The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on August 24, 2020, in the Warren County Government Center with the Pledge of Allegiance led by Councilman Gillispie and Moment of Silence led by Vice Mayor Sealock.

ROLL CALL for MAYOR/TOWN COUNCIL

PRESENT:
Vice Mayor William A. Sealock
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

ABSENT:
Mayor Eugene R. Tewalt
Councilman Lori A. Cockrell

(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 August 10, 2020 and Work Session Minutes of August 3, 10, and 17, 2020, as presented

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

RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC

Keith Menefee, 120A E. Main Street (Downhome Comfort Bakery), thanked Council for "stepping up to the plate" during the pandemic and closing Main Street for the restaurants and businesses. He reminded Council that restaurants are only allowed 50% capacity, but the closure allowed them to branch out onto the street creating a family atmosphere. He asked Council to reconsider opening Main Street back up next month since the guidelines are still in place. If Council decides to open Main Street, he suggested closing only the parking spaces on Main Street. Since the Festival of Leaves has been cancelled for this year, he suggested crafters be allowed to set up on Main Street. He encouraged other business owners to think outside the box.

Tim Ratigan, 6079 Stonewall Drive, apologized to Council for his outbursts at a previous meeting. He agreed with Mr. Menefee's comments noting that fall was the biggest shopping time. Mr. Ratigan gave an update on his mission to "Support Local Law Enforcement". He invited Council and others to their first event being held September 1 which is a local law enforcement appreciation parade being held in Front Royal. He asked that Council stay tuned to his Facebook page for other upcoming events.

William Huck, 409 E. Main Street (C&C Frozen Treats), reminded Council that the Town reached out to him in May asking for assistance and ideas on keeping downtown businesses alive. He noted that the closure of Main Street was one of those ideas and it has helped his and other businesses to "expand their horizons". He reminded Council that this year has been nothing but chaos, but the Town has given hope and encouragement to the businesses downtown and to the community. He asked that Council allow the downtown merchants to come together to find a way to work together to keep businesses thriving.

Tim Barnhart 122 E. Main Street (Vibe Properties), advised that he saw potential in Front Royal with the River, Skyline Drive, Appalachian Trial, National Park and a well-preserved historical authentic Main Street when he decided to move his business here. He designed and renovated buildings that he currently owns and leases. He advised that all the business were moving smartly in the right direction when COVID-19 hit in March 2020. At that point everyone's future became uncertain if not doubtful. He thanked the Town for working with local businesses to find ways to survive COVID. He thanked the Mayor, Council and the Town Manager for all they have to done to help businesses. He opined that the continued closure of Main Street is critical for many businesses including his tenants to stay open. He urged them to not abandon an idea with so much promise. He stated: "Main Street can be the beating heart of this Town".

Kerry Barnhart, 122 E. Main Street (Front Royal Brewing Co), noted that her business had 40 employees and contributed $60,000 to meals tax before COVID-19 hit. She reminded Council that the Governor of Virginia ceased all activity inside and outside restaurants on March 17, 2020 and that same day she had to lay off 85% of her staff. She explained that she has had to endure extreme limited seating, extreme healthcare practices, covid-stressed customers and significant expenses to adhere to guidelines. She expressed deep gratitude to the Town for giving them the ability to set up outside dining areas on Kidd Lane and Main Street. That alone helped her to bring back her entire staff and keep her business going. She thanked the Town Manager, Chamber of Commerce and Mike McCool for temporary tents, tables and chairs and over time she has been able to invest in her own. These seating areas, she advised, are currently at capacity on the weekends. She opined that the businesses truly need to take advantage of the upcoming fall season. She asked for Council's continued generous support to make it into next year.

