

BROADWAY TOWN COUNCIL

December 1, 2020

The Broadway Town Council met in regular session on December 1, 2020 in the Council Chambers of the Broadway Municipal Building. The following members were present: Mayor Timothy S. Proctor and Council Members Chad L. Comer, Leslie E. Fulk (electronically via Zoom), Richard E. Fulk, Douglas W. Harpine, David L. Jordan, and Beverly L. London. The following Planning Commission members were present: Eddie Long and Brenda Pultz. The following staff members were present: Town Manager Kyle D. O'Brien, Clerk/Treasurer Marla W. Kline, Administrative Assistant Andrea Fulk, and Sergeant Larry Good. Town Attorney Matt Light joined the meeting electronically via Zoom. Also in attendance were Tom Counts, Bruce Harvey, Jen Knick, Catherine Wiersteiner, and Richard Wiersteiner.

Mayor Timothy S. Proctor called the meeting to order at 7:00 p.m. with the Pledge of Allegiance followed by the invocation.

**Approval of Minutes and Bills:**

Beverly L. London moved, seconded by Douglas W. Harpine, to adopt the minutes of the November 3, 2020 session of Council and to authorize payment of bills in the amount of \$397,688.56. The motion was approved with the following recorded roll call vote:

Chad L. Comer	Aye	Leslie E. Fulk	Aye
Richard E. Fulk	Aye	Douglas W. Harpine	Aye
David L. Jordan	Aye	Beverly L. London	Aye

**Joint Public Hearing: Special Use Permit, 358 Louisa Street :**

Mayor Proctor advised that the first item of business is a Public Hearing to consider a request for a Special Use Permit (SUP) from Catherine & Richard Wiersteiner for a short-term rental (Air BnB) at 358 Louisa Street. He stated that any short-term rental in an R-1 zoning district requires a SUP. Mayor Proctor opened a Joint Public Hearing of the Council and Planning Commission and invited anyone wishing to speak in favor of or in opposition to the Special Use Permit request to do so. Town Manager Kyle O'Brien familiarized everyone with the request and stated that he had received one positive comment from a neighbor. Having confirmed there was no one in attendance wishing to speak either in favor of or in opposition to the proposed request, Mayor Proctor closed the public hearing and asked for a recommendation of the Planning Commission.

The Planning Commission then convened and after brief consideration, Eddie Long advised this matter was discussed at their regular December meeting, and there were no objections to the request, pending the result of the public hearing. David Jordan moved, seconded by Brenda Pultz, to recommend approval of the Special Use Permit. The motion was approved with the following recorded Planning Commission vote:

Kathy Boase	Absent	David Jordan	Aye
Eddie Long	Aye	Brenda Pultz	Aye
Steve Shifflett	Absent		

Mayor Proctor then invited Council action.

Having heard the Planning Commission's recommendation, David L. Jordan moved, seconded by Beverly L. London, to approve the Special Use Permit request of Catherine and Richard Wiersteiner as described in the resolution which is included in the minutes as Attachment A. The motion was approved with the following recorded roll call vote:

Chad L. Comer	Aye	Leslie E. Fulk	Aye
Richard E. Fulk	Aye	Douglas W. Harpine	Aye

BROADWAY TOWN COUNCIL

December 1, 2020

David L. Jordan

Aye

Beverly L. London

Aye

**Presentation- FY 2020 Audit:**

CPA Bruce Harvey of YNBP & Company provided a presentation of the Town's audit for FY2020. Mr. Harvey began by complementing Town staff on their excellent record-keeping which greatly aides the auditing firm in conducting the annual audit. Mr. Harvey advised that each member has been provided a copy of the Financial and Compliance Reports for the year ending June 30, 2020. He then highlighted various items throughout the audit report and reviewed the funds associated with the Town's governmental operations. He stated that the Town continues to be in a good financial position and reviewed changes in revenues and expenses as outlined in the budget. He commended Town staff on their continued implementation of good practices, as well as the Town itself on its stable financial position. Mr. Harvey concluded by offering to answer questions anyone may have.

Mayor Proctor thanked Mr. Harvey for the presentation and acknowledged the continued efforts of Town Manager Kyle O'Brien and Clerk/Treasurer Marla Kline in the daily handling of the Town's financial operations.

