



**TOWN COUNCIL
WORK SESSION MINUTES
Monday, July 2, 2018 @ 7:00pm
Town Hall Council Chambers**

1. UFAC Presentation – David Means

SUMMARY: David Means, Chairman of the Urban Forestry Advisory Commission (UFAC) has requested to share information with Council and the Community on the following:

- Latest insect problem in Northern Virginia
- Pruning trees
- What trees to plant in our area

Council Discussion:

Mr. Means noted UFAC would like to provide information to the community on tree topping, pruning, tree diseases, planting issues, etc. and more information which can residents with their trees. Mayor Tharpe asked that the Town Manager consider placing the UFAC materials on the website and also perhaps have IT produce videos as well.

2. Consideration of Adoption of Ordinance Prohibiting Jaywalking – Town Attorney

SUMMARY: State Code provides, in pertinent part, as follows: **Va. Code § 46.2-923. *How and where pedestrians to cross highways. — When crossing highways [which includes any public street], pedestrians... shall cross, wherever possible, only at intersections or marked crosswalks.... Where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.***

The governing body of any town or city or the governing body of a county authorized by law to regulate traffic may by ordinance permit pedestrians to cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

Because the Town has incorporated the State traffic code by reference, jaywalking is technically prohibited without a Town ordinance in place. However, because of the second paragraph of Va. Code § 46.2-923, allowing pedestrians to cross intersections diagonally when all traffic has been halted, requires an ordinance; and because it would probably be wise to have a Town ordinance on the books to give people additional notice that the Town will enforce jaywalking violations as a safety measure, both the Police Chief and I support having an explicit anti-jaywalking ordinance in the Town Code.

BUDGET/FUNDING: None, unless there are streets in Town where the Town feels it desirable in the public interest to put up signage reminding the public that it must use crosswalks or intersections in order to cross the street.

STAFF RECOMMENDATION: Staff recommends adoption of an ordinance prohibiting jaywalking as set forth in Va. Code § 46.2- 923.

TOWN CODE

110-34 UNLAWFUL CROSSING OF PUBLIC STREETS

A. "Streets" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of motor vehicular travel in the Town, including the public highways and roadways.

B. "Crosswalk" means that part of a public street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the public street measured from the curbs or, in the absence of curbs, from the edges of the traversable public street; or any portion of a public street at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

C. As a matter of public safety to pedestrians and motorists, pedestrians lawfully shall cross public streets, wherever possible, only at intersections, marked crosswalks, or at official pedestrian crossing signals; or as directed by a law-enforcement officer.

D. When crossing public streets, it shall be unlawful for pedestrians to carelessly or maliciously interfere with the orderly passage of vehicles.

E. Violations of this ordinance shall be punished by as a Class 4 Misdemeanor.

Council Discussion:

Vice Mayor Tewalt expressed concern with increased work on the Police Department. Councilman Sealock stated that something needed to be done to address issues of safety and the Chief has pushed for some type of jaywalking ordinance. He noted that it is an education process and information would be provided. Mayor Tharpe stated that if the Police used the tool it could assist with informing the public with attempting to save a life. Council expressed interest in moving forward.

3. Additional Assessment for Electronic Summons in Criminal/Traffic Cases – Town Attorney

SUMMARY: Recently, a new Virginia statute was enacted, Va. Code § 17.1-279.1, which provides that any local government may assess an additional sum not in excess of five dollars (\$5.00) as part of the costs in each criminal or traffic case in the district or circuit courts located where such cases are brought in which the defendant is charged with a violation of any statute or ordinance, which violation in the case of towns arose within the town. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county, city, or town, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. The imposition of a town assessment shall replace any county fee that would otherwise apply. This would be new money and would help modernize the Police Department's electronic summons system. Because almost all Town criminal and traffic summons are initially filed in the General District Court, with all summons fees paid there, and cases heard only if appealed by the defendant to the Circuit Court if the defendant has been convicted in the General District Court, there is no need to assess differing fees for the District Courts than the Circuit Courts.

BUDGET/FUNDING: Passage of this ordinance will result in a positive flow of money to the benefit of the Police Department.

STAFF RECOMMENDATION: Staff, including the Police Chief, recommends adoption of this ordinance.

Council Discussion: As Staff presented no negative drawbacks, Council voiced support of moving forward.

4. Update on Mid-Block Crossing on Shenandoah Avenue – *Town Engineer*

SUMMARY: The Town Manager has assembled a Public Road Safety Committee comprised of Town staff to develop safety improvements on public streets, especially those related to pedestrian safety. The area of N. Shenandoah Ave. between 14th Street and 17th Street is of particular concern since there have been 5 pedestrian accidents there in the last 3 years with one fatality. The committee has put together a proposal for a mid-block crossing near the Shenandoah Motel and the Speedway gas station.

BUDGET/FUNDING: The estimate for this project is \$65,000. No money has been budgeted at this time.

STAFF RECOMMENDATION: Recommend the installation of a mid-block pedestrian crossing along N. Shenandoah Avenue

Council Discussion:

Councilman Sealock noted that the discussion with the Committee was to go the route as suggested by the Engineer Mr. Brown. Mr. Waltz noted that there was significant savings with the Town doing the electrical work in-house. Council discussed the option for the safety offered to the citizens. Mr. Brown explained that the system worked like a stop light to allow the pedestrians to cross safely. Councilman Morrison expressed concern with the light being operated by a person. Councilman Connolly stated that the flow of traffic is delayed now by those jaywalking, which causes trouble with traffic flow and those using the button maliciously can be addressed if need be.

Vice Mayor Tewalt expressed concern with the island due to snow removal. Mr. Waltz noted that the snow issues can be handled.

5. Terms expiring on Planning Commission August 31

SUMMARY: Cee Ann Davis and Douglas L. Jones terms expire on the Planning Commission August 31, 2018. Both would like to be considered for re-appointment.

Ms. Davis was appointed by Council on March 6, 2017 to an unexpired term.

Mr. Jones was appointed by Council on August 11, 2014 to a 4-year term.

The Planning Commission has 4-year terms.

Council Discussion:

The Mayor asked that the interviews be scheduled for current and all applicants on file be scheduled, and to ensure that Debbie Langfitt, Planning Commission Chairman is present if possible.

6. Council Discussion/Goals

Criser Road bridge to be completed by September 4th most likely.

Delivery date of generator is an estimate of at least 16 weeks per Mr. Waltz.

Police Department communications system: hopefully come to next worksession.

Mayor Tharpe noted that he would be working on a Fourth of July Celebration for 2019 and bringing more information to Council.

Ms. Hart stated that the Joint Tourism Advisory Committee needs another appointee and she recommends Brent Jackson of the Holiday Inn. The Mayor voiced support of the appointee, noting that he was very energetic.

7. CLOSED MEETING – Consultation with Legal Counsel

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Morrison, that Council convene and go into Closed Meeting for the following purposes in connection with establishing the Town's rights to utility easements with respect to a certain individual real property owner or owners as well as the same person or persons who, based upon information and belief, also are the principals in a land trust who own real property in the Town of Front Royal, who have been giving Town of Front Royal utility workers difficulties doing needed work on Town utilities:

(1) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; "probable litigation" meaning litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party; pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

(2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

Vote: Yes – Connolly, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – Gillispie and Meza

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

(By Roll Call)

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly, 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 Action 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, Morrison, Sealock, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – Gillispie and Meza

(By Roll Call)

PRESENT: Mayor Tharpe, Vice Mayor Tewalt, Councilman Connolly, Councilman Morrison, 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.

ABSENT: Councilman Gillispie and Councilman Meza