Arline Link, 100 E. 8th Street (The Kiln Doctor) noted that she sponsored "The Greatest Showman" event held this past weekend on Main Street. She suggested coming together as a business community to help and support all businesses in the Town. She asked to continue the closure of Main Street but to include other businesses besides just Main Street businesses. She reminded Council that there were only a couple of months left to set up outside. She suggested that businesses not on Main Street have "block parties" with businesses that may be close to them. The recent Scavenger Hunt was a great start to bringing businesses together. She voiced appreciation to the Town for all their help. She advised that she had to change her business plan because of COVID-19 because her business was 80% schools, pottery facilities, universities and community centers which have all closed. She suggested Council consider the installation of directional parking signs to let visitors know where parking is located. She encouraged Council to visit Main Street businesses as well as other businesses who are not located on Main Street.

Ralph Waller, 304 E. Main Street, suggested keeping Main Street open and named several businesses that are against the closure. He asked Council to not ignore the businesses that are not

restaurants because they are suffering as well. He suggested that boundaries be put in place and think of safety. He reminded Council that there are people who live on Main Street that don't have access to the back or the front of their building during the time the street is closed from Friday to Sunday.

David A. Downes, 14 Chester Street (Virginia Beer Museum), agreed with his "brothers and sisters" on Main Street and thanked Council for helping keep them stay alive and active. He then continued to follow-up from a few weeks ago regarding the drug epidemic in Town. He advised that since that time there has been three more overdoes including one death of a 14-year old girl. He asked the question "how many more people have to die", noting the epidemic is affecting everyone. He made several suggestions for short-term and long-term plans to address the needs of the community. He asked for Council to not "kick the can down the road" and put away politics for the sake of the children.

Christopher Kenworthy, 124 E. Main Street (Vinova Tappas & Wine Bar), voiced appreciation to the Town Council and the Town Manager for keeping the businesses going during the summer. He advised that when the pandemic hit, he had an 80% drop in revenue and laid off employees but having the ability to have outdoor seating has raised his revenue considerably. He advised that the tourists love the closures and it has become a way to meet neighbors in an atmosphere that is more positive than negative. He opined that Main Streets are the "Heart and Soul" of any small town. He asked Council to consider the overflow of traffic for the upcoming tourist season. He presented Council with a petition of approximately 594 names supporting the closure of main Street.

Rachel Failmetzger, 124 E. Main Street, represented several businesses on Main Street. She advised Council that the revenue for Vinova Tappas & Wine Bar in April was $4,900, payroll was $0; in the last 3 days in May revenue was $10,000 and this month she had $20,000 in payroll. She advised that with unemployment benefits what it is, it is almost impossible to get employees. Keeping Main Street closed gives her the best chance of keeping her business.

Edwin S. Wright, 401 E. Main Street, represented Manor Line Market that will be opening soon. He agreed with sentiments expressed from the previous speakers about keeping Main Street closed.

Bruce Rappaport, 300 W. Main Street, voiced concern over the pursuit of a Town EDA and the redundant salary it would create at a cost of at least $99,000 a year. He opined that the money could be spent elsewhere. He noted that the Council needed to work together with the EDA that currently exists.

Clare Jones Schmidt, 337 W. 10th Street, voiced concern over stopping the weekend closures of Main Street. She praised how quickly the Town's leadership quickly adapted to the new restrictions and created an environment for families, locals and tourists to enjoy. She noted that Front Royal needs all the revenue it can get. She encouraged the Council to keep Main Street closed as a "walking mall" until the restrictions are lifted.

REPORTS

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

Interim Town Manager Tederick thanked everyone for coming out tonight. He updated Council on the CARES Act, noting the first round of funds that includes 70 businesses at a cost of $672,500 and the 2nd round has 18 businesses. Stonewall Bridge should be completed in 30 days. SwagIT system is being installed this week. The slip lane for Sheetz is being worked on. Smoke-testing is being done throughout Town. The Planning Commission is looking to fill two vacancies.

b. Requests and inquiries of Council members

Councilman Meza encouraged citizens to apply for the planning commission vacancies and take advantage of the training that was being offered as a planning commissioner.

