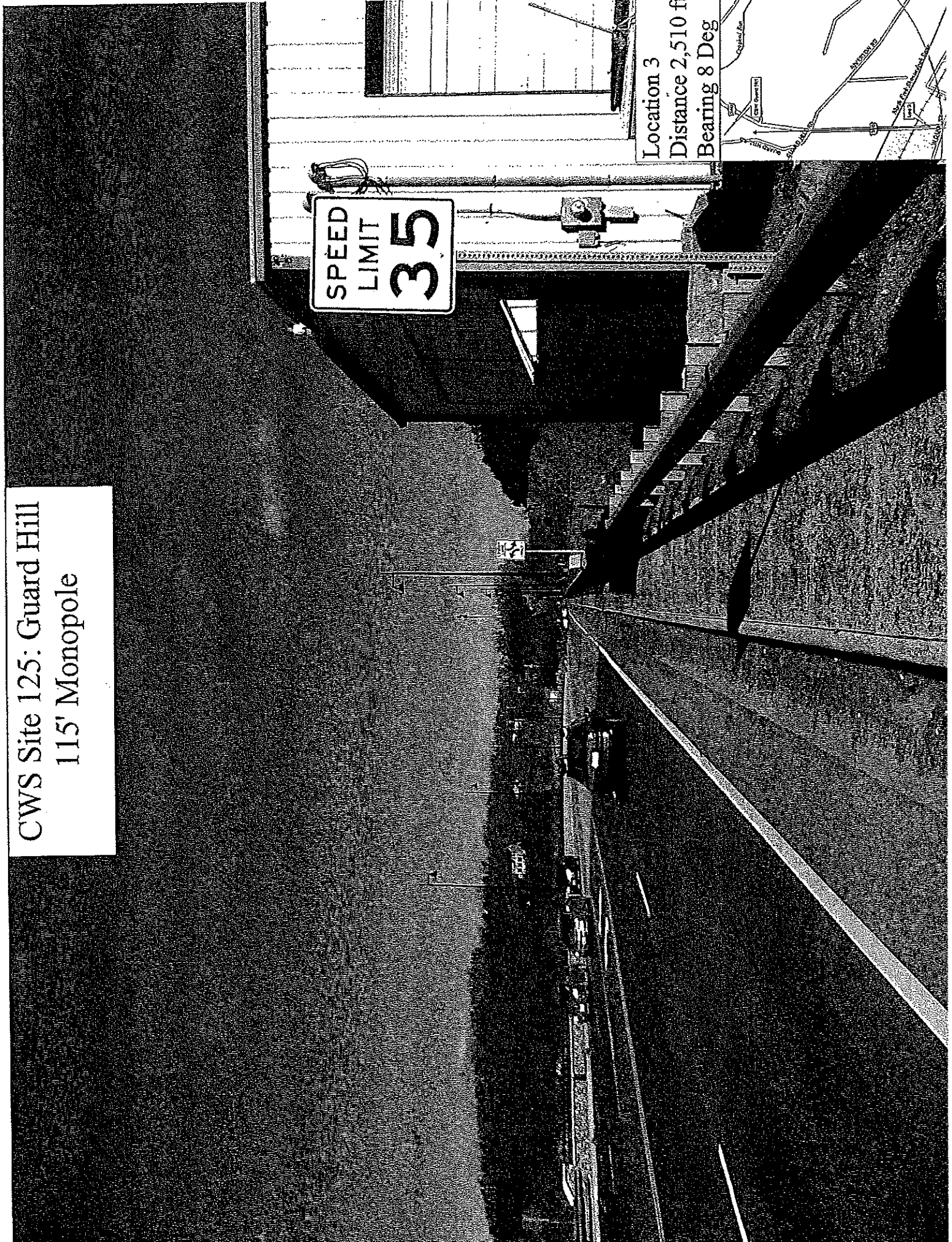
Location 1
Distance 550 ft
Bearing 141 Deg

CWS Site 125: Guard Hill
115' Monopole

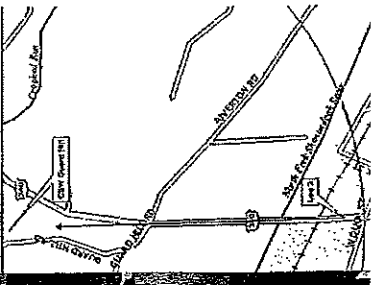
Location 2
Distance 2,215 ft
Bearing 26 Deg



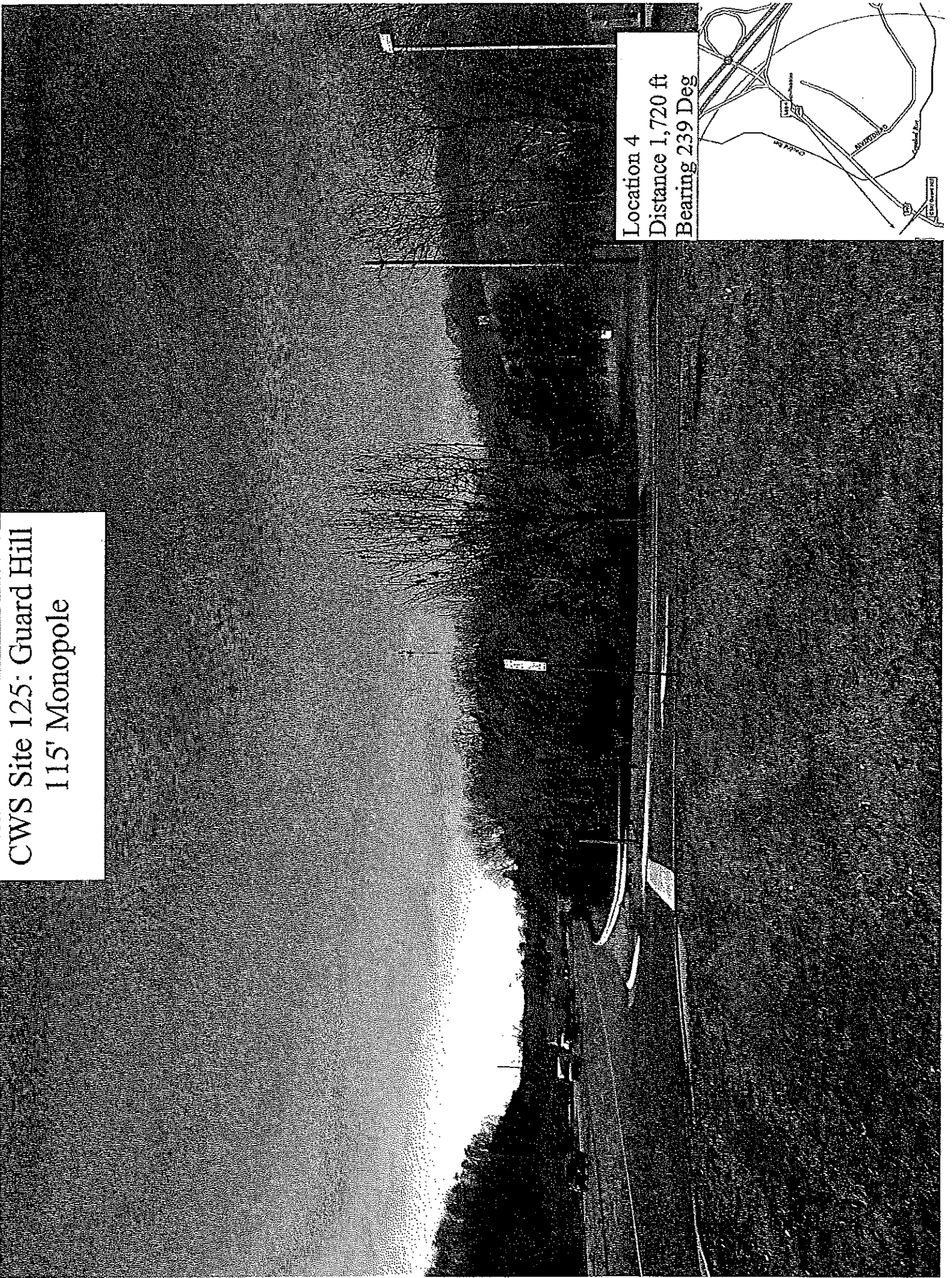
CWS Site 125: Guard Hill
115' Monopole



Location 3
Distance 2,510 ft
Bearing 8 Deg



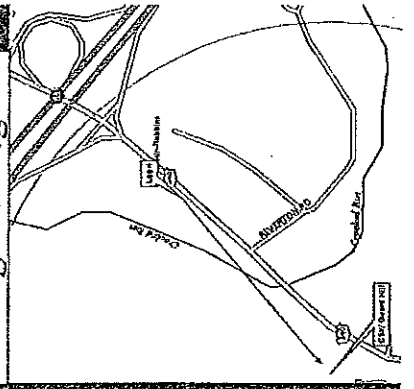
CWS Site 125: Guard Hill
115' Monopole



Location 4

Distance 1,720 ft

Bearing 239 Deg





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

Page 1
Item No. 9

Meeting Date: June 24, 2013

Agenda Item: PUBLIC HEARING – An Ordinance to Repeal Town Code Section 158-40
Pertaining to the Towing Advisory Board (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to repeal Town Code Section 158-40 pertaining to the Towing Advisory Board. If approved, Section 158-40, "Establishment of Towing Advisory Board", will be repealed in its entirety.

