TOWN COUNCIL REGULAR MEETING MINUTES

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on October 26, 2020, in the Warren County Government center. The Pledge of Allegiance was led by Vice Mayor Sealock and the Moment of Silence, by Mayor Tewalt. This meeting can be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

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
Interim Town Manager Matthew A. Tederick
Town Attorney Douglas W. Napier
Deputy Clerk of Council Mary E. Lynn

ABSENT: Councilman Letasha T. Thompson

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

APPROVAL OF MINUTES

Councilman Gillispie moved, seconded by Councilman Holloway to approve the Special, Work Session and Regular Council Meeting Minutes of October 5, 8, 12 and 19, 2020, as presented.

Vote: Yes – Unanimous (NO ROLL CALL)

RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC

Paul Gabbert, 1221 Valley View Drive, voiced his concerns about a Public Notice that was published in the Northern Virginia Daily regarding a rezoning request from the Front Royal IDA and Warren

County EDA for a piece of land located in the Happy Creek area. Mr. Gabbart stated he was unaware of the existence of a Front Royal IDA and speculated that it was created by the Interim Town Manager "without anybody noticing." He added his belief that it was a "deliberate attempt at trying to misguide and deceive the public for the personal satisfaction of the Interim Town Manager."

REPORTS

a. Report of Special Committees of Town Officials and Interim Town Manager

Interim Town Manager Tederick expressed his appreciation of Mr. Gabbert's statement. He noted his belief that the Public Notice in question was correct, but he would check to be sure.

Mr. Tederick highlighted the "extraordinary contacts and outreach" that were achieved due to an influencer event that was held in Front Royal. He mentioned that one of the influencers was contacted by someone, with over 600,000 social media followers about their experience in town as well as an article in the Washington Post that prominently identified a blog post about Front Royal.

b. Requests and inquiries of Council Members

Vice Mayor Sealock read a statement in response to a citizen speaker who indicated that financial issues, regarding the new Police Department, between the Town and the Front Royal Warren County Economic Development Authority (EDA) should have been resolved earlier. He stated that the resolution required extensive review to arrive at an agreeable figure. He added that, several weeks prior, the Warren County Board of Supervisors sent a letter to the Chairman of the EDA requesting the Town and EDA resolve their financial issues. He expressed Council's appreciation of the Board for their efforts. He stated that Council had not received any correspondence from the EDA as a result of the letter and that open communication is required in order to move forward.

Councilman Cockrell highlighted two citizens that were creating a positive influence in the community. Tracy Pullen Funk, who runs a blanket drive to distribute blankets to those in need. Brittany Lewis, who had scheduled a color run for her organization, "Save the Children," whose goal is to raise money to combat against human trafficking, specifically focusing on children.

c. Report of Mayor

Mayor Tewalt, in response to Vice Mayor Sealock, stated that he had met with the Chairman of the EDA earlier that morning. He explained that they had discussed the Police Department interest payments, Leach Run Parkway invoices, the West Main Connector, and the "so-called" 70-30 split money owed to the EDA by the Town. He stated the EDA is working towards resolving all the issues the Vice Mayor had addressed.

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

Vice Mayor Sealock moved, seconded by Councilman Gillispie to add item #10, a Supplemental Resolution authorizing and approving a loan in the original principal amount of $8,483,001.15, made by United Bank, as lender, to the Town, as borrower.

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

COUNCIL APPROVAL OF CONSENT AGENDA ITEMS

A. Bid for Snow Removal Services for FY21 Winter Season
Council approved a bid from Andrews Grading & Excavating LLC for snow removal services for the FY21 Winter Season.

B. Sole Source Purchase of a Dezurick Pump Control Valve for Water Treatment Plant
Council approved a sole source Dezurick pump control valve for the Water Treatment Plant from Commonwealth Engineering & Sales in the amount of $29,609.00

Councilman Gillispie moved, seconded by Councilman Meza that Council approve the Consent Agenda items as presented.

