



TOWN COUNCIL REGULAR MEETING MINUTES

July 26, 2021 @ 7:00PM in Warren County Government Center

The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

Moment of Silence

Pledge of Allegiance was led by Councilman Meza

Mayor Holloway turned the meeting over to Councilman Meza who officially resigned from Town Council.
(His entire resignation can be heard by watching video of the same date)

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman E. Scott Lloyd
Councilman Joseph E. McFadden (Remote by Phone)
Councilman Letasha T. Thompson

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
Town Attorney Douglas W. Napier
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman Gillispie moved, seconded by Vice Mayor Cockrell that Council approve the Regular Meeting minutes of June 28, 2021, as presented.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden (remote), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA – None

RECOGNITIONS/AWARDS/REPORTS –

Town Manager Hicks recognized the Town's Finance Department for being awarded the Government Finance Officer's Association for the 34th year in a row. Finance Director BJ Wilson thanked his staff for their hard work and dedication, noting it was a team effort.

Executive Director of the Northern Shenandoah Valley Regional Commission Brandon Davis focused on the proposed rail to trail project being initiated from Front Royal to Broadway, Virginia connecting those

communities and economies to a multi-use trail. He advised that he was the chair to assist in developing the trail at a local level as well as collaborating on a report to be sent to the next general assembly session for their decision.

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

John Lundberg, 203 Peachtree Court, Front Royal, VA, spoke in support of the proposed Medical Freedom Ordinance. He stated that Valley Health's new requirement that all their employees receive a COVID-19 Vaccine *"will create a lasting scar and ill will with both departing and remaining employees, and also a rift within our community."*

Tom McFadden, 1418 Virginia Avenue, Front Royal, VA, stated that he ordinarily would not support a public authority involving themselves in the personnel affairs of a private company, but since Valley Health holds a monopoly in the community, the Town Council should be concerned and ask questions.

Robert Adanitsch, 9017 Stonewall Jackson Highway, Front Royal, VA, stated that Valley Health had already *"done this community over a few times with the lack of a Women's Care Center, and by not paying their fair share in taxes."* He stated that mandating vaccines was just another *"whammy."*

Krista Adanitsch, 9017 Stonewall Jackson Highway, Front Royal, VA, explained that the *"science had not been settled"* on the COVID-19 Vaccine, and that she had yet to see a study to support the claim that it was safe and effective.

Dan Arico, 165 Pinecrest Street, Front Royal, VA, noted that he made the informed decision to receive the COVID-19 vaccination after losing friends and family to COVID-19. He urged Council to pass the proposed Medical Freedom Ordinance, so that Valley Health employees would also be able to make the choice for themselves.

Patience Francis, 810 W 14th Street, Front Royal, VA, mentioned her own vaccine injury after several mandatory vaccines she received when she joined the U.S. Armed Forces. She stated that Valley Health making the COVID-19 Vaccine mandatory was unconstitutional.

Michelle Matthaie, 20 Blue Ridge Avenue, Front Royal, VA, cited facts about two experimental drugs, one given to Gulf War Veterans in the 1990's and one given to pregnant women in the 1960's, that were not FDA approved and ultimately had unknown side effects. She related them to the COVID-19 Vaccine, due to its lack of long-term studies.

Mike Mayer, 108 Pebble Lane, Front Royal, VA, spoke in support of the proposed Medical Freedom Ordinance. He urged citizens to question all mandates at the federal, state, local and even private sector levels.

Melanie Salins, 95 Murrays Drive, Front Royal, VA, pointed out that the package insert included with the COVID-19 Vaccine was blank, preventing people from truly being informed and giving informed consent.

Mike Salins, 95 Murrays Drive, Front Royal, VA, compared the risks of the Takata Air Bag, which was recalled, to the COVID-19 Vaccine. He added that companies should not be allowed to hold employee's livelihoods over their heads.