Budget/Funding: None

Attachments: Ordinance and copy of current Town Code

Meetings: Work Session held May 20, 2013.

**Staff
Recommendation:** Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an Ordinance to repeal Town Code Section 158-40 pertaining to the Towing Advisory Board in its entirety 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: JB

**AN ORDINANCE TO REPEAL SECTION 158-40 OF THE FRONT ROYAL
TOWN CODE PERTAINING TO THE TOWING ADVISORY BOARD**

BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that § 158-40 of the Front Royal Town Code, pertaining to the Towing Advisory Board, is hereby ***repealed***.

This ordinance shall be effective upon enactment.

APPROVE:

Hon. Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

=====
This ordinance was advertised in the Northern Virginia Daily on _____
_____ and _____, 2013, was adopted by
the Town Council during the first reading held during the regular Council
Meeting of _____, 2013, and was enacted during its
second and final reading during the regular Council Meeting of _____
_____, 2013.

=====
APPROVED AS TO FORM & LEGALITY:

Douglas W. Napier, Town Attorney Date

A. Town Council shall appoint a Towing Advisory Board which shall include representatives of local law enforcement agencies, towing and recovery operators, and the general public. Such members shall serve at the will of Town Council and shall organize themselves as to best carry out the purpose of their appointment.

B. The Towing Advisory Board shall meet at least twice per year.

C. At minimum, the Towing Advisory Board shall:

1. recommend changes to Town Council concerning Town ordinances, contracts, and policies on towing; and
2. maintain and annually update approved lists of towing services that may be dispatched by the police pursuant to this Chapter.

D. Approved towing companies shall be selected upon the following standards:

1. Emergency services must be available twenty-four (24) hours a day, seven (7) days a week. Vehicles are to be removed pursuant to Sections 158-39 and 158-40 during normal working hours (8 A.M. – 6 P.M.) Monday through Friday, UNLESS they constitute a traffic hazard or are impeding the flow of traffic, or as may be required by the Police Department. In the latter instances, they are subject to immediate removal.
2. An approved towing company shall be responsible, when removing a wrecked vehicle or vehicles from any accident, to remove any glass or other injurious substance dropped upon the street or highway from such vehicle.
3. An approved towing company shall agree that the cost of towing vehicles will be paid by the owner, operator, insurance company or owner company unless directed by the Police that said vehicle will be impounded for evidence in a judicial proceeding.
4. An approved towing company agrees to own, and provide the following equipment, and maintain in proper condition to handle crane calls for vehicles from points both on and off the roadway:
 - a. Nothing less than a one (1) ton wrecker for small vehicles, such as automobiles and small trucks.
 - b. Optional: A wrecker of greater capacity of one (1)ton for larger vehicles such as large trucks and semi-trailers. Such optional service shall be classified heavy duty.
5. Operators of wreckers must be sufficiently experienced to properly operate on calls. Applicants for approval shall provide a complete listing of all equipment he/she will use to handle the necessary requirements.

6. An approved towing company will provide and maintain a suitable protected storage lot for such vehicles as are required to be held according to all applicable State and local regulations. The storage is to meet all the requirements of Front Royal Town Code Ordinance Numbers 158-39 through 158-41. Copies of these ordinances are attached and are hereby made a part of these specifications. Applicants shall provide a complete description of storage facility including area (square feet) and security measures.

7. Secured storage must be provided for impounded vehicles and made available for authorized search procedures.

8. An approved towing company will be required to cooperate with the Police Department in maintaining all necessary records on all vehicles towed, stored, or released.

9. An approved towing company must have the required liability, fire, theft insurance to cover both crane service and storage of vehicles and any damage to stored vehicles.

10. No vehicles impounded by the Police Department will be released from storage without a written authorization by the Police Department. This will not apply to vehicles towed at the request of the owner and which are not impounded.

11. An approved towing company will be responsible for the collection of monies due for all vehicles towed to its premises. The approved towing company will waive the right to collect all monies for any vehicle which is stored on the Town of Front Royal property.

12. An approved towing company will, by legal process, dispose of all vehicles impounded by the Police Department, which remain unclaimed after a period of ninety (90) days. The Police Department will cooperate in, but not be responsible for the legal disposition of all unclaimed vehicles held by the approved towing company, which have not been impounded.

E. Towing companies may be removed from the list by a majority vote of the Towing Advisory Board:

1. If the Board finds that the company is not complying with applicable standards; and
2. After notice to the company and an opportunity by the company to be heard by the Board.

F. Approved Towing Services

1. The Front Royal Department of Police shall maintain a list of approved towing services prepared by the Town's Towing Advisory Board. At minimum, the list shall have two (2) categories of services – light and heavy duty.

2. In responding to towing requests, the police dispatcher shall rotate through the lists as appropriate. If a towing service is unable to respond or respond in a timely manner, the dispatcher may rotate through that towing service and proceed to the next on the list.

a. Notwithstanding the foregoing, if a person is in an accident or otherwise has a disabled vehicle and expresses a preference for a particular towing service, the police officer will request the dispatcher to contact the motorist's service of preference, unless, in the officer's sole discretion, quicker service is required.

b. When, in the opinion of the officer in charge, rotation on the list should be ignored because of investigative exigencies or emergency, the police may use the towing service deemed most appropriate under the circumstances.



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

Page 1
Item No. 10

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – An Ordinance to Amend Town Code Section 1-22 to include Online Auctions (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend Town Code Section 1-22 to include Online Auctions. If approved on second reading the procedures for the disposition of the Town's surplus materials and equipment will be sold at public auction, as well as online public auction, as presented.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held April 29, 2013. Public Hearing held June 10, 2013.

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend Town Code Section 1-22 to include Online Auctions, 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: JB

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE SECTION 1-22(B) TO
INCLUDE ONLINE AUCTION**

WHEREAS, the Town of Front Royal establishes procedures for the disposition of surplus materials and equipment which have been deemed to be obsolete or surplus; and,

WHEREAS, the Town Staff suggests the addition of online public auction to the procedures of surplus materials and equipment; and,

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Sections 1-22 of the Front Royal Town Code is hereby amended as follows:

1-22 SALE OF TOWN PROPERTY

A. No Change

B. No personal property owned by the Town shall be sold unless the following requirements have been complied with:

1. The Town Manager, or his designated agent, shall cause to be published in a newspaper having general circulation in the Town, an advertisement arranging the sale including the date, time and place of the sale.

2. The sale shall be held by public auction **and/or online public auction** to the highest bidder, and such shall be conducted at the place, date and time such property is advertised for sale.

C. No Change

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. 11

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – Resolution for Employee Appreciation Week

Summary: Council is requested to approve a Resolution recognizing Employee Appreciation Week as June 24 – June 28, 2013 for all Town of Front Royal full-time and part-time employees

Budget/Funding: None

Attachments: Resolution

Meetings: None

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council approve a Resolution recognizing Employee Appreciation Week as June 24 – June 28, 2013 for all Town of Front Royal full-time and part-time employees

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

Town of Front Royal, Virginia

**RESOLUTION FOR
EMPLOYEE APPRECIATION WEEK**

June 24th to 28th, 2013

WHEREAS, the Town of Front Royal has 170 employees (part-time and full-time); and,

WHEREAS, Town employees are recognized as professionals who accept and meet the daily challenges of providing quality service to our citizens and visitors; and,

WHEREAS, Town employees excel in the workplace and demonstrate dependability, initiative and accountability through their stewardship of Town resources; and,

WHEREAS, the Town Council desires to recognize the service of the Town's employees,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby express deep and sincere appreciation to the all the employees of the Town of Front Royal for their dedication, service, and vital contributions to the community;

AND BE IT FURTHER RESOLVED that the week of June 24th be designated as "Town of Front Royal Employee Appreciation Week".