Councilman Gillispie thanked everyone for coming out tonight. He also thanked Mr. Downes for his comments and advised that he knew the young girl who overdosed. He asked that discussion pertaining to the drug epidemic be placed on an upcoming work session.

Councilman Thompson thanked everyone for coming tonight. She voiced appreciation to Rachel Failmetzger for the revenue numbers she furnished. She also agreed with Councilman Gillispie to place an item on a work session pertaining to the drug epidemic.

c. Report of the Mayor – Vice Mayor Sealock advised that Mayor Tewalt was on vacation.

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

Councilman Gillispie moved, seconded by Councilman Meza to place "Resolution to Dedicate the Wastewater Treatment Office Building" on the agenda as #10.

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

CONSENT AGENDA ITEMS –

COUNCIL APPROVAL – Resolution Pertaining to the Second Amendment

Council approved a resolution declaring that the Front Royal, Virginia shall not exercise any authority granted to it by § 15.2-915(E) of the Code of Virginia to regulate or prohibit the otherwise legal purchase, possession or transfer of firearms or ammunition, as presented.

COUNCIL APPROVAL – Resolution for VDOT re South Street Improvements

Council approved a Resolution for the Virginia Department of Transportation (VDOT) pertaining to South Street Improvements, aa presented.

COUNCIL APPROVAL – Bid for Equalization Blowers for WWTP

Council approved two equalization blowers from sole source procurement Engineered Systems and Products in the amount of $43,480.40, two variable frequency drives procured from Capital Electric in the amount of $13,906.00 and two electrical conduit procured from Power-Comm Electrical & Communications in the amount of $14,260.00. Council is requested to approve the procurements in the amount of $71,646,40 to replace the equalization blowers in the Wastewater Treatment Plant.

Councilman Meza moved, seconded by Councilman Holloway that Council approve the Consent Agendas as presented.

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

COUNCIL APPROVAL – Lumos Networks, Inc. Franchise/Pole Attachment Agreement (2nd R)

Clerk of Council Presley read the summary: : Council is requested to adopt on its second and final 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.

Councilman Meza moved, seconded by Councilman Thompson that Council adopt on its second and final 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, Gillispie, Holloway, Meza and Thompson
No – N/A
Abstain – N/A
Absent – Councilman Cockrell
ROLL CALL

COUNCIL APROVAL – Continued Discussion of the Closure of Main Street

The summary was not read. Council began discussions.

Councilman Thompson suggested keeping Main Street closed based on comments heard tonight.

Vice Mayor Sealock recommended keeping Main Street closed and asked to include more handicapped parking spaces.

Councilman Holloway advised that he had attended the weekend closures on Friday and Saturday and noted that it was "packed" and he enjoyed it. He suggested keeping Main Street closed.

Councilman Gillispie noted that the closure was originally to assist businesses downtown but realized the overwhelming support for all businesses. He suggested continuing with the closure.

Councilman Meza thanked everyone for attending tonight's meeting. He voiced his displeasure on for what COVID-19 has done to businesses and the loss of festivals. He suggested continuing the closure.

Interim Town Manager Tederick thanked staff for following through every Friday night and Sunday morning ensuring the opening and closing of Main Street. He thanked Mr. Huck for "stepping up to the plate" to assist him with various questions throughout the process. He advised Council that he has ideas on opening various streets to allow for more parking. He advised that it was unknown as to how long the pandemic will last but he has direction to keep Main Street closed at least through the fall.