Carol Christoforatos, Front Royal, VA, expressed her concern about the COVID-19 being mandated by Valley Health. She held up a document that was *"filled with the carnage of all the people that were being injured and killed by the vaccine."*

Meagan Augugliaro, Winchester, VA, stated that, collectively, the health care system had failed to provide informed consent to patients inquiring about the COVID-19 Vaccine. She listed the risks associated with the vaccine and noted that until recently those risks were not shared on documents that were given to patients receiving the vaccine.

Lindsay Shumaker, 14 Morningside Drive, Winchester, VA, explained that informed consent requires free choice. She added that a mandate was not free choice, but coercion.

John Sine, 103 Black Powder Court, Winchester, VA, expressed his opposition to the Valley Health mandate. He stated that, over the last year, health care workers had given their best to help their patients and that the community owed it to them to stop companies from requiring vaccines.

Buddy Corr, Augusta, WV, stated that his son, who was in the United States Air Force, was not required to get the COVID-19 Vaccine. But his wife and daughter, both Valley Health employees, were.

Michelle Scheutzow, 1452 Reliance Road, Front Royal, VA, urged Council to adopt the proposed Medical Freedom Ordinance. She explained that she had a medically complex child, who spent six months in the hospital, and the nurses, doctors and therapists of Valley Health had become friends and family.

Dr. Bernard Pegis, Village Court, Front Royal, VA, stated that Valley Health's mandate would have a horrible effect on the community. He added that all versions of the COVID-19 Vaccine included ingredients that did not align with his morals.

Lucia Hughes, 841 Red Hawk Road, Middletown, VA, asked council to adopt the proposed Medical Freedom Ordinance.

Lee Ann Kecurek, 174 Beach Road, Front Royal, VA, expressed her support of the proposed Medical Freedom Ordinance. She added the importance of setting a precedence that doesn't allow others to tell one what to do with their bodies, families, or children.

Dr. Darrell Voischke, Stephens City, VA, cited several products and medicines that were originally considered safe, but after time, were discovered not to be. He added that people who experienced injury in those instances were able to take legal action against manufacturers, but that would not be the case with COVID-19 Vaccine manufacturers or institutions that mandate them.

MAYOR TOOK A 10-MINUTE RECESS AND PUBLIC COMMENT PERIOD WAS DELAYED SO THAT OTHER BUSINESS COULD BE ACTED UPON

PUBLIC HEARINGS

- A. Rezoning application Requesting an Amendment to the Town's Zoning Map to Reclassify a Parcel from I-1 to R-2 on Crosby Road for Jason and Christie Sine

Mayor Holloway opened the public hearing. Jason and Christie Sine, both spoke noting that they have owned the parcel in question for many years and recently decided to construct a duplex on it, noting that the Planning Commission has recommended approval. Mayor Holloway closed the public hearing.

Councilman Thompson moved, seconded by Vice Mayor Cockrell that Council approve a rezoning application request from Jason and Christie Sine requesting an amendment to the Town's Zoning Map to Reclassify a 0.727 parcel located on the east side of Crosby Road abutting the railroad and near the intersection of East 8th Street and Crosby Road from I-1 to R-2.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden (remote), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

- B. An Ordinance Amendment to the Nonconforming Section of the Town Code Chapter 175 (Zoning) to Ease Restrictions and Give incentive to the Rehabilitation of Nonconforming Blighted Structure and/or Lots

Mayor Holloway opened the public hearing. No one spoke and public hearing was closed

Vice Mayor Cockrell moved, seconded by Councilman Gillispie that Council approve an ordinance amendment to the nonconformity section of Town Code Chapter 175 (Zoning) specially sections 175-126; 175-128; 175-130A; 175-131; 175-132; to ease the restrictions and give incentive to the rehabilitation of nonconforming blighted structures and/or lots beyond their fifty (50%) percent fair market value, as presented.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden (remote), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

CONSENT AGENDA ITEMS

- A. Bid for Okonite Cable for Leach Run Parkway

Council approved the award of a bid to ANIXTER/WESCO in the amount of \$77,004.00 for Okonite cable to complete the Line Extension Project along Leach Run Parkway that would continue installation for the new Warren Memorial Hospital to John Marshall Highway as well as to provide a redundant loop in the event of an emergency.

