



REGULAR TOWN COUNCIL MEETING

Monday, September 28, 2020 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of Minutes
 - Regular Council Meeting Minutes of September 14, 2020
 - Special Meeting/Work Session Minutes of September 8, 2020
 - Work Session Minutes of September 21, 2020
5. Receipt of Petitions and/or Correspondence from the Public

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.).

--Further Details found on page 2 of this agenda--
6. Reports:
 - a. Report of special committees or Town Officials and Interim Town Manager
 - * **Report from NSVRC Executive Director Brandon Davis**
 - * **Tourism and Business Recovery Results**
 - * **Stars of the Month for June and July 2020**
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. CONSENT AGENDA ITEMS – (ROLL CALL VOTE REQUIRED) NONE
 - A. COUNCIL APPROVAL – Vacation for Town Rights-of-Way Policy Revisions
 - B. COUNCIL APPROVAL – Proclamation for Public Power Week
 - C. COUNCIL APPROVAL – Third Quarter Write-Off for Bad Debt
 - D. COUNCIL APPROVAL - Sole Source Purchase of Portable Message Board
 - E. COUNCIL APPROVAL – Bid for Light Poles
 - F. COUNCIL APPROVAL – Move Location of October 19 Regular Meeting
 - G. COUNCIL APPROVAL – COVID-19 Emergency Ordinance Amendment
 - H. COUNCIL APPROVAL – FY 21 Budget Amendment DMV Speed/Alcohol Enforcement Matching Grant
8. COUNCIL APPROVAL – Ordinance Amendment to Chapter 138 (2nd Reading)
9. COUNCIL APPROVAL – FY21 Budget Transfer and Bid Approval for SCADA System
10. COUNCIL APPROVAL – Resolution Seeking Justice for Citizens of Front Royal as a Result of the EDA Scandal
11. CLOSED MEETING – Public Alley, EDA Lawsuit, Personnel

TOWN COUNCIL AND PUBLIC PRESENTATION DECORUM REQUIREMENTS

During 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 the 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 Code 4-12*)
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; 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.)*)

Town Attorney July 2020

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TOWN COUNCIL SPECIAL MEETING

Tuesday, September 8, 2020 at 7:00 P.M.

Town Hall Conference Room

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

ABSENT: Councilman Jacob L. Meza

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

PUBLIC HEARING – Amendment to the FY2021 Budget to Receive Funds Related to the CARES Act Equitable Distribution

There were no speakers for the Public Hearing

Councilman Holloway moved, seconded by Councilman Thompson, that Council approve a FY21 budget amendment in the amount of \$1,201,558.00 to receive funds from the County of Warren related to the second round of CARES Act Equitable Distribution.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie Holloway, and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Meza

ROLL CALL

COUNCIL APPROVAL – FY21 Budget Amendment and Transfer for Main Street Pavilion and Restroom

Councilman Gillispie moved, seconded by Councilman Holloway, that Council approve a FY21 budget amendment in the amount of \$100,000.00 from the Community Development Block Grant Façade Improvement Funds to the Main Street Pavilion/Restroom Project Funds AND to carry funds forward from FY20 to FY21 totaling \$225,715.00.

Mayor Initial _____

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

Mayor adjourned the Special Meeting at 7:04 P.M. and Council began their Work Session

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APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

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

Councilman _____ moved, seconded by Councilman _____ approved the Special Council Meeting minutes of September 8, 2020 on September 28, 2020.

Mayor Initial _____

TOWN COUNCIL WORK SESSION

Tuesday, September 8, 2020 at 7:00 P.M.

Town Hall Conference Room

1. **Budget Calendar** – Finance Director, BJ Wilson, presented the Budget Calendar for the new fiscal year. He noted that it was the same as the previous year which included two work sessions prior to the tax rate advertisement. He added that in the past there had been a Work Session dedicated to Town Council budget goals. He questioned if Council would prefer to include that Work Session or wait until after the new Council Members were elected.

Councilman Gillispie stated that he would like to move forward with the Town Council budget goal Work Session. He explained that there were still a 'number of issues' that needed to be addressed. Councilman Thompson agreed. Council requested Interim Town Manager, Matt Tederick, find a time and schedule the Work Session.

Council all agreed to add the Budget Calendar to their consent agenda.

2. **Discussion of Drug Epidemic in Town** – Chief of Police, Kahle Magalis, presented council with an overview of the Police Departments current responsibilities and strategies regarding the Opioid Crisis facing the community. He noted that the Regional Drug Task Force is in place to address drug dealers, but not necessarily drug users. He explained that recent legislation changes, which are designed to assist and save lives during a drug overdose, prevent the Police Department from charging users with a crime. They are only able to seize contraband. He added that, so far, in the year 2020 the Town of Front Royal Police Department had responded to calls for 47 overdoses and 10 overdose related deaths. Chief Magalis added that the Warren Coalition had just secured a 1-million-dollar grant to be used for harm reduction based on drug prevention.

Councilman Sealock asked how many of the 47 overdoses were recurring. Chief Magalis noted that there had been a couple. He stated that many users have nothing to lose, specifically due to legislation preventing law enforcement from holding them accountable. He added that many large localities have treatment facilities, as well as a program called 'drug court' where drug users can choose to go to a treatment facility rather than be incarcerated. Councilman Gillispie questioned what the best course of action to bring a treatment facility closer would be. He asked if there were any private companies the town could reach out to. Chief Magalis reiterated that it would come down to funding but suggested starting with Northwestern and the Department of Social Services. Councilman Thompson noted that the City of Winchester has an outpatient program that includes care specialists and cab vouchers so patients can seek employment.

Mr. Tederick pointed out that law enforcements job is to 'arrest bad people that are breaking the law' not to address dependency on drugs. He added that the Town was limited on what it could do since the Drug crisis is a Social Service and Health Care issue. He recommended that the Town Council partner with Warren County, the Board of Supervisors, and the Warren Coalition. Mr. Tederick stated that the drug epidemic was a community problem and therefore, would take a community solution.

Mayor Initial _____

Mayor adjourned the work session at 7:32 P.M. and council went into closed session.

3. Closed Meeting – Personnel and Pending Litigation

Councilman Gillispie moved, seconded by Councilman Cockrell, that Town Council go into Closed Meeting for the following purposes using CARES Act funds and Drug Enforcement Agency grant funds:

- (1) Discussion and consideration of assignment, promotion, performance, and salaries, of specific public officers, appointees, and employees of the Town, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia*
- (2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.*

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Meza

ROLL CALL

Councilman Gillispie moved, seconded by Councilman Holloway, that the Mayor and 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 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, and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Meza

ROLL CALL

PRESENT: Mayor Tewalt, Vice Mayor Sealock, Councilman Cockrell, Councilman Gillispie, Councilman Holloway, Councilman Thompson, Interim Town Manager Tederick, Town Attorney Napier, Deputy Clerk of Council Lynn, Director of Finance Wilson, and members of the public and press.

ABSENT: Councilman Meza

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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 _____ moved, seconded by Councilman _____ approved the Work Session Meeting minutes of September 8, 2020 on September 28, 2020.

Mayor Initial ____

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 14, 2020, in the Warren County Government Center with the Pledge of Allegiance and Moment of Silence led by Mayor Tewalt.

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 Holloway to approve the Regular and Work Session Council Meeting Minutes of August 24, 2020, as presented

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

ROLL CALL

RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC

Tim Ratigan, 6079 Stonewall Jackson Highway, thanked the Interim Town Manager, Front Royal Police Department and Warren County Sheriff's Office and anyone else who was involved in making the local law enforcement appreciation parade a "huge" success. He voiced his amazement that the Town of Front Royal has the ability to allow for a variety of different events and find a way to accommodate each event so that each one is successful. He thanked Council for their attendance at the parade.

Bruce Rappaport, 300 W. Main Street, reminded Council of a story that happened in his mother's store (Boston Store) years ago referring that to today's "moral obligation" with the police department loan. He reminded Council that the date is coming close to paying the principal and for the Council to begin making the payments.

Mayor Initial ____

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

Interim Town Manager Tederick advised Council of a benefactor known as Frank who is donating signs and banners, designed by local artists, for Main Street. The banners and signs will be installed in the next few weeks.

b. Requests and inquiries of Council members

Councilman Thompson thanked Frank for his generous donation. She noted that she and her son attended the Police Appreciation Parade and it was a huge success.

Councilman Cockrell advised that she too attended the parade, noting that it was a success. She also thanked Frank for his generous donation noting that it would be great to have banners downtown. She clarified to Mr. Rapport that the Town did not pay \$10,000, noting that the Town offered it but no one took the offer. Mrs. Cockrell advised that she is getting citizens asking her about electric outages and flickers and questioned staff what was going on. David Jenkins, Director of Energy Services explained how and why outages and flickers occur more often than not. Statistics as of January 1, 2020: 57 power outages (17 animal contact; 15 equipment failure; 11 trees; 9 vehicle accidents [last 2 years only 1]; 3 transmission provider and 4 unknown). He advised that 2018 had 153 outages and 2019 had 138. He advised that they continually do maintenance and replace squirrel guards. He clarified that one reason the citizens may be noticing it more is that they are home working on computers and that technology has become sensitive.

Councilman Holloway advised that he participated in “Back the Blue” Parade. He thanked Frank for his donation. He read a press release regarding the EDA.

It is well known that the actions of the ex - Executive Director of the Industrial Development Authority of the County of Warren and the Town of Front Royal otherwise referred to as the EDA have caused significant economic and financial harm to the Town of Front Royal, the County of Warren, the EDA and the taxpayers and have resulted in the filing of two lawsuits in the Circuit Court of Warren County. I wanted to take a few minutes of your time to discuss the Town's position on these matters to clear up any misconceptions that may exist due in part to the EDA - either directly or indirectly - making statements that are entirely inaccurate.

During the relevant time period, the Warren County Board of Supervisors oversaw the EDA. It appointed all Board members and provided funding for EDA operations; but it did not actually operate the EDA. By law, the EDA is a separate political entity empowered and, in fact, required by statute to act on its own for the benefit of the residents of the County, the Town and the Commonwealth.

Again, by statute, the EDA is operated by a Board of Directors. The Directors make decisions and take action and are accountable for all actions taken by the EDA. The EDA Board hired an Executive Director, Jennifer McDonald, to act as the primary manager on its behalf; but merely hiring a director and empowering that person does not of course shield the Board of Directors from liability for EDA actions. The EDA gave its ex-Executive Director McDonald unfettered authority to access and use funds earmarked for Town and County development projects and then absolutely failed to oversee her use of these funds. As a result millions of dollars of Town and County funds were stolen, converted or misused.

