



## REGULAR TOWN COUNCIL MEETING

Monday, March 23, 2020 @ 7:00pm  
Warren County Government Center

**This meeting will be livestream through the Town's Website  
<https://www.frontroyalva.com/>**

1. Roll Call

2. **COUNCIL APPROVAL** – Consent to Depart from the regular “Order of Business”

Due to the COVID-19 Pandemic, Town Council is requested to depart from the regular “Order of Business” tonight as allowed in Town Code Section 4 (A) (2) and only discuss and approve those items directly related to the emergency of the Pandemic.

*I move that Council approve the departure from the regular “Order of Business” tonight, March 23, 2020.*

3. **COUNCIL APPROVAL** – COVID-19 Emergency Ordinance

Due to the COVID-19 Pandemic, Town Council is requested to adopt a COVID-19 Emergency Ordinance that appoints a Director of Emergency Management and declare a COVID-19 Communicable Disease Local Emergency simultaneously issued by the Town's Director of Emergency effective March 23, 2020 and implement emergency procedures to ensure continuity of Town Government, as presented.

*I move that Council approve the COVID-19 Emergency Ordinance, as presented.*

**We are currently under a State of Emergency due to the COVID-19 Pandemic. This meeting is being held with an abundance of precautionary measures. Due to the Freedom of Information Act (FOIA) requirements, this meeting must be open to the public; however, you are encouraged to stay home and watch the meeting livestream. If you must attend the meeting, we caution you to enter at your own risk.**

## EXCERPT FROM TOWN CODE

### 4-19 ORDER OF BUSINESS; PLACEMENT AND APPROVAL OF ITEMS ON AGENDAS

#### A. ORDER OF BUSINESS

1. At every regular meeting of the Council, the order of business shall be as follows:

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of the Minutes of previous meetings

Receipt of Petitions and/or correspondence from the public

Reports

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

b. Requests and Inquiries of Council members.

c. Report of the Mayor

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

Consent Agenda Items.

Items for Approval.

Closed Meeting items (if applicable)

**2. The order of business shall not be departed from except by the consent of two-thirds (2/3) of the members of the Council present and voting.**

3. Items which appear under the heading "Consent Agenda items" are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the "Items for Approval" portion of the order of business.
4. At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.

## 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 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 Loud 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 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, Acting Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia as an emergency ordinance conducted March 23, 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: \_\_\_\_/\_\_\_\_/\_\_\_\_

## EXERPT FROM TOWN CODE

### 4-4 READING AND PUBLICATION OF ORDINANCES; AND EMERGENCY ORDINANCES

A. The Clerk of Council shall, upon receipt of ordinances requiring a public hearing, cause such publication as legally prescribed. The public hearing shall be scheduled for the first available meeting after the completion of the publication requirements.

B. Ordinances, except routine or emergency measures, shall be read at two (2) separate meetings of the Council and may be enacted at the second reading. Ordinances may be read by title only and not verbatim.

C. Ordinances which receive an affirmative vote following the first reading shall be read at a separate meeting of Council. The affirmative vote following the first reading shall be a non-binding vote.

D. Ordinances which fail to pass during the first reading of Council, shall fail at that time and shall not be placed on a subsequent meeting agenda for twelve months unless one of the following occurs: (1) there is a change in the membership of Council, (2) one councilmember who initially voted against the ordinance concurs with its placement on the agenda, (3) an ordinance that was defeated for the lack of a second is again placed on the agenda with the concurrence of any councilman who did not make the initial motion for approval.

E. Ordinances which Council has deemed are of a routine or emergency nature may be adopted at the first reading provided upon the concurrence of four (4) members of the Town Council, who vote to waive the second reading requirement and pass the item on its first and final reading.

**F. Emergency ordinances shall take effect immediately upon their passage. An emergency ordinance is an ordinance passed by the Council for the immediate preservation of the public peace, property, health, welfare, safety or morals. No ordinance granting, enlarging or affecting any franchise or amending or repealing any ordinance fixing any property tax rate or assessment shall be an emergency ordinance. Ordinances pertaining to the appropriating of money or levying taxes or licenses, or reconsideration of matters at special meetings shall be considered as provided in Town Charter Section 13.**