- B. Lease and License Agreement for Additional Parking – N. Royal Avenue – Randolph/Manson

Council approved between the Town and Joseph T. Manson and Sarah Randolph for the use of a 413.82 square foot area of a public alley running between North Royal Avenue and Virginia Avenue and adjacent to their residence at 1602 N. Royal Avenue for additional parking, as presented. Councilman further approved that Council authorize the Town Manager to execute the Lease and License Agreement.

- C. Lease Agreement for Parking Spaces – CJMWO Family, LLC (aka Fussell Florist)

Council approved a Lease Agreement between the Town and CJMWO Family, LLC (aka Fussell Florist) for the use of Town property adjacent to the florist at 202 E. 2nd Street to be used for twenty-two (22) parking spaces for the florist due to lack of on-site parking, as presented. Council further approved that Council authorize the Town Manager to execute the Lease Agreement.

Councilman Gillispie moved, seconded by Vice Mayor Cockrell that Council approve the Consent Agenda Items as presented.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden (Remote), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMS –

A. Policy and Procedures for Special Event Permits

Clerk of Council Presley passed out handouts to Council from Rick Novak who had signed up for the public comment section but had not been called on yet. Mayor Holloway allowed him and others to speak.

Rick Novak, owner of 117 E. Main Street, advised Council of the recent Façade Grant and how it improved his business considerably. He advised that the Special Event Policy and Procedures has evolved over the last thirty years with numerous revisions. He noted that events are special but opined that there has been a mishandling of street closures and asked that Council use caution before approving the Policy and Procedures before them. He asked that Council continue to review the Policy and Procedures for transparency and clarity.

John Lundberg, 203 Peach Tree Court, Front Royal, VA, agreed with Mr. Novak and suggested that Council go back to the “drawing board” because the current Policy and Procedures was too expensive and complicated.

William Huck, owner of C & C Frozen Treats at 409 E. Main Street, had many questions that were not clear in the Policy and Procedures before Council and noted his urgency in having procedures in place so that he could begin planning Family Fun Day on May 7, 2022.

Vice Mayor Cockrell moved seconded by Councilman Gillispie that Council move the Policy and Procedures for Special Events to the next Work Session.

Vice Mayor Cockrell advised that moving this item back to a work session would help in answering the many questions brought up tonight. She was particularly interested in how businesses would be notified that an event was scheduled.

Councilman Gillispie agreed to move it to a work session to “make sure we get it right”.

Councilman Thompson urged input from interested citizens on this subject since it has been discussed many times. She suggested that any and all special requests be sent to the Clerk of Council before the next work session.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden (Remote), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

B. FY22 Budget Amendment for Tourism and Contract Amendment for JLL

Councilman Gillispie moved seconded by Councilman Thompson that Council approve a FY22 budget amendment in the amount of \$74,070.00 and approve a contract amendment allowing JLL Inc. to provide the Visitor Center Staff with direction to receive funds from JLL Inc. to reimburse for the expense of staffing tourism.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden (Remote), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

C. Joint Tourism Memorandum of Agreement with Warren County & Destination Marketing Organization Contract

Councilman Thompson moved seconded by Vice Mayor Cockrell that Council approve a new Memorandum of Agreement (MOA) with Warren County to establish a Joint Tourism Board and authorize the Mayor to execute the MOA and the Town Manager to execute the Destination Marketing Organization contract and any related documents on behalf of the Town Council. Councilman moved, seconded by Councilman that Council rescind the approved January 4, 2021 Front Royal-Warren County Joint Tourism Committee MOA upon approval of all documents.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden (Remote), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS RESUMED (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Ingrid Christensen, Garden Court, Front Royal, VA, stated that she was “*totally against*” mandated vaccines.

Marie Lundberg, 203 Peachtree Court, Front Royal, VA, mentioned an article that was written in the Royal Examiner after the Medical Freedom Ordinance was proposed that was “*very critical*”. She recommended sources to learn more about adverse reactions to the COVID-19 Vaccine.