The EDA is responsible to the Town for the wrongful acts of its Ex Executive Director McDonald. Instead of accepting some responsibility and being accountable to the citizens and working hand in hand with the Town in good faith to rectify the mess created by its employee, the EDA Board has instead taken a regrettable and unseemly path of pointing fingers everywhere but at itself and attempting to avoid the consequences of its massive failure of oversight. It is this failure of the EDA to take any responsibility

for the harm caused by its Ex Executive Director McDonald to the Town and taxpayers that forced the Town to file its lawsuit against the EDA. The Town has made repeated attempts to work with the EDA to troubleshoot and resolve the issues the EDA's negligence created but has largely been either ignored or somehow blamed by the EDA for the EDA's own failings and misdeeds.

Perhaps the best and most pressing example of the EDA's failure to acknowledge responsibility concerns the construction of the Town of Front Royal Police Department Headquarters. The Town does not dispute that it agreed to fund the construction of a new headquarters for the Town Police Department. Nor does the Town dispute that it knew that construction would require the EDA to obtain financing.

The dispute centers on the promises made by the EDA to Town Council that it would obtain financing for the Police Department according to specific and favorable financing terms. Town Council accepted that promise and authorized the EDA to move forward with the project only in accordance with the EDA's promised terms. Before construction began, the ex-Executive Director of the EDA told the Town that the EDA had in fact obtained the authorized financing. As stated by the ex-Executive Director, when asked for an update, "the money is in our accounts."

This turned out to be a lie.

The loan actually obtained by the EDA to build the Police Department is very different from the loan that the EDA promised and that Town Council approved. The loan obtained by the EDA would result in the Town paying millions of dollars more in interest. Accordingly, since this loan was obtained without the authorization or consent of Town Council, the Town has of course refused to make payments on the fraudulent loan and has explored other means of resolving the issue.

The Town operates in the service of the citizens and at their will. Town business is conducted in open, public forums, where taxpayers are allowed to participate and be heard and the actions of the Town are authorized by a proper vote of elected officials. When Town Council empowered the EDA to build the police department, it did so in accordance with this process and, as such, made certain promises and representations to the public about how the Police Department project would be accomplished. The EDA knew that the loan it was obtaining to build the Police Department was materially different from what Town Council had approved. Rather than go through the process of another public hearing, as required by law, the EDA chose to proceed outside of this process and obtained the loan without Town Council approval.

The EDA continues to make statements to reporters that end up in local newspapers that include the notion that the Town is somehow obligated to repay the fraudulent unauthorized loan. We anticipate that the EDA's protestations will become more urgent as October approaches since that is when principal and interest payments under the loan start to become due and payable. However, since the loan was obtained by the EDA in its own name, without Town Council approval or public participation, it is the EDA's sole responsibility to repay.

I want to be clear about this: The Town will not pay any financial obligation incurred by the EDA ostensibly for the benefit of the Town, that was obtained without the approval of Town Council, as required by law. The Town has no obligation, legal, moral or otherwise to repay these unlawful debts, but instead has a duty to the taxpayers of the Town to reject them. Suggesting otherwise undermines the very purpose behind operating a political subdivision in the open and allowing citizens the right to be heard.

In a similar vein, the Town has been paying and will continue to pay any and all debts incurred by the EDA on the Town's behalf that were authorized by Town Council. As such and as repeatedly and consistently told to the County and the EDA, the Town is willing to make payments to the EDA for the Police Department Headquarters that are equal to the payments that Town Council authorized, which include the entire principal debt at the authorized interest rate.

Mayor Initial ____

In the interest of good will and the spirit of compromise, the Town even offered, pursuant to a Letter of Intent signed by Town Council which would have ended the lawsuit between the Town and EDA, to pay a portion of the excess interest payments through its funding of the EDA, but this offer was summarily rejected by the County Board of Supervisors without explanation or further comment.

The Town Council of Front Royal has and is working hard to resolve the many financial and economic issues caused by the actions of the Ex-Executive Director of the EDA and her cohorts and will continue to do so with or without the participation of the County or the EDA, if necessary.

Thank you.

c. Report of the Mayor – Mayor Tewalt thanked everyone for coming out tonight

d. Proposals for addition/deletion of items to the Agenda - NONE

CONSENT AGENDA ITEMS –

COUNCIL APPROVAL – FY2021-2022 Budget Calendar

Council approved the FY2021-2022 Budget Calendar as presented

COUNCIL APPROVAL – New Contract for Business Recovery Consulting Services

Council approved a new contract to continue business recovery consulting services with Strategic Solutions by Tricia, LLC until the Town is able to procure a long-term contract for destination marketing organization services, beginning October 1, 2020 through December 31, 2020 with an option to modify for a contract amount of \$23,000, not to exceed \$28,750.00.

COUNCIL APPROVAL – Bid for Various Sizes of Transformers

Council approved bids of \$115,097.90 from Anixter and \$39,698.00 from Stuart C Irby for supplying the Town with various sizes of transformers to be placed in inventory for the Department of Energy Services to use as needed.

COUNCIL APPROVAL – FY21 Budget Transfer for Attrition Position for Police Department

Council approved the bid for the transformer replacement at the Kendrick Substation to Virginia Transformer Corporation in the amount of \$385,230.00.

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

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Mayor Initial ____

PUBLIC HEARING – Ordinance Amendment to Chapter 138 (1st Reading)

Clerk of Council Presley read the summary: Council is requested to affirm on its first reading an ordinance to amend Front Royal Town Code Chapter 138 Peddlers, Solicitors and Itinerant Merchants to allow the use of vending ~~machines~~ [vehicles] operated on Town Streets to peddle ice cream and other frozen desserts, as presented.

Mayor Tewalt open the public hearing. No one from the public spoke and the public hearing was closed.

Councilman Thompson moved seconded by Councilman Cockrell that Council affirm on its first reading an ordinance to amend Front Royal Town Code Chapter 138 Peddlers, Solicitors and Itinerant Merchants to allow the use of vending ~~machines~~ [vehicles] operated on Town Streets to peddle ice cream and other frozen desserts, as presented.

Mr. Tederick advised that “machines” should be vehicles. Council agreed and no one else spoke.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

COUNCIL APROVAL – FY21 budget amendment for HIDTA Administrative Assistant Position for the Police Department

Clerk of Council Presley read the summary: The Washington/Baltimore High Intensity Drug Trafficking Area LLC is providing the Front Royal Police Department a grant in the amount of \$52,035.00 to pay for an Administrative Assistant salary and fringe benefits. If the funding is cut or HIDTA discontinues the designation, the position will be eliminated. Council is requested to approve a FY21 budget amendment in the amount of \$39,025.00 for the addition of the Administrative Assistant which is 75% of the grant; the remaining \$13,010.00 would be included in the FY22 budget.

Councilman Thompson moved seconded by Councilman Holloway that Council approve a FY21 budget amendment in the amount of \$39,025.00 for the addition of a High Intensity Drug Trafficking Area (HIDTA) Administrative Assistant that includes salary and fringe benefits, for the Front Royal Police Department which is 75% of the \$52,035.00 of the Washington/Baltimore High Intensity Drug Trafficking Area LLC grant. I further move that the remaining \$13,010.00 be included in the FY22 budget. Council further moved that if the funding is cut or HIDTA discontinues the designation, the position will be eliminated.

There was no discussion.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Mayor Initial ____

COUNCIL APPROVAL – FY21 Budget Transfer for Attrition Position for Police Department

Clerk of Council Presley read the summary: Council is requested to approve a FY21 budget transfer in the amount of \$55,915.00 from General Fund Contingency for an Attrition Position for the Police Department. It is further noted that the position will be reviewed annually, and budget based on recognized needs.

Councilman Holloway moved seconded by Councilman Thompson that Council approve a FY21 budget transfer in the amount of \$55,915.00 from General Fund Contingency for an Attrition Position for the Police Department. I further move that the position will be reviewed annually and budgeted based on recognized needs for that fiscal year.

There was no discussion.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

CLOSED MEETING

Councilman Cockrell moved second by Councilman Gillispie that Council go into closed motion

1. Regarding McKay Springs property, a Town public alley, and a potential business proposing to locate in the Town of Front Royal, and the Town Manager's position, under the following provisions of the Freedom of Information Act: (A) The disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A.3.; (B) The discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia. (C) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia. (D) Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.

2. Regarding the proposed CARES Act funding agreement between the County and the Town, and the letter from the Board of Supervisor's legal counsel and the demands placed upon the Town: (A) Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of

Mayor Initial ____

Town Council, pursuant to Section 2.2- 3711. A. 29., of the Code of Virginia; and (B) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

Councilman Thompson 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 Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Regular Council Meeting minutes of September 14, 2020 on September 28, 2020.

Mayor Initial ____

TOWN COUNCIL WORK SESSION

Tuesday, September 21, 2020 at 7:00 P.M.

Town Hall Conference Room

1. **Vacation of Streets / Alleys Policy Revisions** – Interim Town Manager, Matt Tederick, noted that the Town’s current policy for vacation of streets and alleys was outdated. He identified the key changes as recommended by town staff which included the removal of the \$100 application fee, removal of the second review of the viewing committee, removal of the phrase - “engaging the services of a real estate appraiser,” and the addition of the phrase - “the Town Attorney’s Office shall execute and process final documents after final approval from Council.” After no discussion, council agreed to add the policy revision to their consent agenda.
2. **Review of FY21 Revenues** – Finance Director, BJ Wilson, explained that the town’s revenues were doing ‘pretty well’ and that town staff would continue to review them monthly. He noted that while the number of delinquent utility accounts in May totaled 2,022, as of the end of August it had dropped down to 856. Mr. Wilson recommended the release of the third-year compensation study funding from contingency – totaling \$124,000. Mr. Tederick added that town staff had also discussed implementing merit increases and questioned if there were any Capital Improvement Items that should be considered for release.

Councilman Meza asked how it was possible for so many businesses to be affected almost to the point of closing, yet the town’s revenues continued the same trend. Mr. Wilson explained that while lodging taxes were down, meals and sales taxes were not. He added that while many existing restaurants had survived by changing their business plans, there were also a couple new businesses such as Dunkin Donuts and Sheetz that had ‘come online.’

Vice Mayor Sealock asked if the town had received the CARES Act funding from Warren County. He expressed his immense concern that they had not and requested the Mayor reach out to the Chairman of the Board.