Adopted this, 24th day of June, 2013

APPROVED:

Timothy W. Darr, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on _____, 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

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____



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

Page 1
Item No. 12

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – Fireworks Display Permit – New Hope Bible Church

Summary: Council is requested to approve a Fireworks Display Permit for New Hope Bible Church. The Fireworks Display will be held at New Hope Bible Church, 80 N. Lake Avenue, Front Royal on July 7, 2013. The \$50.00 Fireworks Permit Display Fee has been paid.

Budget/Funding: None

Attachments: E-mail from Dustin McGee and Town Code Section

Meetings: None

**Staff
Recommendation:** Approval ✓ Denial

Proposed Motion: I move that Council approve a Fireworks Display Permit for New Hope Bible Church, 80 N. Lake Avenue on July 7, 2013.

*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

Steven Burke, PE
Town Manager
Town of Front Royal
PO Box 1560
102 East Main Street
Front Royal VA 22630
(540) 635-8007 (O)
(540) 636-7475

www.frontroyalva.com
www.discoverfrontroyal.com

On 6/6/13 6:01 PM, "Dustin McGee" <dustin.l.mcgee@gmail.com> wrote:

>This is an enquiry e-mail via <http://www.frontroyalva.com/> from:
>Dustin McGee <dustin.l.mcgee@gmail.com>
>
>Hello I am contacting you to get a small fireworks display approved. I
>have already talked to the fire department and they approved it and told
>me I need to get it approved through you. It is going to be a 80 N Lake
>Ave Front Royal VA 22630 (New Hope Bible) on July 7th. I shot a small
>show there last year for my wedding. I am a licensed display operator, I
>can send you a copy of my license, the site layout and the product being
>used. I tried to find your email address to send you all the documents
>but couldn't find it. The whole show will be 1.4 product mostly cakes and
>shells and one set piece. Please let me know how to get this approved. I
>also understand there is a \$50 fee I need to pay.
>
>[540 247 9903](tel:5402479903)
>Thank you
>
>Dustin McGee
>

Chapter 80FIREWORKS**Sections:****80-1 PROHIBITIONS****80-2 EXCEPTIONS****80-3 PERMITS FOR FIREWORKS DISPLAY****80-4 VIOLATIONS AND PENALTIES**

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter 1, General Provisions, Art. I*). Other amendments noted where applicable.

80-1 PROHIBITIONS

No person, firm or corporation shall store, use, possess, manufacture, sell or offer for sale any firecracker, torpedo, skyrocket or other substance or thing of whatever form or construction, containing nitrates, chlorates, oxalates, sulfides of lead, barium, antimony, nitroglycerin, phosphorous or any other explosive or flammable compound or substance and intended or commonly known as "fireworks".

80-2 EXCEPTIONS

A. This chapter shall not apply to the use or the sale of sparklers, fountains, pharaoh's serpents, caps for pistols or to pinwheels commonly known as "whirligigs" or "spinning jennys", provided that said fireworks listed in this section may only be used, ignited or exploded on private property with the consent of the owner of such property.

B. This chapter shall have no application to any officer or member of the Armed Forces of this state or the United States while acting within the scope of his authority and duties as such, nor shall it be applicable to the use of said materials when used or to be used by any person for signaling or other emergency use in the operation of boat, railroad train or other vehicle for the transportation of persons or property.

80-3 PERMITS FOR FIREWORKS DISPLAY

The Town Council of Front Royal shall have the power to provide for the issuance of permits, upon application in writing, for the display of fireworks by fair associations, amusement parks or by any organization or group of individuals under such terms and conditions as the Town Council may prescribe and upon payment of an application fee of fifty dollars (\$50.) After such permit has been issued, sale, storage, use and possession of fireworks may be made for use under such permit.

80-4 VIOLATIONS AND PENALTIES

Violations of this chapter shall be punished as misdemeanors.



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

Page 1
Item No. 13

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – Fireworks Display Permit – Poe’s South Fork Campground

Summary: Council is requested to approve a Fireworks Display Permit for Poe’s South Fork Campground. The Fireworks Display will be held at the Campground located at 203 Riverside Drive, Front Royal on July 4, 2013. The \$50.00 Fireworks Permit Display Fee has been paid.

Budget/Funding: None

Attachments: E-mail from Town Manager and Town Code Section

Meetings: None

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve a Fireworks Display Permit for Poe’s South Fork Campground, 203 Riverside Drive, on July 4, 2013.

*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

Tina Presley

From: Steve Burke
Sent: Tuesday, June 18, 2013 3:16 PM
To: Tina Presley
Subject: 6/24 Agenda

Tina,

Please add a Council Approval for a fireworks display for the following:

Poe's Campground
Teresa North
PO Box 209
Front Royal VA 22630

Payment has been made.

Thanks,
Steve

*Steven Burke, PE
Town Manager
Town of Front Royal
PO Box 1560
102 East Main Street
Front Royal VA 22630
(540) 635-8007 (O)
(540) 636-7475*

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

Page 1
Item No. 14

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – Budget Amendment for Water Treatment Plant Improvements

Summary: Council is requested to approve a Budget Amendment in an amount \$352,900.00 for CHA Scope of Services for Water Treatment Plant Improvements to ensure the Water Treatment Plant complies with all state and federal water quality and performance standards. CHA recommends UV disinfection system and pre-oxidation with chlorine dioxide with a sodium permanganate full-scale pilot study, as presented. Council voted to deny this request on May 28, 2013; however, Vice Mayor Parker has requested it to be placed on tonight's agenda.

Budget/Funding: Revenue from FY2013 connection fees 9601-3161703
(increase revenue received because of Dominion and Regional Jail
Expense from Water Treatment Expansion 9601-47507

Attachments: Implementation Plan from CHA and minutes of May 28, 2013

Meetings: Work Session held May 6, 2013. Approval was denied on May 28, 2014

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council approve a Budget Amendment in the amount of \$352,900.00 for CHA Scope of Services to perform Water Treatment Plant Improvements that will comply with all state and federal water quality and performance standards 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

**Town of Front Royal, Virginia
Additional Disinfection and
Disinfection By-Product Reduction**

**Technical Memorandum No. 7 –
Implementation Plan**

CHA Project Number: 24325

Prepared for:

Town of Front Royal

Prepared by:



*1901 Innovation Drive, Suite 2100
Blacksburg, VA 24060
(540) 552-5548*

April 2013

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7.0 IMPLEMENTATION PLAN

Now that the project components have been selected, a detailed implementation plan must be developed. This technical memorandum identifies the key components required to implement the project. These components include the capital costs, additional operation and maintenance costs, financing information, impact on rates, required permits/approvals, schedule, and additional pilot testing.

7.1 SUMMARY OF RECOMMENDED ACTIONS

In Technical Memorandum (TM) No. 5, we presented alternatives that would help the Town of Front Royal comply with current and future regulations. After a meeting with Town representatives, chlorine dioxide addition and UV disinfection were selected as the preferred alternatives for complying with the upcoming regulations. TM 6 presented preliminary engineering design for these alternatives. Prior to chlorine dioxide system installation, a sodium permanganate full-scale pilot study will be conducted to evaluate the potential for using sodium permanganate in place of chlorine dioxide addition to decrease TOC levels and reduce DBP formation. If this study demonstrates that sodium permanganate is not a viable solution, a chlorine dioxide addition system will be designed and installed. A UV disinfection system will also be designed and installed to achieve adequate pathogen reduction, as required by the LT2.

7.2 PROJECT CAPITAL COSTS

Table 7.1 outlines the engineer's opinion of probable construction cost for the recommended improvements. As the Town has decided to pursue financing through the Virginia Resource Authority (VRA), the costs have been categorized as required by the VRA application, based on the cost estimate provided in TM No. 6. The total estimated project cost is \$2,542,900. Included in this estimation are administrative costs, design and survey costs, inspection costs, all construction costs (equipment, installation, electrical, contractor profit, mobilization, etc.), and a 10% contingency.