Catherine Reilly, 1035 Stuart Drive, Front Royal, VA, said she was “*vigorously opposed to vaccine mandates*.”

Jane Elliot, Front Royal, VA, quoted “*my body, my choice*.” She added that people should have a choice and informed consent when it comes to the COVID-19 Vaccine. She also wondered, if vaccines were able to be mandated, what would come next.

Amanda Williams, Front Royal, VA, thanked Councilman Lloyd for bringing the Medical Freedom Ordinance before Council. She stated that as a single mother she did not feel safe receiving the COVID-19 Vaccine, but the proposed ordinance had given her, and other Valley Health employees hope.

Kaylee Williams, 514 Manassas Avenue, Front Royal, VA, advised that she was exposed to COVID and was out for a month and a half and is currently vaccinated, and noted she was here tonight to support her colleagues.

Matt Marrazzo, Jackson Place, Middletown, VA, thanked Mr. Meza for the “*tough call he made*” and Councilman Lloyd for “*proposing this very important timely legislation*” while it focused on Valley Health, he opined that it was bigger than that, noting that a “*vaccine passport*” was coming.

Zachary Wendt, 27 Hillvue Street, Front Royal, VA, noted that his wife was a nurse at Valley Health and voiced his concern about staffing if nurses walked away creating a real crisis.

Melissa Nicolson, 902 Robin Lane, Front Royal, VA expressed gratitude to do those who were there on the front lines the last 17 months and now asked to take an experimental vaccine that was granted for emergency use only or lose their jobs. She mentioned several recalls and questioned false data.

Jennifer Turman Bayliss, Winchester, VA, noted that the Valley Health religious exemption, that requires a religious test, was unacceptable. She voiced support of the ordinance.

Gene Kilby, Front Royal, VA, disagreed with the proposed ordinance and questioned how *"we can do nothing to stop the spread of the virus"*, noting the many deaths and cases in the past year including his own mother who passed away last year due to COVID. **MAYOR HOLLOWAY ASKED THE AUDIENCE TO BE RESPECTFUL OR THEY WOULD BE ASKED TO LEAVE.** He reminded Council of the 1918 Spanish Flu Pandemic and the Smallpox Vaccine and the resistance to both. He again questioned how to stop the spread if no one wants to wear masks or get a vaccinated. Mr. Kilby asked that Council *"do the right thing for the entire citizens of this community"* noting this was not a proper place to deal with this subject, encouraging it be dealt with in a court of law.

Rose Herlihy, 64 Dale Drive, Front Royal, VA, voiced disappointment that Valley Health would call them heroes and then *"throw them under the bus"*. She thanked Councilman Lloyd for the proposed ordinance and being a representative for them.

Melissa Schaffer-Dearman, Stephens City, VA, expressed her struggles on how her life was turned around the last year and a half by homeschooling and working, as well as teaching her children to not let other people tell them what to do with their bodies and at the same time respect people. She asked that Council show generations to come to stand up for what they believe in.

Tracy Finn, Stephens City, VA, advised that she had an extensive medical background and told Council a story of the many jobs she was asked to do during the beginning of the pandemic and developed COVID in the process. She blames Valley Health who did not make sure it was a safe place to work. She asked Council to take a stand.

Stevi Hubbard, 1169 Elm Street, Front Royal, VA, advised that employers have the right to mandate vaccinations and that there was nothing the Town Council could do to help those in attendance tonight. She questioned the costs of *"fighting Valley Health"*. **MAYOR HOLLOWAY WARNED THE AUDIENCE THAT IF THERE WERE ANY MORE INTERRUPTIONS THEY WOULD BE ASKED TO LEAVE.** Ms. Hubbard read from the Virginia Health Department website various statistics for fully vaccinated individuals compared to unvaccinated individuals in cases and death.

Krista Shepherd, Martinsburg, W.VA, expressed fear in being fired for not getting the vaccine, and mentioned a waiver she could sign that stated that Valley Health would not take responsibility if she contracted the disease. She asked to stop the mandate.