Mayor adjourned the work session at 7:22 P.M. and council went into closed session.

3. **Closed Meeting – Town Manager Position, EDA Lawsuit, Public Alley**

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

- (1) With respect to the Town Manager’s position, 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 or consultants pertaining to actual or probable litigation, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating*

Mayor Initial _____

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.

- (3) *Regarding a Town public alley, the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of Town Council, pursuant to Section 2.2-3711. A. 3.*

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, Deputy Clerk of Council Lynn, Director of Finance Wilson, and members of the public and press.

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

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

Councilman _____ moved, seconded by Councilman _____ approved the Work Session Meeting minutes of September 21, 2020 on September 28, 2020.

Mayor Initial _____

7A



Council Agenda Statement

Item #7A

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL - Vacation for Town Rights-of-Way Policy Revisions

Summary: The Town's current Policy for Vacation of Streets and Alleys was adopted by Town Council on June 12, 2000. Since that time there have been changes in the way the vacations are handled. The following are the major revisions:

- Removal of \$100.00 application fee (*removed in Town Code by Town Council June 8, 2020*)
- Removal of "engaging the services of a real estate appraiser" – Over the years an appraiser has been hard to find for government-owned land and if one was found the costs associated with it were extremely high. It is suggested to remove reference to the appraiser and have the Town Manager use the fair market value or contributory value of abutting property whichever is greater.
- Removal of second review of viewing committee
- Added "the Town Attorney's Office shall execute and processes final documents after final approval from Council."

Council is requested to consider the revisions and approve the new policy as presented.

Budget/Funding: None

Meetings: Work Session held September 21, 2020

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the revisions of the Vacation and Town Rights-of-Way Policy as presented.

Approved By: _____

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

VACATION OF TOWN-OWNED REAL PROPERTY
STREETS/ALLEYS/ OTHER RIGHTS-OF-WAYS

All real property owned in whole or in part by the Town shall be under the general control and supervision of the Town Council. Town Council may sell, lease, hold, manage and control such property as its interests may require. *(Town Code 4-34 and Chapter 1.1 of the Town Charter)*

The option for private individuals to vacate specific Town-owned real property is authorized by §15.2-2006 Code of Virginia and an application process initially directed and reviewed by the Town Manager or designee. The final decision is made by the Town Council. The process is outlined below:

1. Applicant completes an application accompanied by a current plat of the proposed vacation. The application shall be submitted to the Town Manager's Office. Applications available on the Town's website or in the Town Manager's Office.
2. Upon receipt of the completed application, the Clerk of Council or designee shall notify the departments of Public Works, Community Development/Planning and Energy Services of the proposed requested vacation. The departments shall advise the Town Manager or designee in writing of any comments or concerns with the request.
3. Upon receipt of the comments and/or concerns from the Town departments the Clerk of Council or designee shall notify the adjoining property owners of the proposed vacation request, allowing them thirty (30) days to submit any comments or concerns they may have with the request. The 30-day comment period is not meant to allow the adjoining property owners to pre-empt the applicant.
4. Following the 30-day comment period,
 - a. the Clerk of Council or designee per direction of the Town Manager or designee shall employ not less than three (3) nor more than five (5) viewers to examine the requested proposed vacation. The viewers shall not be Town Employees. The viewers shall inspect the proposed vacation and submit a formal written letter to the Town Council noting any comments and concerns with the proposed vacation. Each viewer shall be paid fifty dollars (\$50.00) each. The applicant shall reimburse the Town for the costs of the viewers.
 - b. the Town Manager or his designee shall contact the applicant to determine whether he or she wishes to continue the vacation process and what, if any issues have been revealed thus far, along with the costs incurred by the Town to date. If the applicant does not want to continue, the process stops and the applicant pays all costs to date to the Town. If the applicant wants to continue the process, the property's fair market price or its contributory value to the abutting property, whichever is greater shall be determined. The applicant

shall make a formal offer of the proposed property. The Town Manager or designee shall negotiate on behalf of the Town Council in an attempt to arrive at a mutually agreeable purchase price. The Town Council shall be advised in a Closed Meeting (§2.2-3711.A.3. Code of Virginia) on the final offer.

5. Public Hearing:

- a. When authorized by Town Council the Clerk of Council or designee shall advertise a notice of public hearing as outlined in the State and Town Codes and notify the adjoining property owner(s), by certified mail, of the public hearing. The applicant shall reimburse the Town for the costs of the public hearing advertisements and certified letters.
 - b. Vacation requests are considered an ordinance per Town Code; therefore, they require two readings.
6. When the applicant requests the vacation to accommodate the expansion or development of an existing or proposed business, the Council may condition the vacation upon the commencement of the expansion or development within a specified period of time. If the applicant fails to commence the expansion or development within the specified time, at the option of the Council, the vacation may be voided. No such vacation shall be concluded until the agreed purchase price has been paid.
7. Any appeal of the Council's action, with regard, to the vacation request shall be filed within sixty (60) days of said action with the Warren County Circuit Court.
8. The Town Attorney's Office shall execute and process final documents after final approval from Council.

Council approval – June 12, 2000

Council approval - September 28, 2020

VACATION OF STREETS/ALLEYS

1. ~~Vacation of Town streets and alleys shall be considered upon the written application of any person, or upon the motion of the Town Council.~~
2. ~~All applications from private individuals shall be made to the Town Manager, shall be accompanied by a current plat of the street or alley (with a metes and bounds description) proposed for vacation. Applications shall also be accompanied by an administrative fee in the amount of one hundred dollars (\$100.00).~~
3. ~~Upon receipt of the written request, the Clerk of Council shall notify the adjoining property owners of the request, allowing them thirty (30) days to submit, in writing, any comments/concerns they may have. This opportunity to submit comments/concerns shall be for the purpose of consideration of what inconveniences may occur by the Viewing Committee only. It shall be understood that application to vacate a street/alley is on a first come, first serve basis; and, that this comment period is not meant to allow the adjoining property owners to pre-empt the applicant.~~
4. ~~Following this comment period, the Town Manager shall employ not less than three (3) nor more than five (5) viewers to examine the street or alley, and then to informally report what inconveniences shall result from the vacation and whether in their opinion the vacation should be approved. The Viewers shall be paid fifty dollars (\$50.00), with the applicant to reimburse the Town for this cost.~~
5. ~~Upon receipt of the informal Viewers Committee report, the Town Manager shall contact the applicant to determine whether he/she wishes to continue the vacation process. If the applicant responds to the Town Manager's inquiry in the negative, the process shall be closed and the applicant shall be sent a bill for the costs incurred by the Town to date. If the applicant responds in the affirmative, the Town Manager shall engage the services of a real estate appraiser, certified to handle such appraisals (i.e. commercial appraiser in the case of commercial property), to guide the parties' understanding of the property's fair market value. The selection of the appraiser shall be at the sole discretion of the Town Manager. The Town Manager and the applicant shall meet with the appraiser prior to the commencement of the appraisal to outline the intended use of the property to be vacated. Any special instructions shall be given to the appraiser at that time. The applicant shall be required to reimburse the Town for the costs of the appraisal service. Upon the completion of the appraisal, both parties will be provided a copy of the appraisal report.~~
6. ~~As a condition of the vacation, the Council may require that its streets, alleys, and/or other public rights-of-way be purchased at the property's fair market price or its contributory value to the abutting property, whichever is greater, or the~~

~~amount agreed to by the parties. The applicant shall make a formal offer to the Town Manager for purchase of street, alley or public right of way. The Town Manager shall, if appropriate, negotiate on behalf of Town Council in an attempt to arrive at a mutually agreeable purchase price.~~

- ~~7. Following submission of the applicant's final offer, the Town Manager shall reconvene the Viewing Committee to review the appraisal and any conditions that may have been negotiated between the Town Manager and the applicant. The Viewing Committee shall then formally report, in writing, what inconveniences will result from the vacation and whether in their opinion the vacation should be approved.~~
- ~~8. Following receipt of the Viewers Report, the Clerk of Council shall advertise a notice of public hearing (including date, time and place of the hearing) for the proposed vacation, said notice to be published at least twice in a newspaper having general circulation in the Town, with at least six days lapsing between the first and second publication. The applicant shall reimburse the Town for the costs of the advertisement.~~
- ~~9. At the same time as the initiation of the advertisement, the Clerk of Council shall notify the adjoining property owner(s), by certified mail, of the public hearing date, time and place, with the Town being reimbursed for said costs by the applicant.~~
- ~~10. During the public hearing, the Town Council shall hear the public's views, consider the Viewer's Report, review any recommendation of the Town Manager and vote on the proposed vacation. When the applicant requests the vacation to accommodate the expansion or development of an existing or proposed business, the Council may condition the vacation upon the commencement of the expansion or development within a specified period of time. If the applicant fails to commence the expansion or development within the specified time, at the option of the Council, the vacation may be voided. No such vacation shall be concluded until the agreed purchase price has been paid.~~
- ~~11. Any appeal of the Council's action with regard to the vacation request shall be filed within sixty (60) days of said action with the Warren County Circuit Court.~~

~~(Council approval June 12, 2000)~~

7B



Council Agenda Statement

Item #7B

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – Proclamation for Public Power Week

Summary: Council is requested to approve a Proclamation proclaiming October 4 – 10, 2020 as Public Power Week in the Town of Front Royal to recognize the Town's Department of Energy Services' contributions to the community and to educate customer-owners, policy makers and employees on the benefits of public power, as presented.

Budget/Funding: None

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Proclamation proclaiming October 4 – 10, 2020 as Public Power Week in the Town of Front Royal to recognize the Town's Department of Energy Services' contributions to the community and to educate customer-owners, policy makers and employees on the benefits of public power, as presented.

