



TOWN COUNCIL WORK SESSION

Monday, May 6, 2019 @ 7:00 p.m.
Town Hall Council Chambers

TOWN/STAFF RELATED ITEMS

1. Route 522 Corridor Water Reliability Study by CHA
2. Ordinance Amendment to Chapter 158-6 - Adoption by Reference of State Motor Vehicular Laws – *Town Attorney*
3. Update on Projects – *Town Engineer*

COUNCIL/MAYOR RELATED ITEMS:

4. County as Fiscal Agent for the EDA
5. Council Discussion/Goals (*time permitting*)
6. CLOSED MEETING – Afton Inn and Town Council Vacancy

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the following purposes:

1) a. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia; **and** b. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia.

2) a. The possible appointment of a specific public appointee of Town Council, namely, a citizen of Front Royal or a sitting Town Council Member, to fill the seat vacated by the resignation of former Mayor Hollis L. Tharpe, pursuant to Section 2.2 3711. A. 1. of the Code of Virginia; **and**, b. The possible appointment of a specific public appointee of Town Council, namely, a citizen of Front Royal, to fill a seat vacated by the possible appointment of a Town Council Member, should a sitting Member of Town Council be appointed to fill the seat of Interim Mayor, due to the resignation of former Mayor Hollis L. Tharpe, pursuant to Section 2.2 3711. A. 1. of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion [*At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:*]

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information 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.

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Work Session Agenda Form

Item # 1

DATE: May 6, 2019

AGENDA ITEM: Route 522 Corridor Water Reliability Study

SUMMARY:

CHA will present findings of the study including a map of the recommended route and anticipate costs. They will also discuss permitting of the route and construction methods for major river and highway crossings. Finally, a discussion of what is needed to progress the project from this point, including obtaining approval from VDH and potential sources of financing

BUDGET/FUNDING: 9601-Future Project

STAFF RECOMMENDATION: Town staff and CHA Engineering will be available to answer questions and concerns.

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Work Session Agenda Form

Item # 2

DATE: May 6, 2018

AGENDA ITEM: ORDINANCE AMENDMENT TO SECTION 158-6 OF FRONT ROYAL TOWN CODE PERTAINING TO ADOPTION BY REFERENCE OF STATE MOTOR VEHICLE LAWS.

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 conformity with minor tweaks in the State Code pertaining to traffic laws; and it helps keep 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.

BUDGET/FUNDING: A positive budgetary impact to the Town will be realized by re-adopting this Ordinance.

STAFF RECOMMENDATION: Staff recommends re-adoption of Town Code Section 158-6.

Work Session

**AN ORDINANCE TO AMEND SECTION
158-6 OF THE FRONT ROYAL TOWN CODE
PERTAINING TO ADOPTION BY REFERENCE
OF THE STATE MOTOR VEHICULAR LAWS**

BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that Section 158-6 of the Front Royal Town Code is hereby amended and enacted as follows:

Pursuant to the authority of Section 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the State as of **July 1, 2019**, contained in Title 46.2, Code of Virginia, 1950, as amended, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, 1950, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the Town, are adopted and incorporated by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the Town. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made part of this chapter as fully as those set forth at length herein; and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia.

For purposes of § 4-4 (E) of the Town Code, this Ordinance is deemed routine, and is effective on **July 1, 2019**.

APPROVED:

William A. Sealock, Vice 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 _____ 2019, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Chris W. Holloway	Yes/No
Letasha Thompson	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2019, and _____, 2019. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2019, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____ / ____ / ____

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Work Session Agenda Form

Item # 3

DATE: May 6, 2019

AGENDA ITEM: Update on Town projects

SUMMARY: Staff has created a new section on the Town's website titled "Town Projects" where up to date information on current projects is available to the public. These project pages will give people more in-depth information and will allow them to follow along with construction progress. It will also be a more effective method for explaining changes or delays than traditional public notices.

BUDGET/FUNDING: None

STAFF RECOMMENDATION: None

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