Eddie Dearman, Stephens City, VA, thanked Councilman Lloyd. He voiced *"we are Americans and we have choices"* and people should not be forced out of their jobs because of their choices.

Manuel Vicente, 541 Eric Court, Front Royal, VA, voiced his pride in being an American since he is from Havana, Cuba. He questioned the Supreme Court and their decisions. He asked that Council inform themselves and vote with Councilman Lloyd for what is right.

MAYOR HOLLOWAY TOOK A 10-MINUTE RECESS AFTERWARDS PUBLIC COMMENTS CONTINUED

Rita Sargis, 606 River Drive, Front Royal, VA, opposed to the COVID-19 vaccine so her doctor gave her guidance on using Ivermectin. She voiced support of Councilman Lloyd's proposal.

Joseph Sledkey, 67 Waterfall Road, Chester Gap, VA, quoted Edmund Burke that *"evil triumphs when good men do nothing"*. He thanked Councilman Lloyd for being a good man for doing something. He opined that the vaccine was an experiment and a *"crime against humanity"*. He asked Council to *"do the right thing and make the Town a health freedom sanctuary."*

Gene McGuirk, 252 Chestnut Hill Drive, Front Royal, VA, thanked Council for allowing them to have their say and thanked the heroes who are here and those who are not here. Gave updates and statistics on various reports pertaining to the safety of the vaccine. Asked for support of the Medical Freedom Ordinance.

Bridget Hickson, 135 Morrison Lane, Front Royal, VA, suggested that Valley Health focus on improving the health of patients and employees as opposed to mandating something that will cause a lot more side effects down the road. She also gave a shout out to Mr. Meza.

Kara Osborne, New Market, VA, voiced concern that Valley Health was not listening to the employees concerns and expressed her gratitude that Council was listening.

Candace Guyer, Broadway, Rockingham County, begged for no mandate.

Charlene Adanitsch, 213 Henrico Road, Front Royal, VA, advised that she was not in favor of the vaccine due to health issues. She suggested that the conversation start here and to take the information shared tonight with our legislators.

Sherry Baldovio, unknown address, spoke on behalf of those who were forced to do something to their own bodies that is against their informed consent and conscience. She asked Council to listen to the people.

MAYOR HOLLOWAY ASKED IF THERE WAS ANYONE ELSE WHO WISHED TO SPEAK

Laura Clantin, Fort Valley, VA, noted that while she was pro-vaccine, she was opting to get fired due to the their being no true studies prepared on the vaccine. She asked for Council's help

Leo Morton, unknown address, noted that approximately 50% of the employees of the Center of Disease Control (CDC) were not vaccinated questioning the expectations of Valley Health. He asked Council to do their due diligence and make the right decision.

Storm Baylis, Winchester, VA, asked that she not be mandated to take the vaccine as she believes it will not be effective in preventing infection control.

Joseph Sledkey, Rappahannock County, VA, thanked Councilman Lloyd for the proposal. He asked that Council make the right decision tonight so that it can move national and on to DC.

Debra Crowder, Stephens City, VA, thanked Councilman Lloyd for his proposal. She noted that most of those tonight took the risk of catching COVID even when they were not vaccinated and questioned why it was being forced upon them now.

REPORTS

- a. Report of Town Manager – Town Manager Hicks advised of the Voluntary Water Conservation in the Town that will go into effect tomorrow for all Town water consumers.
- b. Report of Councilmembers – Councilman Gillispie advised that he would hold his comments regarding the emergency ordinance when that item comes up on the agenda. He thanked Mr. Meza for his service, noting he considered him a great friend and wished him well in the future.

Councilman Lloyd echoed the sentiments of Councilman Gillispie noting that Mr. Meza was one of the “sharpest professionals” he knew and was blessed to have his service on Council.

Vice Mayor Cockrell echoed the sentiments of the previous councilmembers noting that Mr. Meza was a bright man and spoke with eloquence. She reminded the public of the Waggin’ for Dragons Race on Saturday, August 7th and that the proceeds raised would go to three entities (Humane Society, 4-H Center and the Chamber of Commerce). She advised that the Town had a team as well.