Table 7.1 - Engineer's Opinion of Probable Cost

Item	Cost	Notes
Administrative Expense	\$10,000	Bond Counsel; advertisement costs; legal services
Land & Rights of Way	\$0	None Required
AE Basic Fees		
Survey	\$13,500	Site survey and soil analysis at UV structure
Engineering	\$267,000	Survey, Design, Bidding, and Construction Administration
Project Inspection Fees	\$48,400	Based upon 12 week inspection period
Other		
Easements	\$0	None Required
Pilot Study/Process Evaluation	\$13,000	Full scale evaluation of sodium permanganate as a means to reduce DBPs
O&M Manual Updates	\$12,000	For Model development & calibration, performance assessment
Construction		
General Process Improvements	\$87,000	Site piping and chemical diffusers
DBP Reduction Improvements	\$352,000	Chlorine dioxide feed system and related improvements
UV System Construction	\$1,292,000	6 MGD UV Disinfection System
Distribution System Tank Mixing	\$250,000	Mixing systems at three of the distribution system tanks
Subtotal	\$1,981,000	
Contingency	\$198,000	Based upon 10% of estimated construction cost
Total	\$2,542,900	

7.3 OPERATION AND MAINTENANCE COSTS

The potential operating requirements and ongoing maintenance needs for the recommended improvements are outlined in Table 7.2. This cost estimate is based on the current plant capacity flow of 6 MGD, as well as the projected plant production of 2.5 MGD with the increased demands from Dominion Power in place (assumed to be 0.3 MGD). Costs for chemicals and UV disinfection will increase or decrease proportionally to actual production.

Table 7.2 - Annual O&M Costs for Recommended Improvements

Item	Annual Cost @ 6 MGD	Annual Cost @ 2.5 MGD	Comments
Chlorine Dioxide System	\$28,800	\$12,000	\$2,400 / month chemical costs
UV System	\$9,500	\$4,000	Includes power and bulb replacement costs
Total Increase in Annual Operating Costs	\$38,300	\$16,000	

7.4 FINANCING AND RATE ANALYSIS

The Town has decided to pursue VRA funding through the Virginia Pooled Financing Program (VPFP). This program offers loans to local governments at 0-5% interest for up to 30 year terms. The Town can select three security options: general obligation, revenue pledge, or lease. The general obligation program does not require the Town to have a yearly reserve of 15% the annual debt service, while the other options do. The next VPFP application cycle is August 2013, with funds available October-November 2013. The Town may want to consider budgeting engineering expenses for the 2013-2014 fiscal year to begin the design process before the VPFP funds become available to ensure the Water Treatment Plant is in compliance by the October 1, 2015 deadline. An evaluation of the revenues and expenses for a period of five years, and the impact the project will have on the rate structure is shown in Table 7.3.

The 2013 Series VRA Bond Debt Service is based on a 20 year loan at 3.5%. The 2012-2013 expenses and expenditures were assumed to be the same as the 2012 Fiscal Report. A 3% annual escalation was included for expenses. No growth in previously documented revenues was assumed. The 2006 Series VRA Bond Debt Service was assumed to be the same for the next 5 years as the 2012 Fiscal Report. Based on information currently available, and assuming a 300,000 gallon per day demand from Dominion Power starting in July 2013, rates will be projected to increase by a small percentage in 2017. The average household currently pays \$65.77 per month for water service.

Table 7.3 - Five year cash flow projection

Item	July 2012 - June 2013	July 2013 - June 2014	July 2014 - June 2015	July 2015 - June 2016	July 2016 - June 2017	July 2017 - June 2018	Notes
Proposed Debt:		\$2,542,900					
Rate:		3.5%					
Term:		20					
Water Fund Expenses							
Water Filtration & Water Distribution	\$2,001,432	\$2,061,475	\$2,123,319	\$2,187,019	\$2,252,629	\$2,320,208	Assumes 3% annual escalation. Includes interfund transfers to Sewer and General Fund.
Additional Operation & Maintenance at 2.5 MGD Water Production	\$16,000	\$16,000	\$16,000	\$16,000	\$16,000	\$16,000	
Misc. Capital Improvements	\$536,082	\$536,082	\$536,082	\$536,082	\$536,082	\$536,082	No annual escalation
2006 Series VRA Bonds	\$1,116,827	\$1,116,827	\$1,116,827	\$1,116,827	\$1,116,827	\$1,116,827	Based upon \$2.5 million project; loan terms: 20 year at 3.5%
2013 Series VRA Bonds (proposed)	\$0	\$29,496	\$176,974	\$176,974	\$176,974	\$176,974	Revenue Bond
Required VRA Bond Reserves (15%)	\$0	\$4,424	\$26,546	\$26,546	\$26,546	\$26,546	
Total Water Expenditures	\$3,670,341	\$3,764,304	\$3,995,748	\$4,059,447	\$4,125,058	\$4,192,637	
Water Fund Revenue							
Receipts from customers and users	\$3,222,663	\$3,222,663	\$3,222,663	\$3,222,663	\$3,222,663	\$3,287,116	Based upon 2012 fiscal year; no growth assumed
Revenue from Dominion Power Demand		\$657,000	\$657,000	\$657,000	\$657,000	\$657,000	Based upon 0.3 MGD demand from Dominion Power; \$6.00/thousand gallons rate
Sales of investments	\$189,989	\$189,989	\$189,989	\$189,989	\$189,989	\$189,989	Based upon 2012 fiscal year; no growth assumed
Interest and dividends received	\$72,354	\$72,354	\$72,354	\$72,354	\$72,354	\$72,354	Based upon 2012 fiscal year; no growth assumed
Interfund Transfer	\$13,165	\$13,165	\$13,165	\$13,165	\$13,165	\$13,165	Based upon 2012 fiscal year; no growth assumed
Total Water Revenue	\$3,498,171	\$4,142,006	\$4,142,006	\$4,142,006	\$4,142,006	\$4,206,459	
Surplus/Deficit	-\$172,170	\$377,702	\$146,258	\$82,559	\$16,948	\$13,822	Surplus or deficit amounts are not transferred to next fiscal year
Rate Increase	0.0%	0.0%	0.0%	0.0%	0.0%	2.0%	
Accumulated Surplus/Deficit	-\$172,170	\$205,532	\$351,790	\$434,349	\$451,297	\$465,119	

An expected monthly draw of loan funds has been developed and is presented in Figure 7.1 and Figure 7.2. Most of the expenses associated with this project in the 2013 fiscal year are associated with design, surveying, and bond counsel. Construction costs begin in the 2014 fiscal year. A full-scale pilot test and O&M Manual development also occur in the 2014 fiscal year.