**Continuity of Government Ordinance:**

Mayor Proctor presented AN UNCODIFIED EMERGENCY ORDINANCE ACKNOWLEDGING THE CONTINUED EFFECTS OF THE NOVEL CORONAVIRUS PANDEMIC, MAKING CONTINUED PROVISIONS FOR THE CONTINUITY OF THE TOWN'S GOVERNMENT AND OPERATIONS DURING THE PENDENCY OF THE EMERGENCY OF THE PANDEMIC, AMENDING THE TOWN'S EMERGENCY CONTINUITY OF GOVERNMENT ORDINANCE ADOPTED ON APRIL 2, 2020, AND PREVIOUSLY AMENDED ON SEPTEMBER 1, 2020, AND FOR OTHER PURPOSES. Town Attorney Matt Light explained that this is simply an extension of the previous ordinance adopted which provides the flexibility, although not mandatory, for the Council to meet electronically. Chad L. Comer moved, seconded by Richard E. Fulk, to adopt the ordinance as presented. The motion was approved with the following recorded roll call vote:

Chad L. Comer	Aye	Leslie E. Fulk	Aye
Richard E. Fulk	Aye	Douglas W. Harpine	Aye
David L. Jordan	Aye	Beverly L. London	Aye

A copy of the ordinance is included in the minutes as Attachment B.

**Old Business:**

Mr. O'Brien reported on the following items:

- **Hartz Water Tank:** Painting has been completed; members were reminded this project was fully funded by Pilgrim's Pride.
- **Heritage Park playground:** Equipment has been installed. Several issues associated with the paving of the walking trail are being addressed.
- **Linville Avenue paving:** It is the goal to have paving of this street completed prior to the seasonal shut-down of asphalt plants. Additionally, streetlights are in the process of being installed.

**Committee Reports:**

**Parks & Recreation Committee:**

Chairman Doug Harpine advised that his committee has recommend the addition of four decorative

BROADWAY TOWN COUNCIL

December 1, 2020

lights at Heritage Park

**Finance Committee:**

No report.

**Personnel/Police Committee:**

Sergeant Larry Good reported that the Town's newest police officer, Kolby Walters, began last week and is doing very well. He also advised that part-time officer Patrick Tate who was shot four times while working for the Town is recovering at home and is receiving a lot of community assistance.

Mayor Proctor commended Mr. O'Brien, Sergeant Good, and Police Chief Doug Miller in the entire manner in which the shooting matter was handled. Mr. O'Brien extended full credit to Chief Miller and Sergeant Good; and everyone concurred how thankful to be included in the Mutual Aid agreement with the Town of Timberville, which allowed one of their officers to act in such a quick manner to provide support.

**Streets & Properties Committee:**

No report.

**Utilities Committee:**

No report. A copy of the water production report for the month of November is included in the minutes as Attachment C.

**BHP:**

No report.

**Planning Commission Report:**

Mr. O'Brien advised that it will be necessary for the Commission to meet in December to review another short-term rental request. Mayor Proctor encouraged the meeting to be held electronically if possible.

**New Business:**

Mr. O'Brien reported that a lease agreement between the Town and U.S. Cellular has been finalized and each member has been provided a copy of the lease. Chad L. Comer moved, seconded by Richard E. Fulk, to approve the lease, as presented, a copy of which is included in the minutes as Attachment D. The motion was approved with the following recorded roll call vote:

Chad L. Comer	Aye	Leslie E. Fulk	Aye
Richard E. Fulk	Aye	Douglas W. Harpine	Aye
David L. Jordan	Aye	Beverly L. London	Aye
Timothy S. Proctor	Aye		

**Public Comment:**

Jen Knick commented that Broadway High School staff and students were saddened by the recent passing of student Jesse Haviland resulting from a motor vehicle accident.

**Retirement Resolution:**

Mayor Proctor stated that at this time he would like to present a special resolution to Clerk/Treasurer Marla Kline who is retiring effective January 1, 2021. Mrs. Kline was then presented with the following resolution and retirement gift:

BROADWAY TOWN COUNCIL

December 1, 2020

**WHEREAS**, Marla Kline has served as an employee of the Town of Broadway for thirty years dating back to January, 1991, and

**WHEREAS**, Mrs. Kline has announced her retirement effective January 1, 2021; and

**WHEREAS**, Mrs. Kline's tenure has been marked with many accomplishments as the Town Clerk, including gaining recognition and certification by the International Institute of Municipal Clerks (IIMC), as a Certified Municipal Clerk, and then continuing on to receive her Master Municipal Clerk, which is the highest designation for a Clerk through IIMC. In addition to her Clerk duties, she also served many years as the Town's Treasurer, being one of the few municipal employees in the Commonwealth serving in both capacities as the Clerk/Treasurer in a municipality of Broadway's size; and

**WHEREAS**, Mrs. Kline has gained the utmost respect from her co-workers, colleagues, and many members of the community. She has been a faithful public servant to the town for three decades.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Broadway, hereby expresses lasting gratitude for Marla Kline's work and tireless efforts, and calls upon the citizens of this community to join them in appreciation of her numerous contributions to the Town of Broadway.

There being no further business, the meeting was adjourned.

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Timothy S. Proctor

Mayor

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Marla W. Kline, MMC

Clerk