Approved By: _____

Moved _____ Seconded _____

VM Sealock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____



PROCLAMATION

Public Power Week 2020

**PROCLAMATION RECOGNIZING PUBLIC POWER WEEK, OCT. 4-10
A WEEK-LONG CELEBRATION OF THE TOWN OF FRONT ROYAL'S
DEPARTMENT OF ENERGY SERVICES YEAR-ROUND SERVICE TO THE
COMMUNITY**

WHEREAS, the Town of Front Royal's Department of Energy Services, places high value on the benefits of local control of utility services and therefore operates a community-owned, not-for-profit electric utility;

WHEREAS, because, we are customers and owners of the Town of Front Royal's Department of Energy Services, we have a direct say in utility operations and policies;

WHEREAS, Town of Front Royal's Department of Energy Services provides our homes, businesses, farms, social service and local government agencies with reliable, efficient and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates;

WHEREAS, Town of Front Royal's Department of Energy Services is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development and safety awareness;

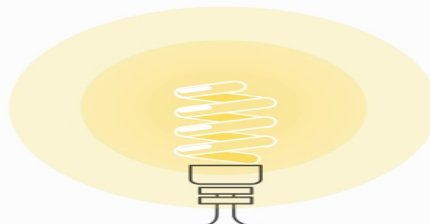
WHEREAS, Town of Front Royal's Department of Energy Services is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place to live and work, and contributes to a sustainable environment;

NOW, THEREFORE BE IT RESOLVED: that Town of Front Royal's Department of Energy Services will continue to work to bring safe, reliable electricity to community homes and businesses just as it has since 1894, the year when the utility was created to serve all the citizens of the Town of Front Royal; and

BE IT FURTHER RESOLVED: that the Mayor and Town Council proclaim the week of Oct. 4-10 be designated Public Power Week to recognize Town of Front Royal's Department of Energy Services for its contributions to the community and to educate customer-owners, policy makers, and employees on the benefits of public power;

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community and the nation.

APPROVED



ATTEST

Mayor Eugene R. Tewalt

Clerk of Council Tina L. Presley

7C



Council Agenda Statement

Item #7C

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – Third Quarter Write -Off for Bad Debt

Summary: Council is requested to approve the removal of 5 years or older outstanding accounts receivable (bad debts) on the Town's ledger for the third quarter of 2020 totaling \$16,739.57, which is comprised of 55 utility accounts. All possible recourse to collect these amounts has been completed and the accounts have no activity for at least 5 years. Staff has determined that the accounts presented meet the criteria for uncollectible as determined by the Town's bad debt write off policy: 1) No activity on closed account for at least 5 years and 2) All other methods of collection have been exhausted. The amount of bad debt approved to be removed by Council is as follows:

Dec 2013 -	\$848,191 – approved for removal
Dec 2014 -	\$144,049 – approved for removal
Feb 2016 -	\$225,318 – approved for removal
Feb 2017 -	\$203,808 – approved for removal
Nov 2017 -	\$175,999 – approved for removal
Oct 2018 -	\$166,191- approved for removal
Mar 2019 -	\$277,974.34 – approved for removal along with revision to policy
June 2019 -	\$27,755.98 – approved for removal
Sept 2019 -	\$15,915.71 -approved for removal
Dec 2019 -	\$11,141.46 - approved for removal
March 2020 -	\$19,379.72 – approved for removal
June 2020 -	\$20,325.01 – approved for removal
Sept 2020	\$16,739.57

Budget/Funding: No funding is required. Journal entry will be done effecting balance sheet only.

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the removal of 5 years or older of outstanding accounts receivable (bad debts) on the Town's ledger for the third quarter of 2020 totaling \$16,739.57, which is comprised of 55 utility accounts. All possible recourse of attempting to collect these amounts has been completed and the accounts have no activity for at least 5 years.

Approved By: _____

Moved _____ Seconded _____

VM Sealock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

2020 Third Quarter Utiliy Writeoffs

Customer Account	Balance	Service Address	Final Bill Due Date
10-539000-19	133.97	223 POLK AVE	8/7/2015
07-276100-8	474.12	723 PARKVIEW DR	9/25/2015
01-180351-2	96.35	1140 SHADOWS DR LOT #71	8/14/2015
06-470000-17	183.53	120-A S SHENANDOAH AVE	8/14/2015
01-751005-27	114.14	1416 N SHENANDOAH AVE #4	9/11/2015
08-335968-4	661.55	1151 HAPPY RIDGE DR	9/4/2015
05-243000-16	95.32	418 VISCOSE AVE	8/12/2015
10-155013-13	99.75	1347 ROBIN HOOD LN #2	9/11/2015
04-660000-4	441.44	726 WARREN AVE	9/11/2015
05-665000-14	122.92	6 W PROSPECT ST	7/24/2015
07-591040-17	28.25	5 SHENANDOAH COMMONS WAY #203	8/26/2015
10-147067-15	78.84	47 ROYAL LN #5	9/21/2015
06-484000-21	38.02	115-B S SHENANDOAH AVE	8/21/2015
06-157000-21	39.14	107 LEE ST	9/25/2015
08-276150-9	1003.04	721 E 6TH ST	7/17/2015
03-686003-1	154.38	122-D N ROYAL AVE	8/14/2015
03-289000-15	45.38	343 KENDRICK LN #7	9/11/2015
01-655000-2	1447.40	1401 N ROYAL AVE	8/12/2015
08-276100-7	78.55	721 E 6TH ST WORKSHOP	7/24/2015
08-236000-2	389.67	523 MANASSAS AVE	8/19/2015
03-108000-18	321.06	715 W 13TH ST	7/31/2015
03-726200-22	304.09	21-A W 6TH ST	7/10/2015
05-545000-22	14.33	519 E MAIN ST #2	8/28/2015
07-591069-1	842.16	11 SHENANDOAH COMMONS WAY-HM	9/11/2015
09-267000-16	146.53	312 CABLE PL	9/25/2015
01-173000-10	66.61	49 E DUCK ST	8/26/2015
06-130000-3	216.80	24 W STONEWALL DR	7/24/2015
01-152000-21	96.19	66 W STRASBURG RD	9/4/2015
02-520000-9	549.90	1010 N SHENANDOAH AVE #2	8/30/2014
08-689000-24	74.57	24-B E STONEWALL DR	7/10/2015
04-192000-7	1219.24	116 W 4TH ST	8/21/2015
03-726400-32	324.08	21-C W 6TH ST	9/4/2015
08-117000-12	346.40	640 BEL AIR AVE	9/25/2015
07-109200-3	322.64	5499 BROWNTOWN RD	9/4/2015
01-751006-13	86.02	1416 N SHENANDOAH AVE #5	7/11/2014
07-591184-1	626.59	21 SHENANDOAH COMMONS WAY-HM	9/11/2015
02-260000-8	36.09	1207 N ROYAL AVE #2	7/17/2015
07-591012-1	68.78	9 SHENANDOAH COMMONS WAY	9/11/2015
07-591115-1	631.54	19 SHENANDOAH COMMONS WAY-HM	9/11/2015
07-591161-1	830.19	25 SHENANDOAH COMMONS WAYU -HM	9/11/2015
08-757000-3	779.18	231 CHURCH ST	7/2/2015
07-629000-1	136.21	10 RIDGE RD	8/26/2015
07-591023-1	944.40	9 SHENANDOAH COMMONS WAY-HM	9/11/2015
07-362440-9	338.13	441 HILL ST	7/10/2015
08-702000-32	21.30	118-A S ROYAL AVE	7/24/2015
09-198000-18	68.33	10 HIGH ST #1	7/2/2015
07-266039-20	102.60	417 E CRISER RD #304	9/4/2015
05-367000-24	73.65	117 E MAIN ST #3	9/4/2015
10-147051-1	197.34	43 ROYAL LN #2	9/4/2015
05-196000-26	118.29	112 E MAIN ST #10	8/14/2015
06-225000-16	360.69	252 ORCHARD ST	7/2/2015
03-365000-18	26.07	1210 MASSANUTTEN AVE	7/2/2015
03-670000-6	21.79	318 N ROYAL AVE #2	7/2/2015
01-655050-1	161.83	1401 N ROYAL AVE BACK	8/12/2015
02-495000-18	540.19	119 W 11TH ST	7/2/2015
	\$ 16,739.57		

7D



Council Agenda Statement

Item #7D

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – Sole Source Purchase of Portable Message Board


Summary: Council is requested to approve a trailer mounted portable message sign board from Traffic Safety Supplies Inc., in the amount of \$15,950.00 for the Public Works Water Sewer Maintenance Department.

Budget/Funding: Funding available in Water and Sewer Maintenance line items 9602-47001 and 9802-47001 Machinery and Equipment.

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a trailer mounted portable message sign board from Traffic Safety Supplies Inc., in the amount of \$15,950.00 for the Public Works Water Sewer Maintenance Department.

Approved By: 

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: September 22, 2020
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to Add Consent Agenda Item

The Town's purchase of a trailer mounted portable message sign board from Traffic Safety Supplies Inc., in the amount of \$15,950.00 qualifies as a sole source procurement in accordance with the Virginia Public Procurement Act because Traffic Safety Supplies Inc., is the only source practicably available in Virginia that sells VerMac with the required JAMLOGIC software. The JAMLOGIC software is already in use by the Town's Fleet Management, and the remote text changing services through a touchscreen controller, which the Town currently uses, will only work with this system. It would be unreasonably expensive and inefficient to purchase any other type of message board with a different software system.

Staff recommends Council award the purchase of a new message board for the Public Works Water Sewer Maintenance Department for \$15,950.00.

Town Council is requested to review and approve the award. Attached to this memo is a recommendation memo and signed sole source form from Don McPaters, Fleet Management Director, and a sole source letter from Traffic Safety Supplies. Please add this action item to the next available Town Council agenda.

Funding for this request is available in the Water and Sewer Maintenance line items 9602-47001 and 9802-47001 Machinery & Equipment.

Department of Purchasing
102 E Main Street
Front Royal, VA 22630
Website: www.frontroyalva.com
Phone 540-636-6889

MEMORANDUM

TO: Alisa Scott, Purchasing Manager

FROM: Donald B McPaters, Director of Fleet Management.

SUBJECT: Purchase for a Trailer Mounted Message Board for Water Sewer Maintenance.

DATE: September 22, 2020

We are purchasing a second message board for the Water Sewer Maintenance Department. The last time this was purchased, 2 of the 3 bids did not have the JAMLOGIC Fleet Management Software required. Traffic Safety Supplies has this software because they sell VerMac message boards. We need to keep the software standard because the JAMLOGIC Fleet Management Software is installed on all our rolling stock. The list of specs for the software is listed.

JAMLOGIC Fleet Management Software

Ver-Mac's high-speed modem with GPS

Monitor, maintain and manage your sign from any PC, Laptop, or smartphone

All remotely from your home or office

Free and you get all updates free

You can view your equipment in a list and GPS view

Change a message simultaneously with a simple click

View your message and battery voltage

Group your sign in folders (by customer, location, or project)

Receive e-mail or text alerts-optional (low battery cellular failure)

2020 Calendar Year

To whom it may concern,

The following is to confirm that Traffic Safety Supplies Inc., is an authorized sole source distributor for the complete VerMac product line in the state of Virginia.

Should you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Kimberly Jack
Inside Sales Coordinator



SAFETY SUPPLIES, INC.

