The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on August 10, 2020, in the Warren County Government Center with the Pledge of Allegiance led by Councilman Gillispie and Moment of Silence led by the Mayor.

ROLL CALL for MAYOR/TOWN COUNCIL

PRESENT: Mayor Eugene R. Tewalt
Vice Mayor William A. Sealock
Councilman Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Chris W. Holloway
Councilman Jacob L. Meza
Councilman Letasha T. Thompson
Town Attorney Douglas W. Napier
Interim Town Manager Matthew A. Tederick Clerk of Council Tina L. Presley

(The above represent municipal officers of the Town of Front Royal as stated in Town Charter Section 4)

APPROVAL OF MINUTES

Councilman Gillispie moved, seconded by Councilman Meza to approve the Regular Council Meeting Minutes of July 27, 2020 and Work Session Minutes of July 20, 2020, as presented

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza and Thompson
No – N/A
Abstain – N/A
Absent – N/A
ROLL CALL

The Mayor asked the Town Attorney to read the following:

TOWN COUNCIL AND PUBLIC PRESTATION DECORUM REQUIREMENTS

During the all portions of a Regular Town Council Meeting, including its Public Presentations portion, the following requirements of decorum by both public speakers and Town Council Members must be followed. These are requirements: Town Code, *Robert's Rules of Order* (incorporated into Town Code), and Federal Court decisions interpreting First Amendment Constitutional law on free speech.

1. The Mayor, as the presiding officer of Town Council, shall enforce the rules of procedure, preserve order and decorum, and appoint all Committees. *(Town Code 4-8.)*
2. Every member of the Council shall address the presiding officer before speaking, confine himself to the question before the body and avoid all personal or indecorous language. *(Town Code4 -12.)*
3. Public speakers and Council Members must use the same civility, decorum, orderly behavior, relevancy of comments to the subject at hand, and appropriate language in addressing Town Council as they would use in addressing a Judge in a Court of Law. No profanity, vulgar, or sexist language, or irrelevant commentary, is allowed. (*Robert's Rules*, § 43, pp. 379-382; *Steinburg v. Chesterfield Cty. Planning Com'n.* 527, F. 3d (4th Cir.) 2008); *Eichenlaub v. Township of Indiana.* 385 F. 3d 274 (3d Cir. 2004.)
4. There can be no personal attacks. A speaker can condemn the nature or likely consequences of a proposed measure in strong terms, but under no circumstances can he attack or question

the personalities or the motives of another member. The measure, but not the man, is the subject of debate. (Same Authority as above.)

5. A speaker may not speak to any matter that is the subject of a public hearing during that same Regular Meeting. *(Robert's Rules, § 43, pp. 379-382.)*
6. A speaker who violates 2., 3., 4., or 5. above should be promptly asked to stop speaking in that fashion by the Mayor. If such speaker does not promptly so stop, the Mayor should ask the Sergeant at Arms (Police Officer) to remove such speaker, forcibly if necessary, and even charged with a misdemeanor crime. Federal court decisions have established that public policy in maintaining civility and decorum during the public comment sessions of its public meetings, both to ensure the efficient conduct of the people's business and to maximize citizen participation in the discussion, override the speaker's First Amendment rights of free speech. Governmental bodies may enforce policies against personal attacks in furtherance of a legitimate governmental purpose to preserve order and decorum in meetings, so long as they do not use the personal attack policy as a pretext to squelch a particular substantive viewpoint. (*Robert's Rules*, § 43, pp. 379-382; *Steirburg v. Chesterfield Cty. Planning Com'n.* 527, F. 3d (4th Cir.) 2008); *Eichenlaub v. Township of Indiana*, 385 F. 3d 274 (3d Cir. 2004.)
7. If a Council Member feels a speaker is being disorderly, or not showing proper decorum, or conducting personal attacks, or comments that are irrelevant, and wishes to bring this matter to the Mayor's attention, the Councilman can do so by saying the following:
   a. "Mr. Mayor, Point of Order." Wait to be recognized by the Mayor. If not recognized, repeat, "Point of Order Mr. Mayor." Once recognized, the Councilman can say something like, "I believe the speaker is violating proper rules for decorum (or personal attack, or questioning the motives of Council, or making false statements of fact which are harmful to one's reputation) as stated *in Robert's Rule of Order Sections 4 and 43 and/or violating Town Code 4-8 and 4-12."*
   b. The Mayor either stops the speaker, or if the Mayor overrides the Point of Order, the Councilman can state, "I appeal the decision of the Mayor." The appeal is not debatable. The Mayor states, "Shall the decision of the Mayor be sustained (or upheld)? All in favor?" A tie vote sustains the Mayor's ruling. Requires simple majority vote to sustain the appeal. *(Robert's Rules, § 23, pp. 240-250.)*

RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC

David Downes, Esq, 160 Old Browntown Road advised Council of the many drug overdose deaths in Warren County this year as well as the many calls the Drug Task Force has received. He noted that today over half the court docket was drug-related cases. He voiced concern that the epidemic has not been addressed in this community. While he realized there was limited resources he suggested the following: 1) talk with those at risk, 2) set up a Detox Center for our community; 3) encourage building a rehabilitation center; 4) stop using probationers as confidential informants and 5) increase education in the schools.

Kelly Walker, 939 Marshall Street voiced her concerns on weekend closures of Main Street. She thanked Council for their efforts to help the restaurants through the pandemic but stressed how the small businesses were not benefiting from the closure. She suggested that maybe the closure could be one weekend a month with a theme. She reiterated that there were not enough shops (excluding restaurants) to close Main Street.

Inna Kolesnik, 214 E. Main Street voiced concern about closure of Main Street and the installation of permanent "No Parking" signs. She noted that she attempted to retrieve the minutes and video of the August 3, 2020 work session where such closure was discussed; however, she was unsuccessful. She asked Council to communicate with the public about important decisions being

made on Main Street especially the parking since her customers have had a hard time finding a parking space. She reminded Council of the fence that was allowed and installed behind her property that resulted in her not having access to the back of her property. She asked Council to open Main Street for all businesses and residents not just restaurants. She presented the clerk with a petition of business owners and residents wanting to open the street back up.

Samuel Porter, 216 Fletcher Street voiced his appreciation to the Mayor on keeping decorum. He noted that petitions, referendums, marches and protests can be costly but cannot equate to living in a place where black people aren't feared and who get equal footing regardless of their complexion. He specifically advised that since he is not an advocate of "Black Lives Mater" he is not afraid to say the slogan black lives matter.

Tom Sayre, 835 Shenandoah Shores Road read a quote from "Our Lady of Mejugorje". He further questioned the status of his FOIA request from July 29, 2020 and asked that all notes be included in the request.

REPORTS

a. Report of special committees or Town Officials and Interim Town Manager

Interim Town Manager Tederick congratulated Finance Director BJ Wilson for being awarded Financial Reporting Achievement from the Government Finance Officers Association of the United States and Canada making this the 33rd year in a row for the Town of Front Royal. He continued with the following updates: road closure to repair E. Stonewall Drive bridge and construction of slip lane on W. 17th Street. He updated on the CARES Act applications and introduced Tim Wilson as the new Director of Community Development and Planning.

b. Requests and inquiries of Council members

Councilman Gillispie welcomed Tim Wilson

Councilman Meza also welcomed Mr. Wilson and thanked Mr. Downes for his report on the drug epidemic in Front Royal and Warren County. He offered to work with Mr. Downes and law enforcement if needed.

Councilman Cockrell thanked Director of Public Works Boyer on repairing a pothole very soon after her reporting it.

