TOWN COUNCIL
WORK SESSION MINUTES
Monday, May 7, 2018 @ 6:30pm
Town Hall Council Chambers

1. CLOSED MEETING – <u>Evaluations of Town Manager, Town Attorney, Clerk of Council</u>
Motion to Go into Closed Meeting
Councilman Sealock moved, seconded by Vice Mayor Tewalt that Council convene and go into Closed Meeting for discussion and consideration of the assignment, appointment, promotion, or performance of specific appointees or employees of the Town, pursuant to Section 2.2-3711. A.1 of the Code of Virginia.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

Motion to Certify Closed Meeting
Councilman Sealock moved, seconded by Vice Mayor Tewalt that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock, Tharpe and Tewalt
No – N/A
Abstain – N/A
Absent – N/A
(By Roll Call)

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2. <u>Urban Forestry Advisory Commission Presentation</u> – David Means **(15 minutes)**
David Means, Chairman of the Urban Forestry Advisory Commission spoke to Council about the Town trees, and the methods of communication to support the transfer of information to the public. He presented the Town with a banner of Tree City USA, adding that next year will be 20 years of Tree City USA. He noted that UFAC needs the Council's backing of the tree issues and tree care matters and the education of the public. Mr. Means stated that there are handouts that can assist the public and he would like posted on the Town's website. He noted that there are many tree diseases on the rise and the care of the area in the response to these matters is important. Mayor Tharpe thanked Mr. Means and UFAC for their ongoing efforts for the community.

3. <u>Police Department Radio Communications System</u> – *Chief of Police* **(10 minutes)**
SUMMARY: The Front Royal Police Department is researching options to address the existing radio communications system that we are currently utilizing. The existing system

that we utilize from a local provider is aging and does not share interoperability with Warren County Fire and Rescue. The Warren County Sheriff's Office is in the process of migrating to another provider and system at which time we will also lose interoperability with them. We have been struggling with the shortcomings of the existing system for several years and have at times jeopardized the safety of our officers.

BUDGET/FUNDING: We have been given a preliminary estimate of $550,000 to complete this project. The Front Royal Police Department, Town Manager, and Finance Director, have identified $50,000.00 as initial funds to start the process and are exploring options to finance the project.

STAFF RECOMMENDATION: Staff is requesting council support as we continue to investigate viable options to resolve this problem.

Chief Magalis explained that the upgraded system would be necessary as they have been struggling to maintain connections with Warren County Sheriff's Department and the Fire Department. He noted that they would like to purchase a public safety radio system.

Councilman Morrison arrived at 7 p.m.

Mr. Waltz noted that they would like to advise Council of the matter at this time and they are not requesting specific funding. Councilman Meza asked if there was a way to share in the savings to work with buying at the same time as the Sheriff's Department. Chief Magalis noted that was a possibility, noting that the vendor is on State Contract. Vice Mayor Tewalt asked about possible grants. The Chief stated that perhaps there were, and they were checking on every avenue. Mayor Tharpe stated that the Town needed to get up to speed and assist the Police Department. Mr. Waltz noted that it was clear that changes needed to be made and the matter is being addressed.

4. <u>Request to Use Trolleys for Humane Society Fundraiser</u> – *Town Manager* **(10 minutes)**
SUMMARY: Alyssa Ellison, Executive Director of the Humane Society of Warren County is seeking a donation from the Town to utilize two (2) Trolleys to transport participants from the Lowes/Wal-Mart Parking Lot to the Front Royal Country Club from 8:00am – 4:00pm Saturday, August 11, 2018 for their Annual "Waggin' for Dragons" Boat Race. The cost estimate to utilize two trolleys as requested is $1,159.00 [$1,037.00 to utilize two trolleys + $122.00 travel time for 2nd trolley] 2017 - Council approved the donation in the amount of $1,037.00 for two trolleys ($518.50 per trolley). 2016 – Council approved the donation in the amount of $600.00 for one trolley only. Letter of Request from the Humane Society and Cost Estimate from Virginia Rides were in the packet for Council review.

BUDGET/FUNDING: Council has approved funding in the past from Council and Tourism Areas for funding:
1205-47012 – Tourism Bus Service
1101-R43002 -Council Professional Services (PO open for community development with funds available)
New community development department that will be created in FY19
Professional services for either tourism or community development.