"Your Safety is Our Business"

Traffic Safety Supplies, Inc.

14490 Lee Highway
Gainesville, VA 20155

P: (703) 753-7446

F: (703) 753-7905

www.tssincva.com - info@tssincva.com

Bill To: Town of Front Royal
Town of Front Royal
PO Box
Front Royal, VA 22630

Customer PO# quote

Item Name	Item Description	Order	Price	Ext Price	Due	Sold
PCMS 320 VARIABLE MESSAGE BOARD	63" x 98" display panel, 30 x 48 pixels 3 X 85 watt solar panels, 2 batteries, Jamlogic Refresh & Alerts V-Touch NTCIP Touchscreen Controller 4G Modem & 10 year cell plan - Non SW Z	1	\$15,950.00	\$15,950.00	1	0
	OPT-MS-30 Amp/IQ4 30 AMP BATTERY CHARGER with IQ4, 110v plug for 6 Volt batteries					

Total Qty Ordered: 1

Percent Unfilled: 100

Subtotal: \$15,950.00
Exempt 0 % Tax: + \$0.00
TOTAL: \$15,950.00
Deposit Balance: \$0.00
Balance Due: \$15,950.00

THANK YOU FOR YOUR ORDER!

Remittance Address
Please Send All Payments to:
5313 Ritchie Road
Bealeton, Virginia 22712

7E



Council Agenda Statement

Item #7E

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – Bid for Light Poles

Summary: Council is requested to approve a bid in the amount of \$35,556.00 from Anixter, Inc. for the delivery of (24) Shakespeare decorative light poles for immediate use and to add to Energy Services inventory.

Budget/Funding: Funding available in line item 9401-47502

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a bid in the amount of \$35,556.00 from Anixter, Inc. for the delivery of (24) Shakespeare decorative light poles for immediate use and to add to Energy Services inventory.

Approved By: _____

Moved _____ Seconded _____

VM Sealock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: September 23, 2020
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add consent agenda item to Town Council meeting

Purchasing responded to a request from the Energy Services Department to procure brand name only decorative light poles for immediate use and to add to inventory. This request was specific to continuing the installation of the same design throughout the Town.

The procurement method used was competitive sealed bidding through an Invitation for Bid. Purchasing held a public bid opening on Tuesday, September 22, 2020 and three vendors responded. Anixter, Inc., a responsible bidder, responded with the lowest bid and their bid was responsive to the Town's request.

Staff recommends Council move forward with awarding Anixter \$35,556.00 for the delivery of 24 Shakespeare decorative light poles. Please find attached to this memo, a recommendation memo from David Jenkins, Energy Services Director, and the bid tabulation. Please add this recommendation to Council's next Regular Meeting as a consent agenda item.

Funding for this good is available in the line item 9401-47502.

Purchasing, Department of Finance
102 E Main Street
Front Royal, VA 22630
Website: www.frontroyalva.com
Phone 540-636-6889

Town of Front Royal
Department of Energy Services
P.O. Box 1560
Front Royal, Virginia 22630-1560
(540) 635-3027 Fax: (540) 631-3620



Memo

To: Alisa Scott, Purchasing Manager
From: David W. Jenkins
Date: September 23, 2020
Re: Recommendation for purchase

The Town's Purchasing department held a bid opening on September 22nd, 2020. For Decorative Light Poles. These decorative lights are used throughout our Town and along Royal Avenue for the safety of our customers, visitors, and pedestrians

It would be my recommendation that we award the bid to Anixter INC for a total of \$ 35,556.00

Funding for this project is available in our budget line item 9401-7502

If you have questions, please feel free to contact me.

Thank you,
David W. Jenkins

Director of Energy Services
Town of Front Royal
PO Box 1560
Front Royal VA 22630
540-635-3027 (office)
540-631-3620 (fax)

	ANIXTER INC	WESCO DISTRIBUTION INC	BRIGHT IDEAS LIGHTING
Lot 1 : Lot 1			
1 - DELIVERED BRAND NAME			
ONLY: SHAKESPEARE Cat# ...	\$35,556.00	\$36,275.04	\$44,280.00
Total For Lot 1 : Lot 1	\$35,556.00	\$36,275.04	\$44,280.00
Total Bid	\$35,556.00	\$36,275.04	\$44,280.00

7F



Council Agenda Statement

Item #7F

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – Move Location of October 19 Regular Meeting

Summary: Per the Town Code (4-1) regular meetings of Town Council shall be the 2nd and 4th meeting of each month, except December which only has one. A regular meeting is scheduled for October 12, 2020; however, that is a holiday. Town Code states that “in the event a meeting shall fall on a holiday, the regular meeting shall be held on the following Tuesday (October 13).” This cannot occur since the Government Center is booked for another meeting on that day. Town Code states that “in the event that the meeting cannot be held due to circumstances beyond the Town’s control, the alternative meeting date shall be the following Monday in the Town Administrative Office [Town Hall] (October 19). Since the Town Code is written this way Council is requested to approve another location if one is available. The Government Center is available on October 19. Council is requested to approve moving the location of their regular meeting to the Government Center instead of the Town Hall on October 19.

Budget/Funding: None

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve moving the location of their regular meeting to the Government Center instead of the Town Hall on October 19, 2020.

Approved By: _____

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

4-1 TIME OF MEETINGS

A. The Council shall hold its regular meetings in the Warren County Board of Supervisors Chambers on the second and fourth Mondays of each month at 7:00 p.m.; provided however, that there shall be only one (1) such regular meeting in the month of December of each year, and it shall be on the second Monday of that month, held as the same time and in the same place.

(Ord. No. 10-04 Amended Time/Place 8-27-04-Effective Upon Passage)

(Ord. No. 2-10 Amended to Second Monday in December 3-22-10-Effective Upon Passage)

B. In the event that a regular Town Council meeting shall fall on a date designated as a Town holiday, then the regular Council meeting shall be held on the following day (Tuesday) at 7:00 p.m.

C. In the event that a regular Town Council meeting cannot be conducted at the regular time or location due to circumstances beyond the Town's control, the alternative meeting date shall be the following Monday at 7:00 p.m. in Town Administrative Offices.

7G



Council Agenda Statement

Item #7G

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – COVID-19 Emergency Ordinance Amendment

Summary: Due to the COVID-19 Pandemic, Town Council approved the COVID-19 Emergency Ordinance on March 23, 2020. The Ordinance appointed a Director of Emergency Management and declared a COVID-19 Communicable Disease Local Emergency and implemented emergency procedures to ensure continuity of Town Government. As referred to in #6 of the ordinance, the ordinance shall be in effect until repealed by Town Council for a period not exceeding six months. Six months ended September 23, 2020. The Town Attorney has suggested amending this paragraph to *“for a period until Town Council takes action otherwise”*. This amendment is due to the nation still being in a state of emergency.

Budget/Funding: None

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve amending the COVID-19 Emergency Ordinance paragraph #6 to *“for a period until Town Council takes action otherwise”* and removing “not exceeding six months”.

Approved By: _____

Moved _____ Seconded _____

VM Sealock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

COVID-19 EMERGENCY ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA, APPOINTING A DIRECTOR OF EMERGENCY MANAGEMENT AND SIMULTANEOUSLY CONFIRMING AND RATIFYING A DECLARATION OF A COVID-19 COMMUNICABLE DISEASE LOCAL EMERGENCY SIMULTANEOUSLY ISSUED BY THE TOWN'S DIRECTOR OF EMERGENCY MANAGEMENT EFFECTIVE MARCH 23, 2020, AND IMPLEMENTING EMERGENCY PROCEDURES TO ENSURE CONTINUITY OF TOWN GOVERNMENT.

WHEREAS, Section 44-146.19(B)(3) of the Code of Virginia requires all towns in Commonwealth to appoint a coordinator of emergency management, and Town Council desires to appoint the Town Manager, or, in the absence of a town manager, the Interim Town Manager, as the Director of Emergency Management for the Town; and

WHEREAS, it is acknowledged that pursuant to Section 8 of the Town Charter that in time of emergency the Mayor may take command of the police, maintain order and enforce the law subject to review by Town Council; and

WHEREAS, Section 44-146.16 of the Code of Virginia, 1950, as amended, defines terms and conditions, including but not limited to “communicable disease”, “disaster” and “state of emergency” which, when existent, support the declaration of a “local emergency” as is also therein defined; and

WHEREAS, Section 44-146.21(A) of the Code of Virginia, 1950, as amended, prescribes the procedure for declaring a local emergency, including but not limited to the simultaneous consent of the local governing body to a declaration of local emergency by the Town's Director of Emergency Management; and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act, Section 2.2-3707 of the Code of Virginia, 1950, as amended, are limited only by a properly claimed exemption pursuant to Section 2.2-3700(B) of the Code of Virginia, 1950, as amended; and

WHEREAS, Section 15.2-1413 of the Code of Virginia, 1950, as amended, provides that a locality may, by ordinance, provide a method to assure continuity in its government in the event of a disaster for a period **until Town Council takes action otherwise** ~~not to exceed six months~~; and

WHEREAS, Section 38 of the Town Charter and Section 4-4 of the Code of the Town of Front Royal, Virginia, as amended, prescribes the procedure for the single reading and passage of emergency ordinances of the Town, allowing for immediate effect, provided that four (4) members of the Town Council vote to waive a second reading; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 communicable disease outbreak a pandemic; and

WHEREAS, on March 12, 2020, Governor Ralph Northam declared a state of emergency in the Commonwealth of Virginia in response to the continued spread of COVID-19, and declared the anticipated effects of COVID-19 to be a disaster as described in Section 44-146.16 of the Code of Virginia, 1950, as amended; and

WHEREAS, on March 15, 2020, Governor Northam announced a ban on all gatherings of one hundred (100) or more people statewide; and

WHEREAS, on March 16, 2020, President Donald Trump urged people to avoid gathering in groups of more than ten (10) people; and

WHEREAS, on March 17, 2020, Governor Northam and the State Health Commissioner issued a Declaration of Public Health Emergency addressing the need to increase social distancing to inhibit the spread of the COVID-19 virus, and the Governor, by press release, urged all Virginians to follow the federal guidance limiting non-essential gatherings of more than ten (10) people and urging all Virginians aged 65 and older to self-quarantine; and

WHEREAS, there have been confirmed cases of COVID-19 in the Loudoun Fairfax Health District (LFHD); and

WHEREAS, on March 20, 2020, Virginia Attorney General Mark Herring issued an official advisory opinion regarding the open public meeting requirements of the Virginia Freedom of Information Act, Section 2.2-3707 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Town Council is satisfied that the public health threat posed by COVID-19 constitutes a real and substantial threat to health and safety of persons and property in the Town of Front Royal, Virginia, and that a declaration of local emergency is necessary and essential.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Front Royal, Virginia:

1. That it hereby appoints the Town Manager, or, in the absence of a town manager, the Interim Town Manager, as Director of Emergency Management for the Town, which is currently Matthew A. Tederick, Interim Town Manager.