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

PUBLIC HEARING – Amendment to Chapter 4-1 and 4-1.1 of Town Code Pertaining to Location of Meetings and Remote Participation of Meeting for All Public Bodies (*1st Reading)*

Mayor Tewalt opened the public hearing.

Paul Gabbert, 1221 Valley View Drive, asked for clarification and expressed his concern that the changes would limit the publics access to meetings.

Mayor Tewalt explained that public access to meetings would stay the same. He stated the changes would allow Council to participate via telephone and would also allow them to move the meeting if necessary. Mr. Gabbart thanked the Mayor for his explanation.

Mayor Initial ERT

Mayor Tewalt closed the public hearing.

Councilman Holloway moved, seconded by Councilman Meza that council affirm on its first reading an ordinance to amend Chapter 4-1 and 4-1.1 of the Front Royal Town Code that would clarify when and where Town Council meets and include all public bodies to participate in meetings remotely by electronic means, as presented.

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

COUNCIL APPROVAL – Purchase of Records Management Module, MOU for Reimbursement and FY21 Budget Amendment.

Councilman Cockrell moved, seconded by Councilman Gillispie that Council approve the purchase of Motorola's Spillman Records Management Judicial Sharing Module that allows quick transfers of police records to the Commonwealth Attorney's Office in the amount of $12,785.42 and to approve a Memorandum of Understanding (MOU) with Warren County to allow for the reimbursement of $12,785.42. She further moved that Council approve the budget amendment in the amount of $12,785.42 to accept the reimbursement from Warren County and to direct the Interim Town Manager to execute the MOU.

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

ADDITION TO THE AGENDA – A Supplemental Resolution of Town Council authorizing and approving a loan in the original principal amount of $8,483,001.15, made by United Bank, as lender, to the Town, as borrower, to refinance the Police Department Headquarters, authorizing and approving the loan documents prepared in connection with the loan; authorizing and approving certain town officials to execute and deliver the loan documents; authorizing and approving the granting of a security interest in and lien on certain property owned by the town; and authorizing other necessary actions in connection with the foregoing.

Subject to the following contingency, Vice Mayor Sealock moved, seconded by Councilman Holloway that Town Council approve the attached Supplemental Resolution authorizing and approving a loan in the original principal amount of $8,483,001.15, made by United Bank, as lender, to the Town, as borrower, to refinance the Police Department Headquarters, authorizing *and approving the loan documents prepared in connection with the loan; authorizing and approving certain town officials to execute and deliver the loan documents; authorizing and approving the granting of a security interest in and lien on certain property owned by the town; and authorizing other necessary actions in connection with the foregoing. This motion approving the Supplemental Resolution was expressly contingent upon Town Council, the Town Manager, the Finance Director and the Town Attorney approving the details of the final loan documents, once the final details were released by no later than Tuesday, October 27, 2020 at 5 PM. Otherwise, if Town Council, the Town Manager, the Finance Director and the Town Attorney do not approve said Loan documents by Wednesday, October 28, 2020 by 4 PM, this approval of the Supplemental Resolution may be rescinded by Town Council, and Town Council shall hold a Special Meeting on Wednesday, October 28, 2020 at 7 PM, in Front Royal, Virginia, Town Hall, to rescind its approval, to modify its approval or to ratify its approval of said Supplemental Resolution.*

Interim Town Manager Tederick suggested Mayor Tewalt explain in further detail why this item was added to the Agenda.

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

Mayor Tewalt adjourned the Regular Meeting at 7:26 PM and Council began their Work Session.

APPROVED:

Eugene R. Tewalt

Eugene R. Tewalt, Mayor

ATTEST:

Tina L Presley

Tina L. Presley Clerk of Council
Minutes Written by Mary Ellen Lynn Deputy Clerk of Council

Councilman Gillispie *moved, seconded by Councilman* Cockrell *approved the Regular Council Meeting minutes of October 26, 2020 on November 9, 2020.*

Mayor Initial ____

TOWN COUNCIL WORK SESSION MINUTES

Tuesday, October 26, 2020 at 7:00 P.M.
Warren County Government Center

1. **FY21 Budget Amendment – Outstanding Purchase Orders** – Finance Director Wilson explained that the budget amendment for outstanding purchase orders was a "house-keeping item" and that it would require a public hearing. After no discussion, council agreed to add it to their consent agenda.