Figure 7.1 - 2013 Fiscal Year Drawdown Schedule

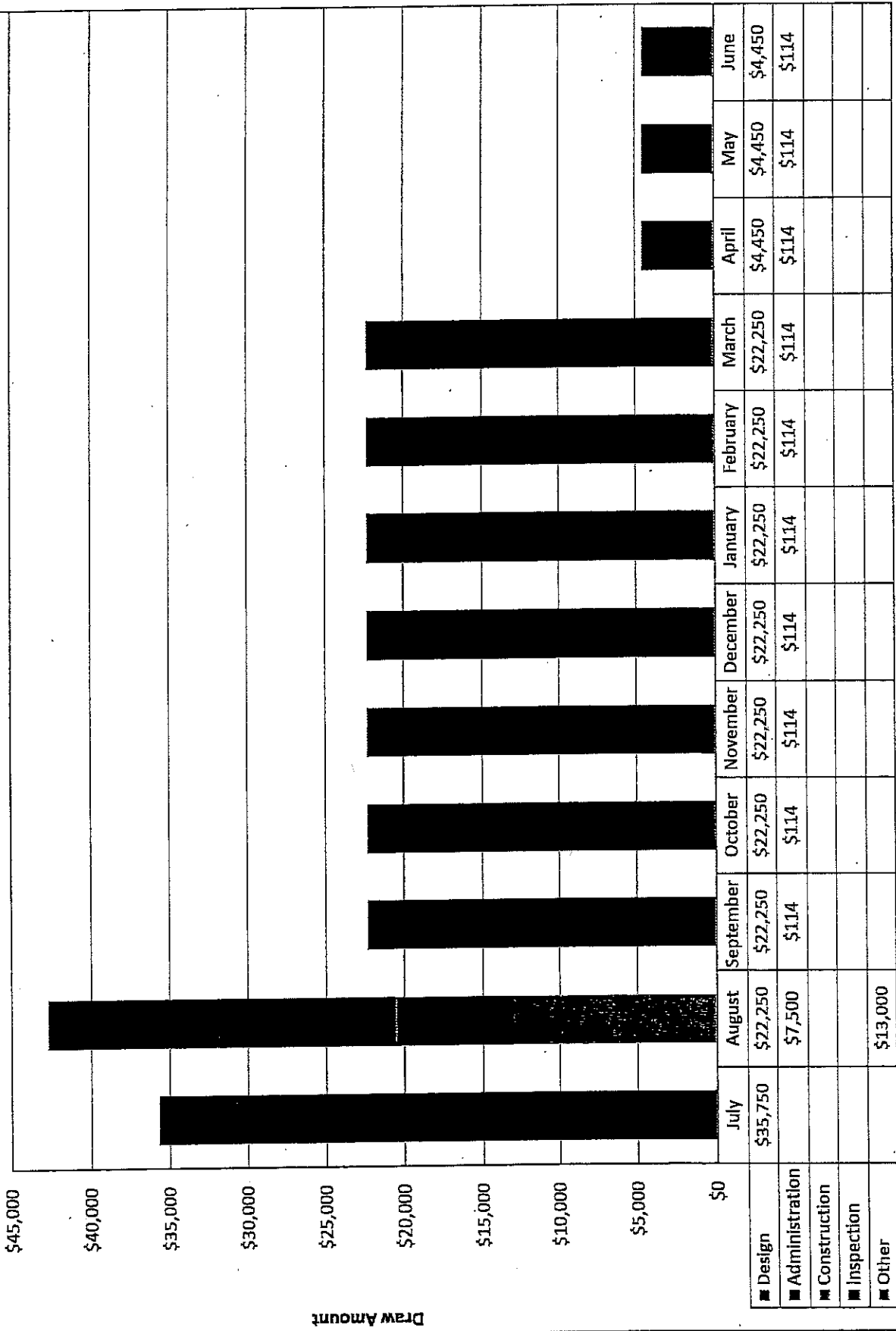
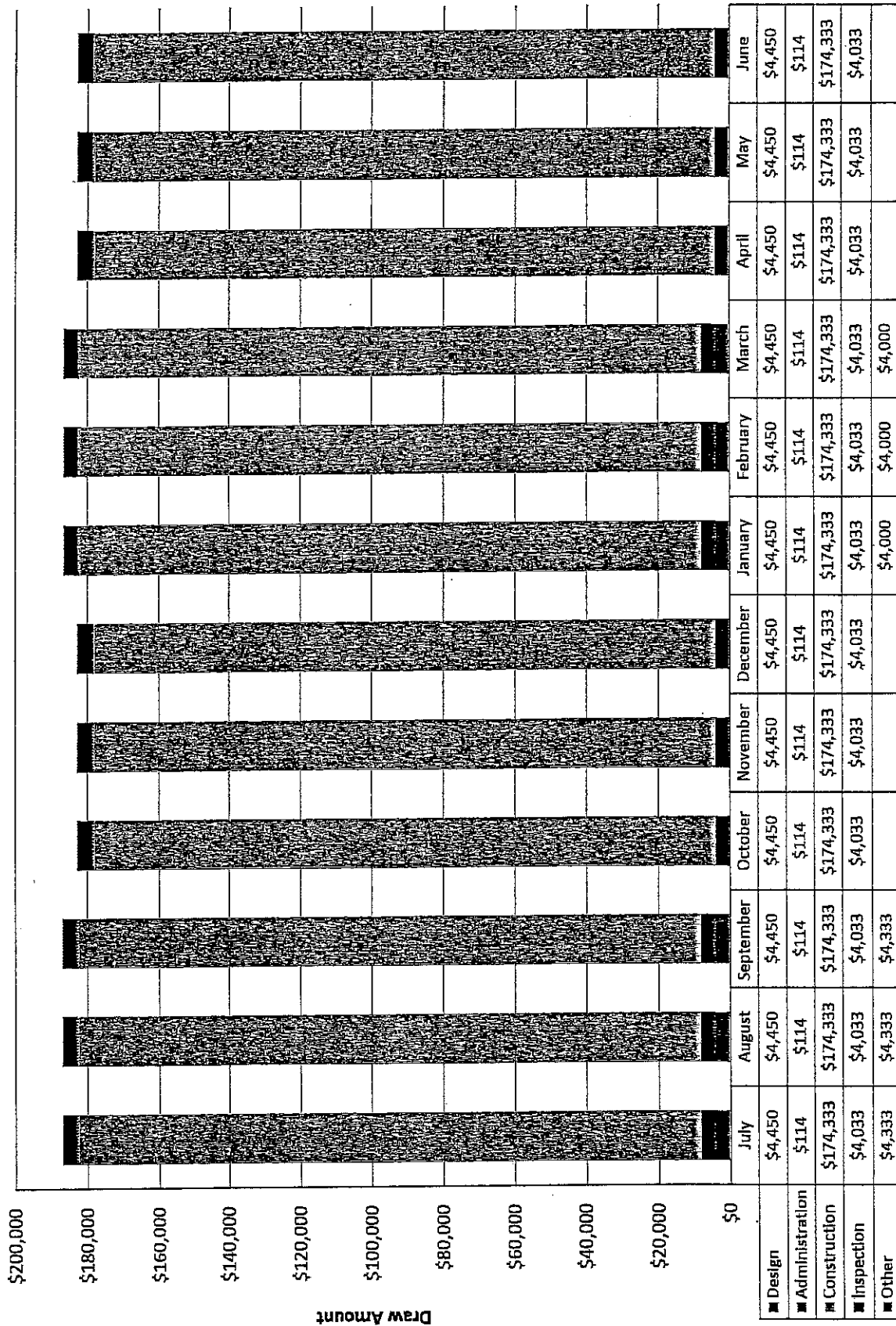


Figure 7.2 - 2014 Fiscal Year Drawdown Schedule



7.5 PILOT TESTING

Pre-oxidation with sodium permanganate was tested as an alternative for DBP reduction as described in TM No. 3. While the bench testing did not indicate substantial reduction in DBP formation resulting from sodium permanganate addition, the nature of the process indicates that full-scale testing may yield different results. Compared with pre-oxidation with chlorine dioxide, sodium permanganate addition would reduce the capitals for DBP reduction by \$234,000 and decrease monthly operating costs by \$5,700. As such, full-scale pilot testing of pre-oxidation with sodium permanganate is warranted.

7.6 REQUIRED PERMITS AND APPROVALS

A number of project permits, approvals, and other regulatory actions will be required to allow completion of the proposed work. These will include, but are not necessarily limited to, the following:

- VDH approval of the Preliminary Engineering Report
- VDH approval of Plans and Specifications for the work together with a DEQ Permit to Construct
- VDH Permit to Operate following completion of construction
- VRA approval and authorization of financing for the project

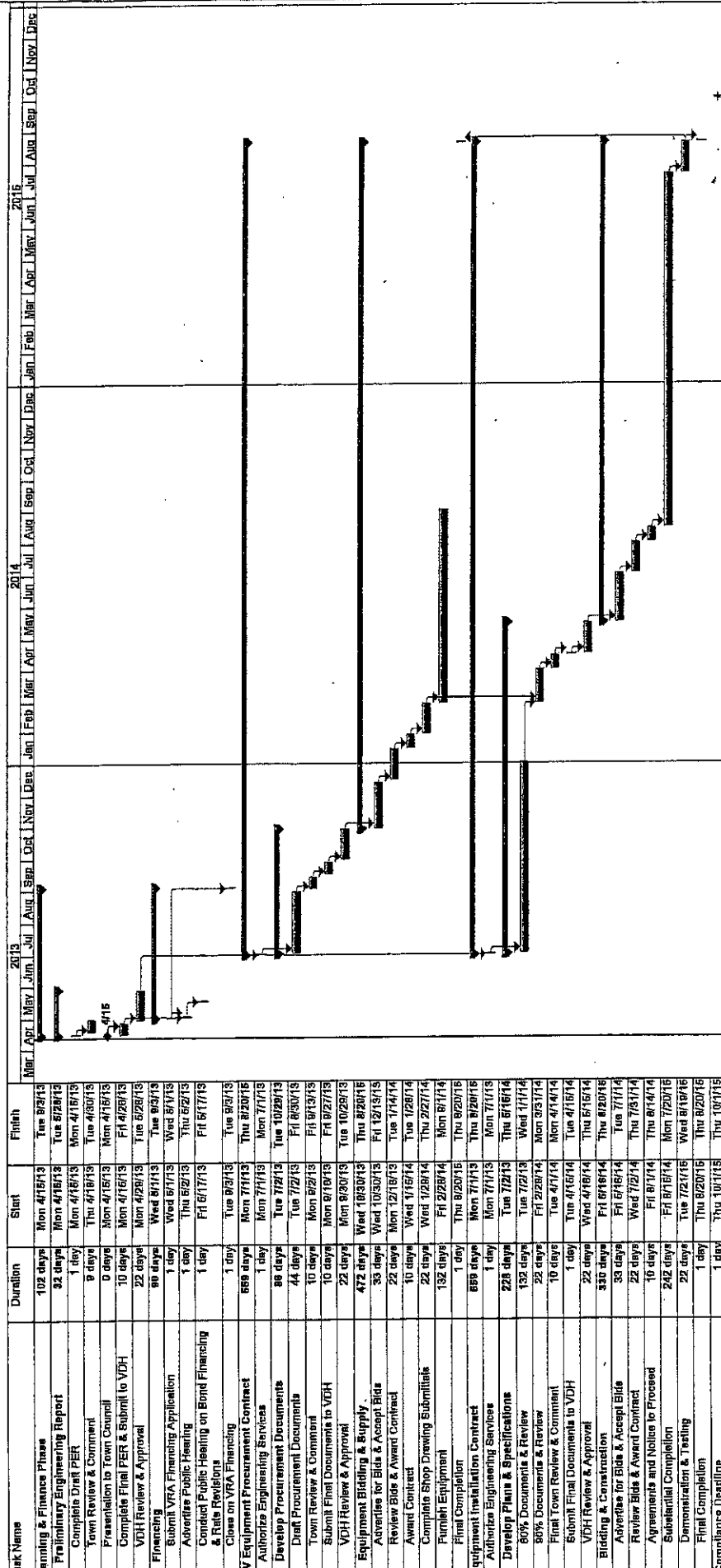
The majority of these approvals are normal and customary for a project of this type, and there is no reason to believe that there will be any unusual difficulties in securing the required approvals.