Councilman Thompson thanked Mr. Meza for his service and that she was sad to see him go “again”.

- c. Report of Mayor – Mayor Holloway thanked Mr. Meza for his service, noting that he was on the Planning Commission for a brief time and expressed his sadness for his departure.

BUSINESS ITEMS CONTINUED

D. Emergency Ordinance to Enact Town Code Chapter 172 – Welfare, Health and Safety, Prohibiting Any Business Located in the Town Corporate Limits from Requiring the COVID-19 Vaccines as a Condition of Employment.

Councilman Lloyd moved seconded by Councilman McFadden that Council approve an emergency ordinance that would enact Town Code Chapter 172 – Welfare, Health and Safety, prohibiting any business located in the Town corporate limits from requiring the COVID-19 vaccines as a condition of employment, as presented.

Councilman Thompson advised all nurses and doctors that they were heroes before COVID, heroes during COVID, heroes while they are working now and heroes if they get fired by Valley Health. She thanked everyone for coming out tonight and expressed hope that Valley Health Administration and other employers were looking at tonight’s meeting and paying attention to what employees want. Mrs. Thompson read some of a prepared statement. *Valley Health is not the first health care provider to require the COVID-19 vaccine. I am sure you know that INOVA is also doing it and most of the surrounding counties. I know most of you are familiar with the Houston hospital system where they required the vaccine, and 117 employees were fired, and they took their case to court, and they lost their case. It was determined that the employer was within their right to mandate and fire those that were not in compliance. For those who are concerned with the vaccine not being fully FDA approved. It should be approved in September. Valley Health requires the first shot in October and the second shot in November. The truth is the Town has no real*

authority on this. It's a point that has been brought up numerous times by our legal staff. It is a point of confusion. I saw on social media and in private conversations people think that if the ordinance is passed that won't need to follow their employer's guidelines and they will be protected from firing. This is not true. The most prudent thing an employee of Valley Health can do is file their exemption paperwork. If the request is denied and they do not get the vaccine, they are subsequently fired or suspended then EEOC has to be filed individually or collectively. I personally believe that everyone should have a choice what is best for them and their family. I am sure my counterparts feel the same way. I don't think any of us believe that Valley Health or anyone should essentially force you. I also believe businesses should do what they feel is best for their business. Freedom has always gone in both directions. Please also remember that Virginia is a right-to-work state, and you can get fired for practically anything. We have no authority, and we can't prevent you from being fired. So, I have to say that because I feel that I would be doing a disservice if I give a false hope, we can protect you and you can take this ordinance to your employer and say I am not doing it and you still suffer a consequence. That's not what we are doing right now. We cannot prevent you from getting fired. The one thing that has come from this being forced onto our agenda which is what happened, we were forced into this, which is fine because it did get a conversation started. We have a lot of recorded testimony. Get the people that have more say and authority to do something. I will take the boos for this and that is fine, but this has been political theater because we can't do anything. We came up here essentially to appease Scott which is fine because we got a conversation started. We have had a conversation here that I think is great for employers to see what their employees want and do not want to do. We have no legal standing. I cannot protect you from being fired and if I were to sit here and vote yes just for the sake of making everybody in this room happy, I don't feel like I am doing the right thing. We are not requiring our employees to get vaccinated which is what we have control over. I refuse to give false hope to employees of Valley Health or anywhere in Town. The last thing I want is for someone to lean on this ordinance thinking they are in the clear only to discover after being fired that they were not. Again, the Town cannot keep you from being fired and losing your job over this. If you believe this to be true, you have been misled. There was a number of you that came up and said stop this mandate. We can't stop the mandate. Please do what you need to do, what is best for you and your family. I just can't emphasize this enough that we cannot protect your job which a lot of people talked about losing their livelihood. I don't want someone to lose their livelihood then come back and say well you guys passed this ordinance aren't I safe? You are not and it's sad and I always try to do things to help other people but in this instance, there is nothing I can do and like I said I am willing to accept the boos and I know it's a touchy subject. If I was employed by somebody that wanted to make me do things that I thought was morally questionable I would have to make a decision that was best for me and my family and my moral compass. I truly do appreciate you coming out in full force and maybe this will have enough impact on its own with Valley Health. They should be looking at their staffing concerns. The last thing we need is a hospital with one doctor and one nurse.