2. That simultaneously upon his appointment as Director of Emergency Management, Town Council acknowledges a Declaration of Local Emergency by the Town's Director of Emergency Management due to the COVID-19 pandemic and that the Declaration of Local Emergency empowers the Director of Emergency Management with special authority and duties,

said authority and duties being defined by the laws, rules, regulations and plans of the United States of America, the Commonwealth of Virginia and the Town of Front Royal, and Town Council hereby consent to same pursuant to Section 44-146.21(A) of the Code of Virginia, 1950, as amended.

3. That it is not necessary that the Mayor exercise his authority to take command of the police, maintain order and enforce the law at this time.

4. That it understands and confirms that when, in judgment of this Town Council, all needed emergency actions have been taken and the emergency has abated, appropriate action to end the declared local emergency will be taken,

5. That the infectious nature of COVID-19 makes it unsafe to assemble a quorum of this Town Council in a single location, or to assemble members of the public in a single location, making it difficult or impossible for this Town Council and the Town's boards and commissions to conduct meetings in accordance with normal practices and procedures. Therefore, in accordance with Section 15.2-1413 of the Code of Virginia, 1950, as amended, notwithstanding Section 2.2-3707 of the Code of Virginia, 1950, as amended, or any contrary provision of law, general or special, and consistent with the March 20, 2020 official advisory opinion of the Virginia Attorney General regarding the open public meeting requirements of the Virginia Freedom of Information Act, the following emergency procedures are adopted to ensure continuity of government during the pendency of the emergency and disaster created by COVID-19 pandemic and are deemed a valid exemption pursuant to Section 2.2-3700(B) of the Code of Virginia, 1950, as amended, from the open meeting requirements of the Virginia Freedom of Information Act which shall otherwise remain in full force and effect:

a. That any process, procedure, or matter which requires the physical presence of the public in a Town building that the Director of Emergency Management has declared or in the future declares to be closed to the public is hereby suspended.

b. Meetings of Town Council and other Town boards and commissions may be held through electronic communication means without a quorum of members physically present in a single location, so long as notice of such meetings is still given in accordance with applicable laws.

c. Such meetings may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of this Town Council, board, or commission members, so long as alternative arrangements for public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.

d. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter. Public comments may also be solicited and, if so solicited, received, via electronic and/or telephonic means if possible and practical. All such comments will be provided to the members of the body and made a part of the record of such meeting.

6. That the continuity of government provisions in the aforesaid paragraph 5 shall be in effect until repealed by this Town Council, for a period **until Town Council takes action otherwise not exceeding six months from the date of this declaration of a local emergency.** Upon repeal or expiration of the aforesaid paragraph 5, the matters referenced therein shall resume operation in accordance with all of the requirements of Section 2.2-3707 of the Code of Virginia, 1950, as amended.

This ordinance shall become effective upon passage.

APPROVED:

Eugene R. Tewalt Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia as an emergency ordinance conducted September 28, 2020, upon the following recorded vote:

William A. Sealock __Yes __No

Chris W. Holloway __Yes __No

Lori A. Cockrell __Yes __No

Jacob L. Meza __Yes __No

Gary L. Gillispie __Yes __No

Letasha T. Thompson __Yes __No

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

7H



Council Agenda Statement

Item #7H

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – FY21 Budget Amendment D.M.V. Speed and Alcohol Enforcement Matching Grant

Summary: Council is requested to approve a FY21 Budget Amendment in the amount of \$18,900.00 to receive funds for the Virginia Highway Safety Grant. The Police Department heavily uses these grant funds in a continued effort to drive down alcohol and speed related fatalities and serious injuries.

Budget/Funding:	1000-3310010	General Fund Grant Proceeds	\$18,900.00
	3102-41002	Police Patrol Overtime	\$18,900.00

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a FY21 Budget Amendment in the amount of \$18,900.00 to receive funds for the Virginia Highway Safety Grant.

Approved By: _____

Moved _____ Seconded _____

VM Sealock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

8



Council Agenda Statement

Item # 8

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – Ordinance Amendment to Chapter 138 (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend Front Royal Town Code Chapter 138 Peddlers, Solicitors and Itinerant Merchants to allow the use of vending vehicles operated on Town Streets to peddle ice cream and other frozen desserts, as presented.

Budget/Funding: None

Meetings: Work Session held August 3, 2020. Public Hearing held September 14, 2020.

Proposed Motion: I move that Council adopt on its second and final reading an ordinance to amend Front Royal Town Code Chapter 138 Peddlers, Solicitors and Itinerant Merchants to allow the use of vending vehicles operated on Town Streets to peddle ice cream and other frozen desserts, as presented.

Approved By: _____

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

Chapter 138**PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS****Sections:**

- 138-1 PERMIT REQUIRED**
- 138-2 DEFINITIONS**
- 138-3 PERMIT APPLICATION**
- 138-4 QUALIFYING FOR AN EXEMPTION**
- 138-5 ISSUANCE OF PERMITS**
- 138-6 TRANSFER**
- 138-7 RENEWAL**
- 138-8 RESTRICTIONS**
- 138-9 PLACE OF SALE – PEDDLER AND ITINERANT MERCHANT**
- 138-10 DOOR-TO-DOOR SALES – COMMERCIAL SOLICITOR**
- 138-11 EXHIBITION OF PERMIT AND BUSINESS LICENSE**
- 138-12 RECORDS**
- 138-13 REVOCATION OF PERMIT**
- 138-14 APPEAL OF DENIAL OR REVOCATION OF PERMIT**
- 138-15 LICENSE TAX**
- 138-16 PENALTY FOR VIOLATION OF CHAPTER**
- 138-17 SEVERANCE CLAUSE**

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter 25 of the 1965 Code. Sections 138-1, 138-2 and 138-3 amended and sections 138-12.1 added at time of adoption of Code. Section 25-11, Subsection (e), of the 1965 Code, which immediately followed 138-12, was deleted at time of adoption of Code*). Ord. No. 13-86 amended 138-3 “Solicitors Permit-Applicability” and 138-4 “Solicitors Permit-Permit Required” 7-28-86; Ord.8-91 amended 138-7 “Photographing” 3-11-91. The Entire Chapter was amended in its entirety 3-14-16. Other amendments noted where applicable.

138-1 PERMIT REQUIRED

To promote the safety of residents, it shall be unlawful for any person to engage in the business of Peddler, Itinerant Merchant, or Commercial Solicitor as defined in this Chapter, within the limits of Front Royal, Virginia, without first obtaining a permit as provided herein. Issuance of a permit does not relieve an individual from obtaining a business license (Town Code Chapter 98) from the Town’s Finance Department prior to engaging in operation of business.

(Amended 12-11-17-Effective Upon Passage)

138-2 DEFINITIONS

ITINERANT MERCHANT - One who offers merchandise, goods, food or services for sale or barter from a stationary but temporary site within the Town.

MOTOR VEHICLE – means every vehicle that is self-propelled, and which is validly licensed, and which bears current required inspections.

PEDDLER - One who moves from place to place within the Town and offers merchandise, goods, food or services for sale or barter at no definite place of business.

STREET; ROAD – A public thoroughfare, except an alley, driveway or parking area, which affords vehicular traffic circulation and principal means of access to abutting property.

(Added 12-11-17-Effective Upon Passage)

TOWN - Front Royal, Virginia.

TOWN MANAGER - The Town Manager of Front Royal, Virginia or their designated agent.

SOLICITOR (Commercial) - Any person, whether a principal, agent, or salesman, who engages in transient business by going from residence to residence for the purpose of taking orders or offering to take orders for the sale of goods, wares, or merchandise or taking orders for services to be performed in the future. A commercial solicitor shall not carry goods, wares, or merchandise except for display purposes only, and shall not sell items directly.

VEHICLE - Every device in, upon or by which any person or property is or may be transported or drawn including any wheeled conveyance.

VENDING VEHICLE – means a motor vehicle used for vending, pursuant to a valid Town peddler's license, to a retail customers on Town streets equipped with four (4) amber signal lights, of a minimum diameter of four (4) inches, located on each corner of the top of the motor vehicle, with all four (4) lights capable of flashing simultaneously while such motor vehicle is stopped with the engine running for the purpose of selling ice cream or other frozen dessert to a retail customer, and also equipped only with bells for the purpose of attracting customers and only sounded while in motion between regular permitted stops, and with a receptacle for the disposal of all trash generated during each stop.

138-3 PERMIT APPLICATION

- A. Applicants under this Chapter must file with the Town's Planning and Zoning Department a sworn application to be furnished by the Town.
- B. At the time of filing of the application for permit, a fee of twenty dollars (\$20.00) shall be paid, to cover the cost of investigation and processing the application. There shall be no fee for those who are deemed exempt as defined in 138-4.
- C. At the time of filing, the applicant shall provide a front facing passport size photograph which accurately depicts the applicant's appearance at the time of application.
- D. A background check will be performed on all applicants for Commercial Solicitor's permits by local law enforcement.

- E. All Peddler and Itinerant Merchant applicants shall obtain approval from the Town's Department of Planning & Zoning prior to selling from private property. Approval shall be based upon submittal of a plat, site plan, or sketch plan identifying the location of the property on which the activity is to be conducted and showing the location of the structure from which the sale or exchange activity will occur, the area under the control of such person, parking spaces and provisions for well-defined vehicular entrances and exits.

(Amended Entire Section and Added C – E 12-11-17-Effective Upon Passage)

138-4 QUALIFYING FOR AN EXEMPTION

- A. The following shall be exempt from the permit application fee but shall be required to submit a permit application and comply with this Chapter:

1. Persons selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds of the Town, provided such products are grown or produced by the person offering them for sale; and peddlers at wholesale or to those who sell or offer for sale in person or by their employees, ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale. A dairyman who uses upon the streets of the Town in one or more vehicles may sell and deliver from this vehicles, milk, butter, cream and eggs in Town without procuring a peddler's license;

(Amended 12-11-17-Effective Upon Passage)

2. Persons selling newspapers;
 3. Persons selling for wholesale concerns who only solicit orders from or sell to retail dealers in Front Royal for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes;
 4. Wholesalers soliciting orders or selling to others for retail, resale, or upon manufacturers for manufacturing and selling at wholesale at place of manufacture;
 5. Children of or under the age of 16, except when they are acting as agents of adults covered by this article;
 6. Delivery of food or merchandise ordered by phone, internet, or mail from a fixed place of business issued a business license for operation;
 7. Merchants selling food and merchandise during a Special Event that has been issued permit by the Town; and
 8. Tax exempt civic, charitable, government or educational organizations.
- B. All persons qualifying for exemptions from this Section must present proof of such qualification upon completion of application.