Councilman Thomson apologized to the Mayor and the public for last week's "episode" during the Council meeting. She advised Mr. Downes that she was interested in suggestions.

c. Report of the Mayor – Mayor Tewalt thanked everyone who spoke tonight and welcomed Mr. Wilson.

d. Proposals for addition/deletion of items to the Agenda – N/A

CONSENT AGENDA ITEMS – None

COUNCIL APPROVAL – Lumos Neworks, Inc. Franchise/Pole Attachment Agreement (1st R)

Clerk of Council Presley read the summary: Council is requested to affirm on its first reading an request from LUMOS NETWORKS, INC., dba SEGRA, for a limited five (5) year, non-exclusive, franchise and pole attachment agreement with the Town to use the public ways to construct, operate and maintain a fiber optic telecommunications system, the term of which can be extended for four (4) additional five (5) year terms upon successive agreement of the parties, as presented. The agreement will commence upon approval by Town Council and execution by the Town Manager. Per the Assistant Town Attorney, the agreement is considered an ordinance; therefore, requiring two readings.

Councilman Cockrell moved, seconded by Councilman Thompson that Council affirm on its first reading a request from LUMOS NETWORKS, INC., dba SEGRA, for a limited five (5) year, non-exclusive, franchise and pole attachment agreement with the Town to use the public ways to construct, operate and maintain a fiber optic telecommunications system, the term of which can be extended for four (4) additional five (5) year terms upon successive agreement of the parties, as presented. I further move that Council authorize the Interim Town Manager to execute all documents.

There was no discussion by Council.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza and Thompson
No – N/A
Abstain – N/A
Absent – N/A
ROLL CALL

COUNCIL APPROVAL – Resolution for Front Royal COVID-19 Infectious Disease Preparedness and Response Plan

Clerk of Council Presley read the summary: Council is requested to approve a Resolution that adopts the requirement for a written COVID-19 Infectious Disease Preparedness and Response Plan for Town of Front Royal employees under the jurisdiction of the Virginia Occupational Safety and Health (VOSH) Program. Revisions requested to the Plan from Council at the August 3, 2020 Work Session have been included in the attached plan.

Councilman Meza moved, seconded by Councilman Thompson that Council approve a Resolution that adopts the requirement for a written COVID-19 Infectious Disease Preparedness and Response Plan for Town of Front Royal employees under the jurisdiction of the Virginia Occupational Safety and Health (VOSH) Program, as presented.

Councilmen Cockrell and Meza thanked Risk Manager Laura McIntosh for all her hard work on putting the plan together.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway Meza and Thompson
No – N/A
Abstain – N/A
Absent – N/A
ROLL CALL

COUNCIL APPROVAL – Deed of Dedication – First Bank – W. 17th Street

Clerk of Council Presley read the summary: On January 27, 2020 Council approved and accepted a Developer's Cash Escrow Agreement with Sheetz, Inc. for the Town to complete the W. 17th Street and Shenandoah Avenue Intersection Improvements, by adding a slip lane and to acquire right-of-way from the adjacent bank property. Council is requested to approve a Deed of Dedication with First Bank for 594 square feet on W. 17th Street to accommodate the slip lane to be constructed at W. 17th Street and N. Shenandoah Avenue.

***Council Holloway moved, seconded by Councilman Gillispie that Council* approve a Deed of Dedication with First Bank for 594 square feet on W. 17th Street to accommodate a slip lane to be constructed at W. 17th Street and N. Shenandoah Avenue, as presented.**

Interim Town Manager Tederick advised that First Bank donated the land.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie Holloway, Meza and Thompson
No – N/A
Abstain – N/A
Absent – N/A
ROLL CALL

The meeting was adjourned at 7:40pm

APPROVED:
W. R. Sealock Jr
Eugene R. Tewalt, Mayor

ATTEST:
Tina L. Presley
Tina L. Presley Clerk of Council

Councilman Gillispie *moved, seconded by Councilman* Meza *approved the Regular Council Meeting minutes of August 10, 2020 on August 24, 2020.*

Mayor Initial WRS

TOWN COUNCIL WORK SESSION
Monday, August 10, 2020 at 7:00 P.M.
Immediately after the Regular Council Meeting