Council Discussion: Vice Mayor Tewalt asked if the County contributes funding; Mayor Tharpe noted that it saved the taxpayers a lot of funding. Councilman Meza asked why this organization was

given free trolley usage and others are not. Councilman Connolly noted that no other group has asked to use the trolleys and should they; Council could consider their request. Council voiced their support of the matter. Ms. Hart requested that the trolleys capture the ridership.

5. <u>Ordinance Amendment-Adoption by Reference of State Vehicular Laws</u> - *Town Atty (***5 mins)**
SUMMARY: Va. Code § 46.2-1313 states that "[o]rdinances enacted by local authorities pursuant to this chapter may incorporate appropriate provisions of… [the State Code pertaining to motor vehicle laws].
…Nothing contained in this title shall require the readoption of ordinances heretofore validly adopted.
Local authorities may adopt ordinances incorporating by reference the appropriate provisions of state law before the effective date of such state law; provided that such local ordinances do not become effective before the effective date of the state law. The provisions of this section are declaratory of existing law."
This has several benefits to localities: it allows localities to write traffic tickets on local summons, and retain the fines generated therefrom, thus helping pay for local law enforcement, keeping localities safer; it helps localities not have to constantly amend its local code of ordinances pertaining to traffic laws to keep inconformity with minor tweaks in the State Code pertaining to traffic laws; and it helps keeps local codes of ordinances shorter.
An Opinion of the Attorney General, 81-82 Va. AG, 272 held "local governing bodies may adopt statutes by reference and may also adopt statutory amendments by reference, provided the amendments to them are adopted subsequent to the statutory amendments."
This means that annually, the Town must readopt Section 158-6 of the Town Code, which legally allows the Town to incorporate all the changes to the State Code traffic laws that have been made during the year.

Council Discussion: Council noted that it would move forward as written. Vice Mayor Tewalt noted that it would be advertised as a public hearing; Mr. Napier stated that it would be. Mr. added that Mr. Tewalt is correct the funds were difficult to collect last year, as there is a lag time in how the funding is issued to the Town.

6. <u>Planning Commission Resignation</u>
SUMMARY: On April 27, 2018 Staff received the resignation of Planning Commission member David E. Gushee effective May 2, 2018 due to health issues. Mr. Gushee retired from the Planning Commission July 14, 2014 and was honored by Council with his many years of service. On April 27, 2015, Mr. Gushee was again appointed by Council to fill an unexpired term ending August 31, 2015 on the Planning Commission. He was then re-appointed August 10, 2015 by Council to a 4-year term expiring August 31, 2019. The current vacancy is an un-expired term ending August 31, 2019.

Council Discussion: Ms. Berry noted that she has scheduled three interviews for May 21st thus far and it has also been advertised to continue to gather applications.

7. <u>Council Discussion/Goals</u> Vice Mayor Tewalt noted that when curb and gutter is painted the yellow paint needs to match the center line.

Councilman Sealock stated that the STOPS crosswalk program for South Street is being reviewed and he will be coming to Council soon with regard to the VDOT study of 2015 and a proposed jaywalking ordinance. Councilman Meza asked about the jaywalking ordinance proposed; Mr. Sealock stated that there are many issues they are trying to address the matter. Mr. Napier stated that it is in State Code and the Town can just place it in the Town Code in order to enforce the law.

Councilman Morrison noted that Mr. Gushee will be surely missed from the Planning Commission

Councilman Morrison stated that the effectiveness of the street sweeper is not showing as there are so many cars on the street. Council voiced their understanding of his concern, though having the cars moved is impossible.

Mayor Tharpe stated that a Chester Street business has requested that the parking lot be used and perhaps it could be sent to the Planning Commission. Council agreed to send it to the Planning Commission.

PRESENT: Mayor Tharpe, Vice Mayor Tewalt, Councilman Connolly, Councilman Gillispie, Councilman Morrison (arrived 7pm), Councilman Meza, Councilman Sealock, Town Manager Waltz, Town Attorney Napier, Clerk of Council Berry, Director of Planning Camp, Director of Finance Wilson, Director of Energy Services Jenkins, Police Chief Magalis, Interim Director of Environmental Services Boyer, Community Development Director Hart, IT Director Jones, members of the public and members of the press.