7.7 SCHEDULE

The Town must be in compliance with DBP and LT2 regulations by October 1, 2015. To meet this deadline, the schedule presented in Figure 7.3 is proposed. The completed PER will be submitted to the VDH by April 30, 2013. Once VDH approves the PER, the VRA financing application will be submitted and the necessary public hearings will be held. The design and construction will be divided into two major phases. The first will be the procurement of UV equipment contracts which will entail the development of procurement documents, review by the Town and VDH, and the bid and contract award process. This phase is scheduled to begin July 2013. The second phase is the design and construction of the water treatment systems. This involves the development of plans and specifications, review by the Town and VDH, the bid and contract award process, and construction. Work on this phase is scheduled to begin December

2013. The construction is scheduled to be complete by August 10, 2015, allowing the Town to meet the October 1, 2015 deadline for compliance.

Town of Front Royal UV Disinfection & Disinfection By-products Improvements



Task	Project Summary	Inactive Milestone	Manual Summary Rollup	Progress
Split Milestone	External Tasks	Inactive Summary	Manual Summary	Deadline
Summary	External Milestones	Manual Task	Start-only	
	Inactive Task	Duration-only	Finish-only	

EXCERPT OF MAY 28, 2013 COUNCIL MEETING MINUTES

COUNCIL APPROVAL – Budget Amendment & Water Treatment Plant Improvements

Summary: Council is requested to approve a Budget Amendment in an amount \$352,900.00 for CHA Scope of Services for Water Treatment Plant Improvements to ensure the Water Treatment Plant complies with all state and federal water quality and performance standards. CHA recommends UV disinfection system and pre-oxidation with chlorine dioxide with a sodium permanganate full-scale pilot study, as presented.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve a Budget Amendment in the amount of \$352,900.00 for CHA Scope of Services to perform Water Treatment Plant Improvements that will comply with all state and federal water quality and performance standards as presented.

Councilman Tewalt stated that he was adamant that changes be made to ensure that the DEQ and the Federal Government stop mandating matters like these Water Treatment Plant improvements. He noted that he was tired of them insisting that these small communities strive to jump so many hoops and hurdles. Mr. Tewalt stated that the Town was only a group of 15,000 people and spending such a large amount of money – almost \$400,000 -- really upsets him during such a lull in the economy.

Councilman Tewalt explained that he was unsure of how to address the matter, though he thinks the Town should approach our State and Federal representatives to let them know that these type of mandates are unnecessary and they are being made by people that do not have common sense. Mr. Tewalt stressed that the American people cannot continue to be forced into these predicaments.

Councilman Tharpe noted he would vote with Mr. Tewalt against the matter. Vice Mayor Parker voiced his agreement with his fellow members of Council, Messrs. Tewalt and Tharpe.

Councilman Funk stated that, while he agreed with Mr. Tewalt, he thought it was the elected representatives north, east and other places that were those that needed to be contacted, rather than those representatives locally.

Councilman Sayre stated that under the summary of necessary actions it referred to cows and chicken farms. Mr. Burke noted that it was two regulations, and he explained that the two processes, including the animal waste testing and the minimum presence indicators that require the treatment.

Councilman Sayre stated that he would support the matter, though he understood Councilman Tewalt's concern. He noted that it was more than Chesapeake Bay Act, as there were items going into the water that needed to be eradicated.

Councilman Hrbek clarified that the Town water was safe to drink. Mr. Burke noted that it was safe to drink. He added that with the new requirements being brought forward, the water would be safer to drink.

Vice Mayor Parker asked how those with wells treat their water. Mr. Burke noted that wells were regulated by local health departments. He stated that they provided recommendations with periodic testing.

Vote: Yes – Funk and Sayre

No – Hrbek, Parker, Tewalt and Tharpe

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

Councilman Tewalt stated that Representative Goodlatte should be contacted immediately, as well as Delegates Sherwood, Gilbert and Webert to determine what could be done to relieve some of these crushing financial enforcements via the mandates.

Mayor Darr noted that Town needed to send a letter to other localities, as well as draft a letter to others that may be affected by the Chesapeake Bay Act. He stated that the Town needed to reach out to obtain support from others, using the Commission on Local Government, VML and other agencies that may be able to assist the Town. He noted that perhaps by standing firm, a 15,000 person town could make a difference. Mayor Darr stated that other localities of the Town's size needed to hear from Front Royal as well, and he expressed his agreement with Councilman Tewalt. Councilman Sayre stated that the water was being consumed now and these agencies were regulating the water being consumed by the citizens of the Town. Mr. Burke noted that was correct.

Councilman Tewalt stated that it was partially coming from animal waste; yes however – the area does not have half the number of cattle, sheep, etc. that we had 15/20 years ago. He noted that it was the government that it trying to shove the regulations down our throats and we did not have a problem 20 years ago and we are doing more treatment on our water now – perhaps They are educated idiots making these regulations – they do not know what they are doing – and these small localities are being forced to pay the price for their decisions



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

Page 1
Item No. 15

Meeting Date: June 24, 2013

Agenda Item: COUNCIL APPROVAL – Front Royal Limited Partnership Review Extension

Summary: Council recognizes the Town's Planning Commission for its expeditious review of the Front Royal Limited Partnership (FRLP) Annexation Request and offers their thanks for their efforts. Based upon the Planning Commission's review and recommendation, Council supports FRLP's petition for annexation into the Town limits as "Agriculture and Open Space Preservation District A-1" zoned property. As FRLP has submitted a revised Voluntary Settlement Agreement, Council is requested to authorize the Town Attorney to sign and submit a joint letter with FRLP and Warren County to the Commission on Local Government requesting a 60 day extension to file a response to FRLP's Annexation Request.

Budget/Funding: None

Attachments: Draft revised Voluntary Settlement Agreement between Town and County

Meetings: Work Session held June 17, 2013
Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council recognize the Town's Planning Commission for its expeditious review of the Front Royal Limited Partnership (FRLP) Annexation Request and thank them for their efforts. I further move that Council support FRLP's petition for annexation into the Town limits as "Agriculture and Open Space Preservation District A-1" zoned property. Since FRLP has submitted a revised Voluntary Settlement Agreement, I further move that Council authorize the Town Attorney to sign and submit a joint letter with FRLP and Warren County to the Commission on Local Government requesting a 60-day extension to file a response to FRLP's Annexation Request.