1. Continued Discussion of Second Amendment Resolution – Town Attorney Napier advised that beginning July 1, 2020 state law states that localities can ban firearms in local government buildings. He reminded Council that they, along with the County of Warren approved a resolution for the Town to be a Second Amendment Sanctuary, [February 20, 2020] meaning the Town would not pass any laws infringing upon citizens' rights to carry firearms. He passed around a resolution that stated this. Mayor Tewalt confirmed that Council did not need to pass another resolution. Councilman Meza noted that there were three different versions of tonight's resolution since August 3, 2020 work session and confirmed that regardless of any of the resolutions, the Town will not enforce gun restrictions in the Town. Mr. Napier explained that a resolution was not a law but only a statement of intent. He reiterated that it is the present intent of Council to not pass any laws infringing on anyone's constitutional right to carry firearms. Councilman Cockrell confirmed that anyone could carry firearms in Town Hall June 30, 2020 and nothing has changed with the new law passed July 1, 2020. Vice Mayor Sealock questioned the need to pass another resolution. Mr. Napier advised that he did not think they had to since both resolutions state the same thing. Councilman Gillispie confirmed that passing the resolution would not bind future councils.

Paul Aldrich advised that the resolution before Council was brought to him by lawyers of the Virginia and Citizens Defense League. He explained that the first resolution [passed by Council] ensures citizens that Council will not enforce unconstitutional laws and the second one ensures that Council will not enact any laws within the Town that restricts. He asked for Council to put forward as written.

Mr. Napier reiterated that as a matter of law future Council cannot be bound by other Councils. Councilman Holloway suggested passing the resolution as written since it wouldn't hurt anything to do so. Councilman Cockrell asked about it becoming an ordinance. Mr. Napier advised that Council could make it an ordinance to protect citizens first amendment rights, but each councilmember has done that by swearing to uphold the Constitution of the United States and Virginia. Council agreed to put on the August 24th Consent Agenda for approval.

2. Removal of Electric Car Charger – Director of Energy Services David Jenkins explained that the Town was considered the host for a free car charger in 2015. In 2019 problems started with the charger and the software becoming obsolete. He noted that there are other car chargers in the area and they can be found on a smartphone by using an app. Mr. Jenkins advised that he has looked into grants and Council asked that he continue the search. Council agreed to have it removed.

3. Review of FY21 Revenues – Director of Finance BJ Wilson updated Council on the revenues noting that it was only one month in and not tracking too bad. Mr. Wilson recommend that Council continue to monitor another month or two for a more accurate review. Mayor Tewalt questioned how fast the delinquent utility accounts were decreasing. Mr. Wilson explained that their normal operating is $400,000 and currently it is $581,000. Vice Mayor Sealock questioned whether some of the businesses' utility bills have decreased from those who have received the CARES Act money. Mr. Wilson confirmed that they had. Mr. Tederick praised Mr. Wilson's staff for spending a significant

amount of time talking to business owners to ensure that they understand the law regarding paying their meals tax and working with citizens to pay their utility bills.

4. Vacancy on Planning Commission – Interim Town Manager explained that a Planning Commission member had resigned. He advised them that there have been the issues of not having a quorum. Town Code allows seven members and currently there are six. He suggested that while Council was advertising to fill one position that they could fill a new position. Council agreed to advertise for both. Councilman Meza suggested putting in the ad that certification was offered at no cost to them.

5. Closed Meeting – Pending Litigation

Councilman Cockrell moved seconded by Councilman Holloway that Town Council go into Closed Meeting to discuss and consider Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation with EDA, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of Town Council; "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.

There was unanimous consensus of Council to go into Closed Meeting

Councilman Cockrell moved, seconded by Councilman Holloway that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Vote: Yes – Mayor Tewalt, Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza, and Thompson
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

PRESENT: Mayor Tewalt, Vice Mayor Sealock, Councilman Cockrell, Councilman Gillispie, Councilman Holloway, Councilman Meza, Councilman Thompson, Interim Town Manager Tederick, Town Attorney Napier, Clerk of Council Presley, Director of Finance Wilson, Risk Manager McIntosh, Director of Community Development/Planning Wilson, Chief of Police and members of the public and press.

signatures on following page

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Councilman Gillispie moved, seconded by Councilman Meza approved the Work Session minutes of August 10, 2020 on August 24, 2020.