(Amended Title and “B” 12-11-17-Effective Upon Passage)

138-5 ISSUANCE OF PERMITS

Upon receipt of completed application and required background check the Town Manager or his designee shall endorse on the application their approval, execute a permit addressed to the applicant for the carrying on of the business applied for and submit executed permit to the Town’s Finance Department for payment of business license tax as defined in Chapter 98 of the Town Code.

Permits shall be approved or denied ten (10) business days following the date of the filing of the application.

(Amended Entire Section 12-11-17-Effective Upon Passage)

138-6 TRANSFER

No permit issued under the provisions of this Chapter shall be used by an person other than the one to whom it was issued.

138-7 RENEWAL

All permits issued under the provisions of this Chapter shall be valid for the calendar year they are issued, beginning from the date of issuance, and expiring on December 31 of each calendar year. Permits shall be renewed for subsequent calendar years, without the requirement for a new permit application, if the applicant files to renew their business license with the Department of Finance by March 1 of the calendar year, and submits written verification that there are no changes from the previous year’s application. A new permit application shall be required if there are changes from the previous year’s application, or if the filing of a renewal occurs after March 1 of the calendar year.

(Amended Entire Section 12-11-17-Effective Upon Passage)

138-8 RESTRICTIONS

No Peddler, Commercial Solicitor or Itinerant Merchant shall have any exclusive right to any location on public property, nor shall he or she:

- A. Be permitted a stationary location on any public sidewalk or street;
- B. Display any sign on a street, sidewalk, or other public place visible to vehicular traffic, except for signs that are actually imprinted on the exterior body of a licensed motor vehicle;
- C. Make any sale or delivery to any person while such person is located in the street, as defined in 138-2;

(Amended 12-11-17-Effective Upon Passage)

- D. Make any sale, offer or delivery to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane;
 - E. Conduct business from any street or center median strip of any street, except from a vending vehicle subject to the following conditions:
 - 1. ;no stopping within five hundred (500) feet of school property, or within one hundred feet (100) feet of a restaurant open for business;
 - 2. no stopping on any Town street with a posted speed limit in excess of twenty-five (25) miles per hour;
 - 3. whenever stopped for the purpose of making a sale, the vending vehicle shall be stopped at the right-hand curb or edge of the street out of the lanes of travel in a legal parking space, and no sales shall be made to any customer not standing on the sidewalk or off of the paved roadway;
 - 4. sales may only occur at stops designated on the approved permit application pursuant to §138-3 and §138-5;
 - E. 5. no sales may occur between the hours of 8:00 p.m. and 10:00 a.m., and no unattended vending vehicle may be parked on Town streets during these hours.
 - F. Restrict access to any legally parked vehicle;
 - G. Operate in any other way that would restrict the flow of pedestrian or vehicular traffic;
 - H. Conduct any business on any private or public property, street, or sidewalk between the hours of 10:00 pm and 6:00 am except if operating through a Special Event Permit issued by the Town
 - I. Leave vehicles and/or equipment overnight at the approved location. All vehicles and equipment must be removed from the site by the end of the business day, unless prior approval from the property owner has been received and submitted to the Town Manager or his designee for verification, excluding those permitted at the Flea Market as specified in Chapter 98-46; and
- (Amended 12-11-17-Effective Upon Passage)
- J. Leave any cart or table unattended on any public property, street, or sidewalk; and
 - K. Shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place, and they shall request customers to place all waste and litter in the receptacles and they shall remove and dispose of the waste materials and litter.

138-9 PLACE OF SALE – PEDDLER AND ITINERANT MERCHANT

- A. All Peddlers and Itinerant Merchants, except when vending from a vending vehicle, may only be located at a hospital, locations approved by Special Event Permit, or in the areas

designated by the Town's Zoning Map as C-1, Community Business District, C-2, Downtown Business District, or the Mixed-Use Campus District.

(Amended to include "hospital" and "Special Event Permit" 12-11-17-Effective Upon Passage)

- B. It shall be unlawful for any Peddler or Itinerant Merchant to occupy or partially occupy while selling, or sell from, the private property of another without written permission of the private property owner.

138-10 DOOR-TO-DOOR SALES - COMMERCIAL SOLICITOR

Door-to-door sales shall only take place between the hours of 9:00 a.m. and 8:00 p.m.

Regardless of whether or not a permit and business license has been issued, no person shall enter in or upon any house, building or private property of any type without the prior express consent of the owner or occupant thereof, where there is placed or posted on the premises in a conspicuous position at or near the usual means of ingress a sign or other form of notice stating or indicating that the owner or occupant thereof forbids or otherwise does not desire persons in solicitation or selling to enter upon the premises.

(Amended 12-11-17-Effective Upon Passage)

138-11 EXHIBITION OF PERMIT AND BUSINESS LICENSE

Peddlers, Itinerant Merchants and Commercial Solicitors are required to conspicuously display their permit and business license at their vehicles or temporary stands or if they have none, to exhibit their permit and business license upon request.

(Amended by Adding "business license" 12-11-17-Effective Upon Passage)

138-12 RECORDS

The Town's Finance Department shall maintain a record for each permit and business license issued, and record the reports of violation thereon.

(Amended 12-11-17-Effective Upon Passage)

138-13 REVOCATION OF PERMIT

- A. Permits issued under the provision of this Chapter may be revoked by the Town Manager after notice and hearing for any of the following causes:
1. Fraud, misrepresentation or intentional false statement of material or relevant facts contained in the application;

2. Conviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia) within the five (5) years immediately preceding the date of filing of the application;
3. Conviction of any crime involving fraud in the conduct of his or her business;
4. Permit holder creates a public safety hazard as identified by Fire Marshal, Chief of Police, or their designee or any authoritative body that has legal regulatory oversight over public safety; and,

(Amended 12-11-17-Effective Upon Passage)

5. Any violation of this Chapter

B. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of the revocation and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at their last known address at least five (5) days prior to the date set for hearing. Failure to appear for a hearing does not preclude permit revocation.

138-14 APPEAL OF DENIAL OR REVOCATION OF PERMIT

- A. Any person aggrieved by the action of the Town Manager, or the designated agent, in the denial of an application for a permit or in the decision with reference to the revocation of a permit shall have the right of appeal. Such appeal shall be taken by filing with the Clerk of the Town Council within ten (10) days after the notice of action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of appeal.
- B. The Clerk of the Town Council shall notify the Town Manager of the filing of an appeal.
- C. Upon filing an appeal, the party aggrieved shall be entitled to a hearing by the Town Council. The time and place of the hearing shall be scheduled by the Clerk of Council at any time after the filing of an appeal upon notice by the Clerk of Council mailed to the party to the action at the address required to be stated by the appellant at the time of the filing of the appeal. Such appeals may be continued by the Town Council.
- D. The party shall have the right to present their case in person or by counsel licensed to practice law in the Commonwealth of Virginia.
- E. The Town Council shall consider the case record as well as statements offered by an interested party and shall determine whether the Town Manager abused their discretion under the rules and standards set forth in this Chapter. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions.

138-15 LICENSE TAX

The License Tax for activities defined in this Chapter shall be provided in the following Chapters:

A. Peddlers and Itinerant Merchants – Chapter 98-61

B. Commercial Solicitors – Chapter 98-45

138-16 PENALTY FOR VIOLATION OF CHAPTER

Any person violating any provision of this Chapter shall be guilty of a Class 1 Misdemeanor with penalties specified in Town Code Chapter 1-15.

138-17 SEVERANCE CLAUSE

The provisions of this Chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this Chapter shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Chapter, but they shall remain in effect, it being the legislative intent that this Chapter shall stand, notwithstanding the invalidity of any part.

(Amended Entire Chapter 3-14-16-Effective Upon Passage)

This ordinance shall become effective upon passage.

APPROVED:

Eugene R. Tewalt Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2020, upon the following recorded vote:

William A. Sealock __Yes__ __No__
Lori A. Cockrell __Yes__ __No__
Gary L. Gillispie __Yes__ __No__

Chris W. Holloway __Yes__ __No__
Jacob L. Meza __Yes__ __No__
Letasha T. Thompson __Yes__ __No__

A public hearing on the above was held on September 14, 2020, having been advertised in the Northern Virginia Daily on August 29 and September 5, 2020.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

9



Council Agenda Statement

Item # 9

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – FY21 Budget Transfer and Bid Approval for SCADA System

Summary: Council is requested to approve a FY21 Interfund Budget Transfer in the amount of \$113,280.00 to allocate anticipated CARES funds from the General Fund to the Electric Fund and to approve the purchase of a SCADA system upgrade from Survalent Technology Inc in the amount of \$113,280.00. This purchase qualifies as a sole source procurement

Budget/Funding: Interfund Budget Transfer

9790-45417	General Fund COVID Expense	<\$113,280.00>
9790-49016	General Fund Transfer to Electric Fund	\$113,280.00
9401-3240407	Electric Fund Transfer from General Fund	\$113,280.00
9401-47001	Electric Machinery & Equipment	\$113,280.00
Purchase		
9401-47001	Electric Machinery & Equipment	\$113,280.00

Meetings: None

Proposed Motion: I move that Council approve a FY21 Interfund Budget Transfer in the amount of \$113,280.00 to allocate anticipated CARES funds from the General Fund to the Electric Fund and to approve the purchase of a SCADA system upgrade from Survalent Technology Inc in the amount of \$113,280.00.

Approved By: 

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: September 17, 2020
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to Add Consent Agenda Item

The Town's purchase of a SCADA system upgrade from Survalent Technology Inc. in the amount of \$113,280.00 qualifies as a sole source procurement in accordance with the Virginia Public Procurement Act because Survalent Technology Inc. is the only source practicably available. The SCADA system is already in use by the Town, and the remote alarm and monitoring services which the Town currently uses will only work with this system. It would be unreasonably expensive to purchase any other type of SCADA system upgrade.