*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

**VOLUNTARY SETTLEMENT AGREEMENT BETWEEN THE TOWN
OF FRONT ROYAL, VIRGINIA, WARREN COUNTY, VIRGINIA, AND
FRONT ROYAL LIMITED PARTNERSHIP**

THIS VOLUNTARY SETTLEMENT AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, 2013, and executed in triplicate originals (each executed copy constituting an original), by and between the TOWN OF FRONT ROYAL, VIRGINIA, a municipal corporation of the Commonwealth of Virginia (hereinafter the "Town"), the COUNTY OF WARREN, VIRGINIA, a political subdivision of the Commonwealth of Virginia (hereinafter the "County"), and FRONT ROYAL LIMITED PARTNERSHIP, a Virginia Limited Partnership (hereinafter "FRLP"). Together the Town, County, and FRLP are collectively identified as the "Parties."

RECITALS

R-1. WHEREAS, the Parties have reached this Agreement pursuant to Title 15.2, Chapter 34, of the Code of Virginia, (i) providing for the annexation of certain territory of the County into the Town, and (ii) providing for the development of the annexation areas in accordance with a jointly approved land use plan, and

R-2. WHEREAS, FRLP is the owner of a certain tract of land containing approximately 604 acres (hereinafter the "FRLP Property"), as the same is more thoroughly identified below, and

R-3. WHEREAS, the Town and the County, after due consideration, have determined and agree that the Town's boundaries should be adjusted and relocated as identified herein, and that certain other matters should be resolved between the Parties, and

R-4. WHEREAS, FRLP desires that the FRLP Property be annexed into the Town pursuant to these terms and conditions, and

R-5. WHEREAS, the Parties have determined that this Agreement is necessary to ensure the effective provision of public services to the area to be adjusted into the Town,

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained the receipt and sufficiency of which are conclusively agreed, the Parties agree as follows:

SECTION 1. DEFINITIONS

The Parties agree that the following words, terms, and abbreviations as used in this Agreement shall have the following defined meanings, unless the context clearly provides otherwise:

- 1.1. "Town" means the Town of Front Royal, Virginia.
- 1.2. "Town Council" means the Town Council of the Town of Front Royal, Virginia.
- 1.3. "County" means the County of Warren, Virginia.
- 1.4. "Board of Supervisors" means the Board of Supervisors of the County of Warren, Virginia.
- 1.5. "Code" means the Code of Virginia (1950), as amended. A reference to a specific Code provision shall mean that Code provision as it existed on the date of execution of this Agreement or any successor provision should the Code be amended after execution of this agreement.
- 1.6. "Commission" means the Virginia Commission on Local Government.

1.7. "Effective Date of the Annexation" shall be the first day of the second calendar month after entry of the Order by the Special Three-Judge Court appointed pursuant to Va. Code § 15.2-3400 to affirm, validate and give full force and effect to this Agreement.

~~1.7.1.8.~~ "Special Court" means the Special Three-Judge Court appointed by the Supreme Court of Virginia pursuant to Title ~~15.2~~, Chapter 30, of the Code.

~~1.8.1.9.~~ "Section" refers to the parts of ~~this Agreement~~ unless the context indicates that the reference is to sections of the Code.

~~1.9.1.10.~~ "Subsection" refers to the parts of ~~this Agreement~~ set out in the various "Sections."

~~1.10.1.11.~~ "Future Land Use Plan" refers to the exhibit prepared by Bowman Consulting entitled "Future Land Use Plan of Annexation Area, Front Royal Limited Partnership Property," dated March 20, 2013, and attached as Exhibit C.

~~1.11.1.12.~~ "Market Rate Dwelling Units/Dwellings" means all types of dwelling units not restricted to persons aged 55 years and older.

SECTION 2. VOLUNTARY ANNEXATION OF PROPERTY BY THE TOWN

2.1. Annexation Agreement. The Town and the County agree to the annexation by the Town of certain territory consisting of the FRLP Property, more specifically described by metes and bounds on the attached Exhibit A. ~~Exhibit B attached is a~~ survey thereof showing the FRLP Property shall be prepared for presentation to the Special Court (the "Survey"). The area so depicted is referred to herein as the

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"Annexation Area," and is generally described as the area lying to the northeast of the existing Town boundaries to the north of Happy Creek Road, to the west of State Route 606 (Shenandoah Shores Road), and to the south of Interstate 66. It comprises approximately 604 acres of land more or less.

2.2. Submission of the Survey. The Survey shall be submitted to and filed with the Commission and the Special Court appointed to affirm, validate, and give full force and effect to this Agreement.

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~~2.3. Effective Date of the Annexation. The Annexation provided for herein shall become effective on the first day of the second calendar month after entry of the Order by the Special Three Judge Court appointed pursuant to Va. Code § 15.2-3400 to affirm, validate and give full force and effect to this Agreement (the "Effective Date").~~

2.4.2.3. Extension of Municipal Utility Services. Except as otherwise provided herein, the Town agrees that upon the Effective Date, the Town will extend/permit the extension of its municipal utility services to the Annexation Area on the same basis and at the same level and rates as such services are now or hereafter provided to the areas within its current corporate limits where like conditions exist. The owner of property within the Annexation Area shall be responsible for the costs of extension of public utility services.

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2.4. Electric Utility Service Endorsement. The County and FRLP will favorably endorse, at such reasonable times and in such reasonable manner as the Town may request, expansion of the Town's electric utility service to the Property upon its becoming part of the Town.

SECTION 3. LAND USE AND ZONING ARRANGEMENTS IN THE ANNEXATION AREA

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3.1. Future Land Use. Pursuant to the provisions of Va. Code Ann. § 15.2-3400(2), the Parties agree that the orderly development of the Annexation Area is in the best interest of the Parties and to that end the Parties agree that the Future Land Use Plan attached as Exhibit C, which depicts the proposed land use for the Annexation Area, represents a reasonable and appropriate conceptual Plan for the future development of that Area.

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3.2. Comprehensive Plan Amendment. The Town and the County agree that promptly upon validation of this Agreement by order of the Special Court, each will use its best good faith efforts to amend its Comprehensive Plan to incorporate the Future Land Use Plan therein. Nothing herein shall prohibit the Town and County from repealing, modifying, or amending the Future Land Use Plan, with the mutual consent of both parties, and in accordance with law.

3.3. Transitional Zoning Classification of the Annexed Annexation Area. As of the Effective Date the Property within the Annexation Area shall be classified "Agriculture and Open Space Preservation District A-1" pursuant to the Town's Zoning Ordinance. This District shall apply to the Annexation Area pending the orderly amendment of the Town's Zoning Ordinance and Zoning Map as set forth herein.

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3.4. Future Zoning Classification of the Annexed Area. Within six months of the Effective Date, FRLP shall use its best good faith efforts to submit a rezoning application to the Town for those portions of the FRLP Property identified on the Future Land Use Plan as "Community #1," "Community #2", and "Community #3" (the "Rezoning Application") comprising approximately 422.7 acres of the Annexation Area. The Rezoning Application may seek approval for not more than 818 Market Rate

Dwelling Units in those Communities. It shall include i) a conditional zoning proffer statement that is in substantial conformance with the exemplar proffer statement attached hereto as Exhibit D (the "Annexation Proffers"); ii) a plat sealed by a licensed surveyor identifying the land area subject to the Rezoning Application, iii) a generalized development plan as is referenced in the proffer statement, and (iv) such other materials as may be required by the Town Zoning Ordinance for such applications.

3.4. Provided that FRLP has submitted all materials required for the Rezoning Application, FRLP and the Town Council agree that the Town Future Zoning Actions with Respect to the Annexation Area. Application to rezone all or a portion of the Annexation Area may be made at any time in accordance with law, provided that the Town will not approve any future rezoning of all or a portion of the Property that would result in the construction of more than 818 Market Rate dwelling units on the Property for the duration of this Agreement. Single-family detached Market Rate Dwellings shall comprise not less than 1,600 square feet of habitable space.

3.4.1. The Town further agrees that no rezoning application that may be filed with respect to the Annexation Area shall be approved, except as further provided below, unless the Applicant agrees to contribute to the County \$\ for each Market Rate single family detached residential dwellings and \$\ for each Market Rate single family attached and/or multi-family residential dwellings for which a building permit is issued. Each such payment shall be made to the County prior to issuance of a certificate of occupancy for such units.

3.4.2. The aforesaid cash payments to the County shall be adjusted annually in accordance with the Urban Consumer Price Index ("CPI-U"), as published by

the United States Department of Labor, published most nearly to, and following January 1st annually, subject to a cap of 2% per year, non-compounded, said adjustments to begin on the second anniversary of the Effective Date.