Councilman Gillispie thanked Dr. Pegis for bringing to his attention the use of fetus tissue being used in this medicine as he did not know this and would not have gotten the shot if he had known. Mr. Gillispie stated the following: I have never hidden the fact that I am a conservative republican. I think everybody in this room and in this community knows that about me. The basic principles of the party: less regulations, less taxes, preservation of personal freedom, protection of rights and liberty and the rule of the law, just to name a few. Although I can appreciate the attention Councilman Lloyd is hoping to accomplish which I too have my personal feelings about employees being terminated by a business because of not getting a vaccine, I cannot support his motion. If a business chooses to impose customers to wear a mask on their property, they have that right. It's their property and I have the right to not visit that business if I choose. The courts have reaffirmed that they have a legal right to do that. If an employee feels their legal rights have been violated under the legal system, they could sue Valley Health, and our judicial system will make a ruling.

Again, I do not like Valley Health's policy. I have the right and choice to not use Valley Health. As previously stated, I have my personal feelings on this matter but tonight we as Council are deciding the role of our Town government to impose law on businesses telling them what they can and cannot do. I think government needs to interfere less with businesses not more. As a government we need to tread very lightly on what we are trying to do tonight, stepping on a businesses' right. That's why in this instance I feel it is outside the scope of our jurisdiction and I will be voting no on this tonight. Mr. Gillispie thanked all those who came out tonight to speak and echoed Councilman Thompson's statement that "there is legally nothing we can do about this".

Vice Mayor Cockrell read the following statement: *First, I want to say that I completely empathize with anyone being faced with deciding between their employment and whether or not to have a vaccine that they do not feel comfortable taking. When the Town Council was faced with this very issue, we as members of the Front Royal Town Council, decided that we would not make vaccines a requirement for employment with the Town. In theory, I agree that each individual should decide for themselves whether or not to take the Covid vaccine based on theirs and their family's health and risk factors when making the decision. In relation to the ordinance being proposed tonight by Councilman Lloyd, our Town Attorney was consulted for multiple weeks. Our Town Attorney, who has over 40 years representing local governments, has advised us that it is not within our authority to tell a private business what they can or cannot require of their employees. Because Virginia is a Dillon-Rule state, we are only permitted to enforce laws that the state government gives us the authority over. If we were to pass this ordinance, that our Town Attorney has advised us is not legal, we would be giving the employees employed in the town of Front Royal a false sense of hope that we could somehow protect their jobs if they chose not to get the Covid vaccine. When I took the oath for this office, I agreed to support the Constitution of the United States and The Commonwealth of Virginia. For this reason, I cannot support something that I am told is illegal to do. If citizens do not want a vaccine requirement to be a condition of employment in Virginia, the Virginia legislature and the Governor would have the authority to address this issue. I would suggest those who share this concern to contact their state representatives requesting this change.*

Councilman Lloyd advised and stated, *this was essentially the discussion we began having about six weeks ago and it's revolved around the legalities that have actually, in full view of the entire dais, here have developed over those six weeks, but we are defaulting to six-week-old positions and reading statements that were written before any of this discussion even happened tonight which I think is disappointing. I am an attorney. I went to law school and passed the bar. I am active in the state of Virginia. I would not propose something that gives people false hope and has no hope of their being no legal argument to make in court. Mr. Napier and I have discussed back and forth the legalities. I referred and I read from the Town Charter which gives us police power. Beyond the police power it gives us power within the health realm to create our own hospital, to create our own health board, to regulate that hospital. But back to the police power, you find it in localities and states throughout the nation. Jacobson came up tonight, the Supreme Court case in 1905 stated that a locality in Massachusetts could enforce a mandatory vaccine and the punishment in that case was to pay about 140 of today's dollars for not taking the vaccine. This was rational basis scrutiny because the fine could be paid and go on with their life. Here we are talking about entire livelihood. What's a nurse make? It's tens of thousands of dollars a year and we are talking about health insurance and so on. But the dramatic irony here is that Jacobson was rooted in the police power so what we are hearing from several of our fellow councilmen and from the Town Attorney is that the police power would give us the right. If we wanted to have a mandatory vaccine regime in this Town, we would have the right to do that. But at the same time, they are also telling us that we cannot find anywhere in the police power the right to say to an employer no you cannot have a coerced vaccine regime. The two do not compute. There's a*