2. **Front Royal Zoning Ordinance – Apartment Use and Development Regulations** – Planning and Community Development Director Wilson presented council with the current zoning requirements for apartments. He explained that as it was currently written – "All apartment developments shall comply" – gave no flexibility. He added that there had been several zoning applications for apartment developments that had to be denied due to the strict way the ordinance was written. He recommended changing the ordinance from a "hard standard" to more of a guideline, which would give Town Staff the ability to review requests on a case by case basis.

   Councilman Holloway expressed his approval of the ordinance change. Councilman Meza thanked Mr. Wilson for bringing the issue to Council's attention and noted his appreciation of finding an area of developmental opportunity.

3. **Planning Commission Membership – Proposed Change Reducing Number of Members –** Interim Town Manager Tederick explained that the town's Planning Commission membership ordinance required seven members, however, in recent years it had proven difficult to fill all the seats. He noted that Town Staff's recommendation was to decrease that number down to five members. Councilman Meza expressed his agreeance, stating the need for engaged, quality individuals, rather than "seat fillers." Council all agreed to change the Planning Commission from seven members to five.

4. **Disconnects for Non-payment –** Interim Town Manager Tederick reported that due to recent legislation by the state the Town could be forced to temporarily suspend non-payment disconnects. He explained that the previous week, Town Staff was prepared to transfer funds from contingency back into the operating budget. They now recommended waiting until there was more information regarding the General Assemblies decision. He added that there was a possible exemption for municipalities that had not yet been finalized. Finance Director Wilson stated there was also a clause for CARES money to be used as relief, but there was not yet clarity on how it would be dispersed or who would qualify.

   Mr. Tederick reminded Council that they had planned for potential budgetary deficits by moving funds into contingency when they did. He recommended waiting to approve any contingency budget transfers or amendments until the end of December.

5. **TLC Termination Letter –** Mr. Tederick dispersed a letter to Council and members of the press. He explained that there had been some serious conversations between Valley Health and Local Choice regarding the Town's Insurance Plan with Anthem. He presented a timeline that included terminating

Mayor Initial

the Town's agreement with Anthem on November 1st (unless they find a way to work with Valley Health), completing a market analysis on November 6th, and deciding on a new plan in December. He noted that there had been a similar issue with Anthem and Valley Health in the past that was able to be resolved.

Mayor adjourned this portion of the work session at 8:01 P.M. and Council went into closed session.

6. Closed Meeting - Personnel and EDA Lawsuit

Councilman Holloway moved, seconded by Councilman Cockrell, that Council go into Closed Meeting for the following purposes:

(1) The discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, salaries, or resignation of specific public officers, appointees, or employees of the public body, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.

(2) With respect to the Town's lawsuit against the EDA, consultation with legal counsel and briefings by staff members of 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.

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

Councilman Gillispie moved, seconded by Councilman Meza, 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
No – N/A
Abstain – N/A
Absent – Councilman Thompson
ROLL CALL

PRESENT: Mayor Tewalt, Vice Mayor Sealock, Councilman Cockrell, Councilman Gillispie, Councilman Holloway, Councilman Meza, Interim Town Manager Tederick, Town Attorney Napier, Finance Director Wilson, Energy Services Director Jenkins, Planning and Community Development Director Wilson, Risk Manager McIntosh, Deputy Clerk of Council Lynn, and members of the public and press.
ABSENT: Councilman Thompson

Signatures on next page

Mayor Initial _______

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council
Minutes Written by Mary Ellen Lynn Deputy Clerk of Council

Councilman Gillispie *moved, seconded by Councilman* Cockrell *approved the Work Session minutes of October 26, 2020 on November 9, 2020.*