3.4.3. In order to offset the substantial initial infrastructure costs that must be incurred in connection with the development of the Annexation Area, it shall constitute compliance with the foregoing requirement if, in connection with any such Rezoning, the Applicant proffers that the first 50% of all approved attached, detached, or multifamily Market Rate Units shall contribute 70% of the aforesaid per unit contribution, and the remaining 50% of the Market Rate Units shall contribute 130% of the aforesaid per unit contribution, as the amount of those contributions may be adjusted in accordance with section 3.4.2.

3.4.4. In addition to the foregoing, the Applicant in any such rezoning shall receive a credit against the foregoing monetary contributions to the County in the dollar value of any proffered and accepted dedications to the County of real property for public use. At the time of any such dedication the Applicant and the County shall select each a real estate appraiser licensed and in good standing in the Commonwealth of Virginia, who shall select a third such real estate appraiser, and together those appraisers shall establish a value for the real property so dedicated. Such determination shall be final.

3.4.5. In connection with any development of the Annexation Property, the County agrees to dedicate land it owns in the vicinity of Bing Crosby Stadium that is necessary for the construction of that portion of the road improvement identified as the East/West Connector on Exhibit X.

~~3.4.1.3.4.6.~~ Upon the submission of all materials required for a

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~~Rezoning Application, the Town agrees that it shall use its best good faith efforts to reclassify the property included in the Rezoning Application to the Town's Residential-1A (R1 A) Zoning District, or to an alternative zoning classification mutually agreed to by the Town and FRLP. Such rezoning may permit construction of not more than 818 Market Rate Dwelling Units, and shall be subject to the Annexation Proffers as provided herein. The Town agrees to process the Rezoning Application within nine months of the receipt of the Rezoning Application within twelve months of the receipt thereof, subject to applicable requirements of the State Code and local ordinances regarding the rezoning of property.~~

~~3.4.2. In the event FRLP does not timely submit the Rezoning Application, the FRLP Property shall remain zoned to the Town's A-1 District until otherwise rezoned by the Town Council according to law.~~

~~3.4.3. Notwithstanding the foregoing, in the event that the Rezoning Application is not timely filed, the parties agree that the FRLP Property shall not be rezoned to permit a residential density greater than 818 Market Rate Dwelling Units. No future residential rezoning to Market Rate Dwelling Units shall be approved other than as set forth in Subsection 3.4, unless the applicant for any such rezoning commits by appropriate proffer to a per unit monetary contribution as may be established by a fiscal impact analysis performed contemporaneously with such rezoning application (the "Voluntary Monetary Contribution"), or until the expiration of the period set forth in Subsection 3.5, below.~~

~~3.4.4. The Town agrees that with respect to any proffered monetary contributions collected by the Town pursuant to Subsection 3.4.3, it shall transfer to the County on a semi-annual basis seventy-five percent (75%) percent of the Voluntary Monetary Contribution, or such other percentage thereof as may be then agreed by the Town and the County.~~

~~3.5. Duration of land use and zoning arrangements. (a) The Town and the County agree that the obligations of the Town Council with respect to land use as set out in Subsections 3.1 through 3.4 shall remain in effect for a period of twenty-five (25) years from the Effective Date, and that (b) the Town Council agrees for that same period it will not approve any rezoning of the remaining agriculturally zoned portions of the FRLP Property (i.e., those portions of the FRLP Property not identified in Subsection 3.4, above) that would result in the construction of additional Market Rate Dwelling Units beyond those provided for in this Agreement.~~

~~3.6. The County agrees to dedicate land it owns that is necessary for the construction of that portion of the East/West Connector identified on Exhibit 1 to the Annexation Proffers.~~

3.4.7. For the purposes of this Agreement, a complete Rezoning Application shall be an application that contains the submission materials required by the provisions of the Frost Royal Zoning Ordinance, in form and substance acceptable to the Town's Director of Planning. In the event that the Director determines that an Application is incomplete, he shall advise the applicant in writing of deficiencies noted within 10 business days of receipt thereof, and shall advise the applicant therein what information

or other materials are required in order to complete the Application. The Director's acceptance of any such Application for processing shall not be unreasonably withheld.

SECTION 4. COMMISSION AND SPECIAL COURT APPROVAL

4.1. Commission on Local Government Review. The Town and the County agree to initiate promptly the steps necessary and required by Title 15.2, Chapter 34 of the Code to obtain review of this Agreement by the Commission.

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4.2. Special Court Approval. Following the issuance of the report of findings and recommendations by the Commission, the Town and the County agree that they will take all steps necessary and will submit this Agreement in its approved form to a Special Court for affirmation and validation and to give it full force and effect, as required by Title 15.2, Chapter 34 of the Code.

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4.3. Termination for Failure to Affirm and Validate and Give Full Force and Effect to This Agreement. The Parties agree that if this Agreement is not affirmed, validated, and given full force and effect by the Special Court without modification, this Agreement shall immediately terminate. However, the Parties may waive termination by mutually agreeing to any modifications recommended by the Special Court.

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SECTION 5. AUTHORIZATION FOR THE EXECUTION OF THIS AGREEMENT

5.1. The Town has authorized the execution and implementation of this Agreement by resolution of the Town Council, a copy of which is attached hereto as Exhibit ED.

5.2. The County has authorized the execution and implementation of this Agreement by resolution of its Board, a copy of which is attached hereto as Exhibit FE.

SECTION 6. FURTHER REQUIREMENTS.

6.1. Each Party agrees to perform such other and further actions as may be necessary to effectuate this Agreement and the terms and conditions hereof. Each Party further agrees that it shall expeditiously perform those duties and obligations that may be imposed on it by the terms of this Agreement, including, but not limited to, the preparation and submission of necessary materials required for application to the Commission on Local Government, the Special Court, and for approval by the United States Department of Justice.

6.2. In order to implement the provisions of this Section, the Parties agree that they shall perform their obligations as set forth in this Agreement substantially in accord with the Schedule attached hereto and incorporated herein by reference as Exhibit G.

6.3. The Town agrees to support any applications by FRLP for public funding for construction of the East-West Connector road identified on the Future Land Use Plan.

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SECTION 7. DURATION OF AGREEMENT.

7.1. This Agreement shall remain in effect for a period of twenty-five (25) years from the Effective Date.

SECTION 8. MISCELLANEOUS PROVISIONS

8.1. Binding Effect. This Agreement contains the final and entire agreement between the Parties with respect to the matters addressed herein, and is intended to be an integration of all prior understandings with respect thereto. It shall be binding upon and inure to the benefit of FRLP, the Town, and the County, future governing bodies of the Town and the County, and upon the heirs, successors, or assigns to or of any Party.

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7.2.8.2. Amendments. This Agreement may be amended, modified, or supplemented in whole or in part, by mutual agreement of the Parties, by a written document of equal formality and dignity, duly executed by the authorized representatives of the Parties as may be permitted by law.

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7.3.8.3. Enforceability. This Agreement shall be enforceable only by the Special Court or by a successor Special Court appointed to pursuant to Title 15.2, Chapter 30 of the Code, pursuant to a declaratory judgment action initiated by any of the Parties to secure the performance of any provisions, covenants, conditions and terms contained in this Agreement or the Order affirming, validating, and giving full force and effect to this Agreement.

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7.4.8.4. AlternateAlternative dispute resolution. The parties to this agreement may, upon mutual written concurrence, submit any dispute arising hereunder to a mediator to facilitate the settlement of the dispute if otherwise permitted by law.

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7.5.8.5. Standing. The Parties agree that each has standing to enforce any of the provisions, covenants, conditions, and terms of this Agreement.

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7.6.8.6. Exhibits. All exhibits referenced herein are incorporated into this Agreement by reference thereto.

~~{SIGNATURES APPEAR ON FOLLOWING PAGES}~~

IN CONSIDERATION of the foregoing, the authorized representatives of FRLP, the Town, and the County have executed this Agreement in ~~duplicate~~triplicate as of the date and year first herein written.

{SIGNATURES APPEAR ON FOLLOWING PAGES}

DRAFT

TOWN OF FRONT ROYAL, VIRGINIA

Mayor

Date: _____

DRAFT

WARREN COUNTY, VIRGINIA

Chairman of the Board of Supervisors

Date: _____

DRAFT

FRONT ROYAL LIMITED PARTNERSHIP,
a Virginia limited Partnership

By: MVA Limited Partnership, general partner of
Front Royal Limited Partnership

By: DOC Corporation, general partner of MVA
Limited Partnership

By: _____
David A. Vazzana, President of
DOC Corporation

Date: _____

DRAFT