

## RESOLUTION

### Of the Town Council of the Town of Front Royal, Virginia Asserting its Competence to Determine When to Open Up Local Businesses

**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

**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 23, 2020, Governor Northam issued Executive Order 53, banning public and private gatherings of more than ten people, shutting down certain business and other entities, deeming some functions “essential” and excluding others, including religious worship; and

**WHEREAS**, on March 30, 2020, Governor Northam issued Executive Order 55, banning Virginia residents from leaving their house except for certain authorized purposes; and

**WHEREAS**, the Virginia Circuit Court for the City of Lynchburg has declared Executive Order unconstitutional as it relates to the operations of an indoor gun range in the case of *Lynchburg Range and Training v. Northam*; and

**WHEREAS**, the U.S. Department of Justice has joined a lawsuit in behalf of a small church in Chincoteague, Virginia, that is suing Governor Northam, arguing that the application of his Orders against the church violate the U.S. Constitution, stating in part, “there is no pandemic exception to the Constitution and its Bill of Rights;”; and

**WHEREAS**, other establishments throughout the Commonwealth, including gyms, have sued Governor Northam alleging that he has exceeded his authority under both the State and Federal Constitutions; and

**WHEREAS**, the Town Council doubts the constitutionality of Governor Northam’s Executive Orders 53 and 55, finding them irreconcilable with the freedoms of assembly, religion, and other rights enshrined in the Constitutions of the Commonwealth of Virginia and the United States of America; and

**WHEREAS**, according to the latest available numbers from the Lord Fairfax Health District of confirmed cases of COVID-19 in the County of Warren, of which the Town is a part, there are few hospitalizations and one death, and furthermore this number of hospitalizations appears to have stabilized and have remained consistent for some time now; and

**WHEREAS**, there is located in the Town an excellent hospital, Warren Memorial Hospital, which is a member of the Valley Health system of hospitals and other top-of-the-line health care facilities and health care professionals serving the northern Shenandoah Valley, including the County, as well as parts of West Virginia; and

**WHEREAS**, Town Council continues to take the COVID-19 outbreak seriously, having reacted seriously to it since March, urging social distancing, urging citizens to stay and work from home whenever and wherever possible (including its own Town staff); and

**WHEREAS**, most commercial businesses within the corporate limits of the Town are small ones, independently owned and operated, most of these businesses do not have the resources to stay closed indefinitely, and many, if not most, of these businesses must remain physically open to customers in order to survive; and

**WHEREAS**, these businesses have done everything in their power to comply with all Orders, declarations, and recommendations so mentioned, whether or not they have the force of law, simply because the owners and operators are good citizens; however, many, if not most, are facing permanent closure if they are not able to open very quickly for some sort of business., with permanent closure for the owners and operators of these small businesses presenting financial ruin for them and their families; and

**WHEREAS**, beginning in 2017, Town Council approved and embarked upon a Downtown Revitalization Plan, a part of which was applying for and being granted a Community Development Block Grant by the Virginia Department of Community Development, which had just commenced when the COVID-19 outbreak began; and

**WHEREAS**, Town Council is comprised of local men and women who take their Town, their larger community, their Commonwealth, and the health and welfare, physical, mental, and economic, of the Town's residents and citizens seriously, and Town Council is able, and is better situated, to assess local conditions carefully and in the best interests of their citizenry, and, likewise the citizens and residents of the Town have demonstrated remarkably good judgment and concern for their fellow citizens and residents by faithfully following said guidelines and orders; and

**WHEREAS**, Town Council is of the opinion that a single statewide approach is inappropriate for Virginia, which contains rural localities like the Town that remain largely unaffected by the COVID outbreak; and

**WHEREAS**, Town Council is of the further opinion that the citizens and residents of the Town will continue to use discretion and good judgment going forward.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Front Royal that the Town Council respectfully requests the Honorable Ralph Northam, Governor of the Commonwealth of Virginia, grant a limited exemption from Executive Order Numbers Fifty-One, Fifty-Three, and Fifty-Five, and further Executive Orders and declarations of the Commonwealth as they may relate to COVID-19 closing of businesses, social distancing, and social gatherings, only to the extent as they may relate to commercial businesses and enterprises within the corporate limits within the Town of Front Royal, so as to allow Town Council to determine when and how local business within the Town limits can safely reopen; and

**BE IT FURTHER RESOLVED** by the Town Council that if this Resolution is looked upon favorably by Governor Northam and Governor Northam grants said request, and if the number of COVID-19 hospitalizations or deaths in Warren County trend significantly upward



while this limited exemption is in place, that Town Council will of its own accord take such action to restrict Town business activity as appropriate under the circumstances, and, if necessary, request Governor Northam to impose such lawful actions to secure the public health as appropriate under the circumstances; and


**FURTHER, BE IT RESOLVED** that the Town Manger and Town Attorney are hereby directed to take all lawful, necessary, and appropriate actions to effectuate this Resolution.

**ADOPTED** this 11<sup>th</sup> day of May, 2020,

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This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on May 11, 2020, upon the following recorded vote:

APPROVED:


  
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Eugene R. Tewart, Mayor

*Town Council Members:*


Attest:

Lori A. Cockrell YES  
Gary L. Gillispie YES  
Chris W. Holloway YES

Jacob L. Meza YES  
William A. Sealock YES  
Letasha T. Thompson YES

  
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Tina Presley, Clerk of Council

Approved as to form and legality:

  
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Douglas W. Napier, Town Attorney