Staff recommends Council award the retroactive purchase of upgrading the SCADA system for the Energy Services Department for \$113,280.00. There will be an associated cost of \$10,000 for the engineering services to assist during this upgrade through a firm fixed pricing Professional Services Electric Engineer contract with Southeastern Consulting.

Town Council is requested to review and approve the award. Attached to this memo is a recommendation memo and signed sole source form from David Jenkins, Energy Services Director, and recommendation for upgrade and associated costs from Southeastern Consulting. Please add this action item to the next available Town Council agenda.

Upon approval of the requested Interfund Budget Transfer, the \$113,280.00 SCADA upgrade is available in the Electric Machinery & Equipment line item 9401-47001. The \$10,000 Professional Services Electric Engineer is available in the Energy Services line item 9401-45417.

Department of Purchasing
102 E Main Street
Front Royal, VA 22630
Website: www.frontroyalva.com
Phone 540-636-6889

Town of Front Royal
Department of Energy Services
P.O. Box 1560
Front Royal, Virginia 22630-1560
(540) 635-3027 Fax: (540) 631-3620



Memo

To: Alisa Scott, Purchasing Manager
From: David W. Jenkins
Date: September 15, 2020
Re: Recommendation for purchase

The Department of Energy Service's is requesting to purchase a SCADA master upgrade from Survalent. Due to the time restraints This will be a sole source purchase for \$113,280.00. There will also be engineering cost associated with this project in the amount of \$10,000.00 For a total project cost of \$123,280.00

Funding for this project will come from the CARES act

If you have questions, please feel free to contact me.

Thank you,
David W. Jenkins

Director of Energy Services
Town of Front Royal
PO Box 1560
Front Royal VA 22630
540-635-3027 (office)
540-631-3620 (fax)



SOLE SOURCE JUSTIFICATION FORM

Requesting Department: Library Services

Description of Commodities or Services: SCADA
MASTER UPGRADE

On the lines below initial all entries that apply to this procurement.

Original manufacturer's equipment or parts subject to specific patent or copyright
(Please attach supporting documentation)

_____ Equipment or parts not interchangeable with similar parts or equipment of another manufacturer (Please attach supporting documentation)

Original manufacturer's parts required to maintain equipment warranty
(Please attach copy of manufacturer's warranty)

_____ This is the only known equipment or part that meets the specialized needs of this department or perform the intended function (Please attach explanation)

_____ This is the only known vendor that can perform the repair, maintenance, or render the service. (Please attach supporting documentation)

_____ Commodities or services are only available from this vendor because of legal requirements. (Please attach explanation)

~~None of the above apply (Please attach explanation)~~

Based on the above, I request that competitive purchasing procedures be waived and that the commodities or services be procured as a sole source procurement. I have obtained a price quote from this sole source vendor and the price has been determined to be fair and reasonable based on:

Circle one: **History** **Cost of similar commodities or services**

[illegible]

The Town of Front Royal Procedures for Purchasing and Procurement Manual provides that written notification of a sole source purchase must be posted in a designated public area, published in a newspaper of general circulation, or posted on the Town of Front Royal web site.

Initiator: David V Signature

Date: 7/15/2020

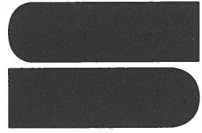
Verification by Department Head: [Signature]
Signature

Justification for sole source

The Energy services department has contracted Southeastern Consultation engineers to look out for the Town's best interest on projects of this nature. Southeastern has recommend that the Town sole source this project to Survalent, they have worked with this vendor many times in past and highly recommend that we use their equipment and software. Survalent can also meet the required deadlines and restraints that are associated with this project

Thank you

David Jenkins



Southeastern Consulting Engineers, Inc.

September 15, 2020

Mr. David Jenkins
Town of Front Royal
P.O. Box 1560
Front Royal, Virginia 22630

Ref.: Recommendation to Sole Source
Purchase Survalent SCADA Master

Dear David:

In 2016, Southeastern recommended, as part of a ten year System Study and Capital Plan, the Town invest in a new SCADA system master station to replace the master purchased in 2009. Computer based technology such as this becomes difficult to maintain after about 10 years and the manufacturer of your current system has become more difficult to reach for timely support. We have reviewed the proposal for a new SCADA master station provided by Survalent Technology, Inc. and believe it is in the Town's best interest to accept their proposal and award a purchase order as soon as possible so system can be in service by the first of the year.

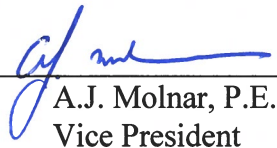
A SCADA system is based on proprietary software programmed to model a specific electrical distribution system. Our experience, through recent municipal bids is there are two vendors that respond to RFPs to provide SCADA masters to municipalities the size of Front Royal in our area. Survalent is one and the other is the company that provided your current master. Our customers that have made the change from your current provider to Survalent are very pleased with the more modern technology, operation of the system, and especially the technical support received. Because this is a master station the Electric Department will be dependent on for the next decade to assess, monitor, and control the electric distribution system, we feel the reliability and support of the Survalent master create a sole source situation as they are superior to their one competitor for systems of this size for which support has been an issue.

Please let us know if you have any questions regarding this recommendation.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By _____


A.J. Molnar, P.E.
Vice President

AJM/lc

600 MINUET LANE P.O. BOX 240436 CHARLOTTE, NC 28224
PHONE: (704) 523-6045 FAX: (704) 523-8317

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Council Agenda Statement

Item # 10

Meeting Date: September 28, 2020

Agenda Item: COUNCIL APPROVAL – Resolution Seeking Justice for Citizens of Front Royal as a Result of the EDA Scandal

Summary: Councilmen Cockrell and Holloway request that Council consider a resolution seeking justice for citizens of Front Royal as a result of the EDA scandal, as drafted.

Budget/Funding: None

Meetings: None

Proposed Motion: I move that Council approve a resolution seeking justice for citizens of Front Royal as a result of the EDA scandal, as drafted.

Approved By: _____

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

RESOLUTION

DEMANDING JUSTICE FOR THE CITIZENS OF THE TOWN OF FRONT ROYAL RELATED TO THE EMBEZZLEMENT OF FUNDS FROM THE FRONT ROYAL/WARREN COUNTY ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, on March 26, 2019 the Front Royal/Warren County Economic Development Authority, hereafter (“EDA”) filed a civil suit alleging the embezzlement of over eighteen million dollars by its former Executive Director Jennifer McDonald, hereafter McDonald and other persons and entities; and,

WHEREAS, the Warren County Circuit Court on March 27, 2019, convened a Special Grand Jury to investigate and based upon probable cause to issue True Bills of Indictment against individuals who may have committed claims related to the embezzlement of said funds from the EDA; and,

WHEREAS, during the following year, the Special Grand Jury obtained over one million documents related to the various alleged embezzlement schemes and returned over seventy-five True Bills of Indictment against McDonald and others; and,

WHEREAS, the Special Prosecutor, Michael Parker, who was designated by Marsha Garst, Harrisonburg/Rockingham County Commonwealth Attorney, to prosecute these matters, moved to dismiss all of the True Bills returned by the Special Grand Jury based upon his professed inability to provide discovery to the defendants and his lack of preparation to competently prosecute the over seventy-five True Bills, previously issued against McDonald and other defendants; and,

WHEREAS, Chief Judge Bruce Albertson who regularly sits in Harrisonburg granted Parker’s motion to dismiss said indictments nolle prosequi which permits parker to seek reinstatement of the charges at a later date; and,

WHEREAS, over nine months has passed since Parker was appointed to work with the Special Grand Jury and prosecute these matters, giving him ample time to review the various indictments and the documentation supporting these indictments and to decide whether sufficient evidence exists to seek conviction of McDonald and the other defendants for the alleged criminal activity contained within these seventy-five True Bills previously issued by the Special Grand Jury; and,

WHEREAS, justice for the citizens of Front Royal in these matters has thus far been justice denied as a result of Parker’s dismiss said indictments; and,

WHEREAS, many Town citizens have lost faith in the local criminal justice system as a result of Parker’s seeming reluctance to prosecute the alleged criminal activity; and,

WHEREAS, The Front Royal Town Council is determined to ensure that the citizens of Front Royal receive justice in this matter, including but not limited to, the criminal prosecution of all crimes and the payment of restitution to reimburse our citizens for the alleged eighteen million dollars embezzled from the EDA; and,

BE IT RESOLVED, The Front Royal Town Council in order to attempt to restore the trust of our citizens in our local criminal justice system demands that within 60 days of the adoption of this resolution, Marshal Garst, Commonwealth Attorney for Harrisonburg/Rockingham County direct her surrogate Michael Parker, Esquire to request that Harrisonburg Circuit Judge Clark Ritchie reconvene the Special Grand Jury to consider reissuing any of the former True Bills of Indictment which she and her surrogate have determined are worthy of criminal prosecution and to expeditiously proceed to trial on these matters and seek restriction from those convicted as a result of the funds embezzled from the EDA and by extension from the citizens of Warren County; and,

BE IT FURTHER RESOLVED, if Michael Parker, Esquire chooses not to reissue True Bills of Indictment, in the alternative to publicly explain to the citizens of Front Royal and Warren County why no state prosecution has been sought related to these matters and how they propose to ensure the citizens of Front Royal are guaranteed a just result.

The Clerk of Council is directed to forward this resolution to the Board of Directors of the Front Royal Warren County Economic Development Authority and the Warren County Board of Supervisors requesting that they adopt a similar resolution on behalf of Town and County residents demanding justice on behalf of our mutual constituents.

APPROVED:

Eugene R. Tewalt, Mayor

Attest:

Tina L. Presley, Acting Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on September 28, 2020 upon the following recorded vote:

William A. Sealock	<u>Yes/No</u>	Gary L. Gillispie	<u>Yes/No</u>
Lori A. Cockrell	<u>Yes/No</u>	Jacob L. Meza	<u>Yes/No</u>
Chris Holloway	<u>Yes/No</u>	Letasha T. Thompson	<u>Yes/No</u>

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

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Council Agenda Statement

Item #11

Meeting Date: September 28, 2020

Agenda Item: CLOSED MEETING – Town Manager Position, EDA Lawsuit, Public Alley,

Motions to Go Into Closed Meeting

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

- (1) With respect to the Town Manager's position, 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 or 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.
- (3) Regarding a Town public alley, the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of Town Council, pursuant to Section 2.2-3711.A.3.

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

I move that 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.

Approved By: _____

Moved _____ Seconded _____

VM Sealock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____