difference in the law which is how lawyers stay employed. So, what happens we pass an ordinance, and we potentially get sued for it and we defend ourselves in court. We defended ourselves in court over the appointment of Mr. Meza. So, all I am saying is that the arguments that can be made before a reasonable judge might have a chance in court and I think its worth taking that chance. We are sitting in front of a room full of people who when the pandemic was young walked into rooms with people who were infected and faced the unknown. They didn't know the facts about the disease. They didn't know whether the person in front of them was infected. They didn't know the morbidities and everything else, yet they still showed up for work to face the unknown. And we are going to turn and say we are not going to risk a lawsuit in order to defend these people and I am saying why not just make the argument in court. We are insured as a Town and so if we get sued our insurance will cover us. It's part of the regular business of the Town. We have an inquiry into our insurer whether they will cover this specific case. I have not been informed whether we have an answer from them, [noted it was confirmed that we do not have an answer] but my understanding is that this is normal case of business for them, and they defend ordinances, that's their job. But in the case that it doesn't cover it, I will defend it myself without a cost to the Town period.

Councilman McFadden (remote) advised that he was currently in training for the National Guard. He stated: *I have been in a position in the past where I was in the Marines where I had gotten an experimental vaccination called the anthrax shot. I appreciate and understand the real fear of taking a vaccination especially when its mandated. I also point out that the shift in tactic from Valley Health, and I have under good source, that they are going to change the mandate to not being allowed to work around patients unless you are vaccinated. I don't know how much good it will actually do for Valley Health but will set a precedent that a vaccination or an experimental medicine, something that has not been FDA approved cannot be mandated. I think that is an important point and I think that it's a stand that we need to make here on this Council. I understand the differences in opinions. I understand the hard stance that this might be a political suicide or whatever you want to call it but standing up for our citizens to whom I was voted in by to represent is a very important decision to make and I think each one of you on the Council should consider that.*

Mayor Holloway asked Town Attorney Napier is opinion on this ordinance if it were to pass. Town Attorney Napier confirmed that there is *"no mechanism legally for the enforcement of this ordinance if it did pass. Virginia is a Dillion-Rule state, and I am unable to find any legal mechanism for enforcement of this ordinance if it did pass."*

Councilman Lloyd reminded Mr. Napier that he read him the Town Charter and addressed this with specific language. Everyone here can look at it and read it.

Vote: Yes – Councilmen Lloyd and McFadden (Remote)

No – Vice Mayor Cockrell, Councilmen Gillispie and Thompson

Absent – N/A

Abstain – N/A

ROLL CALL

Mayor Holloway thanked everyone for coming out tonight.

CLOSED MEETING – Vice Mayor Cockrell moved, seconded by Councilman Thompson that Town Council go into Closed Meeting pursuant to Section 2.2-3711, of the Code of Virginia for the following purposes:

- (1) Discussion or consideration of the disposition of publicly held real property, specifically, the conveyance of the Town's interest in two different pieces property it owns with others outside the Town limits; all

where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of Town Council, all pursuant to Subsection A.3 of that Section.

- (2) *Consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, specifically, on-going litigation against the Warren County EDA and Jennifer McDonald, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; pursuant to Subsection A. 7. of that Section.*

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden (remote) and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

MOTION TO CERTIFY CLOSED MEETING AT ITS CONCLUSION – *Vice Mayor Cockrell moved, seconded by Councilman Thompson moved seconded by Councilman 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 – Mayor Holloway, Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden (remote) and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Approved by Town Council

Date: 8/23/21