Discussion purposes only – No Vote Taken

COUNCIL APPROVAL – Resolution to Dedicate the Wastewater Treatment Office Building
Clerk of Council Presley read the resolution:

RESOLUTION
DEDICATION OF THE TIMMY W. FRISTOE OFFICE BUILDING AT THE WASTEWATER TREATMENT PLANT

WHEREAS, Timothy L. Fristoe was hired to work for the Town of Front Royal on April 9, 1980 as a Senior Plant Operator for the Wastewater Treatment Plant; and,

WHEREAS, on February 1, 1989, Mr. Fristoe was promoted to Chief Plant Operator for the Wastewater Treatment Plant; and,

WHEREAS, on July 1, 2011 Mr. Fristoe was promoted and reclassified to Manager of the Wastewater Treatment Plant, a position he held until he retired on May 1, 2020 after 40 years of service; and,

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Town Council dedicate the Wastewater Treatment Office Building as the "Timmy W. Fristoe Office Building" in recognition of Mr. Fristoe's 40 years of service, dedication and contributions to the Town of Front Royal and the operations of Front Royal Wastewater Treatment Plant.

Councilman Meza thanked Mr. Tederick for organizing the ceremony held before the meeting tonight at the Wastewater Treatment Plant.

Councilman Gillispie moved, seccnded by Councilman Holloway that Council approve a Resolution dedicating the office building at the Wastewater Treatment Plant as the "Timmy W. Fristoe Office Building", as presented.

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

The meeting ended at 8:28pm

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Councilman Gillispie *moved, seconded by Councilman* Holloway *approved the Regular Council Meeting minutes of August 24, 2020 on* September 14, 2020.

Mayor Initial

TOWN COUNCIL WORK SESSION

Monday, August 24, 2020
Immediately following the regular meeting

1. CLOSED MEETING – Consultation with Legal Counsel and Pending Litigation

Councilman Gillispie moved, seconded by Councilman Holloway that Town Council go into Closed Meeting for the following reasons:

1) ***To convene and meet in Closed Meeting for 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 Town Council 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 Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, leasing or licensing public property owned by the Town, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.***

There was unanimous consensus of Council to go into closed meeting.

Councilman Gillispie moved, seconded by Councilman Holloway 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 – Councilmen Sealock, Gillispie, Holloway, Meza, and Thompson
No – N/A
Abstain – N/A
Absent – Mayor Tewalt and Councilman Cockrell
ROLL CALL

2. Continued Discussion of Front Royal IDA/EDA – Interim Town Manager Tederick advised that he was looking for specific direction from Council. He noted that the Town stopped funding the current EDA in 2012. He explained that if the Town were to help fund the current EDA it would equal to approximately $121,808 of a $400,000 budget which the Town could use to pay for its own EDA where focus could be empty store fronts and redevelopment in Town. Mr. Tederick reiterated that tonight he needed clarity and guidance from Council on whether to seek applications for those willing to serve on the EDA Board or shall Council select their own representatives. He clarified the EDA Board would approve the By-Laws.

Councilman Meza advised that he was in favor of the Town having its own EDA and to move forward with advertising for the positions for the EDA Board.

Councilman Thompson agreed that the $121,000 could be used for the Town's general support and could be specific to the Town's blighted buildings.

Councilman Meza questioned whether the CARES Act funding could be used. Mr. Tederick advised that the County approves the use of those funds.

Councilmen Gillispie and Holloway supported the idea of the Town's own EDA and to move forward with accepting applications for the Board.

Vice Mayor Sealock advised Mr. Tederick that he had clear cut directives tonight. It was clarified to send all revisions of the by-laws to Town Attorney Doug Napier.

3. Open Discussion – Mr. Sealock advised Council that they had received 41 applications for the position of Town Manager. Council agreed to give BakerTilly direction to give Council the top 15 with the top 2 or 3 starred as their [BakerTilly] favorites.

Adjourned 9:11pm

PRESENT: Vice Mayor Sealock, Councilman Gillispie, Councilman Holloway, Councilman Thompson, Interim Town Manager Tederick, Town Attorney Napier, Clerk of Council Presley, and members of the public and press.

ABSENT: Mayor Tewalt and Councilman Cockrell

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Councilman Gillispie *moved, seconded by Councilman* Holloway *approved the Work Session minutes of August 24, 2020 on* September 14, 2020.

Mayor Initial ERT