

BROADWAY TOWN COUNCIL

March 2, 2021

The Broadway Town Council met in regular session electronically via Zoom on March 2, 2021. The following members were present: Mayor Timothy S. Proctor and Council Members Chad L. Comer, Leslie E. Fulk, Richard E. Fulk, Douglas W. Harpine, David L. Jordan and Beverly L. London. The following staff members were present: Town Manager Kyle D. O'Brien, Town Clerk Andrea Fulk, Town Attorney Matt Light, and Police Chief Doug Miller. Also in attendance were Jessica Wetzler, Jen Knick, Janna Grandle, Whit Grandle and Martha (last name unknown).

Mayor Timothy S. Proctor called the meeting to order at 7:00 p.m. and stated the town continues to operate under a state of emergency, due to the COVID-19 pandemic. He further commented that this meeting is being held electronically via Zoom. The Mayor then reviewed various rules and procedures for the electronic meeting. He concluded by asking for a roll call to determine if a quorum exists.

Town Manager Kyle O'Brien took attendance by roll call. It was deemed that a quorum existed.

Mayor Timothy S. Proctor called the meeting to order at 7:00 p.m. with an invocation.

**Approval of Minutes and Bills:**

David L. Jordan moved, seconded by Beverly L. London, to adopt the minutes of the February 2, 2021 session of Council and to authorize payment of bills in the amount of \$583,879.36.

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

**Public Hearing: Street Vacation, Linden Avenue**

Mayor Proctor opened a public hearing with the first order of business being the street vacation on the southern end of Linden Avenue adjacent to 160 Linden Avenue and 163 Linden Avenue. Mr. O'Brien gave details on the history of the land between these two properties, stating that there is an outbuilding and garage that was built many years ago in the middle of the right of way. The owner of 160 Linden wants to make additions to his property and has contacted the adjacent landowner and the town to see if all would vacate the property. After discussion with Town Attorney Matt Light, it was determined that this property will not be of use to the town in the future. Virginia State Code dictates that the appointed viewers will need to view the property and make a recommendation to the council.

Mayor Proctor opened for public comment, there was none.

Chad L. Comer moved, seconded by Douglas L. Harpine, to adopt the resolution to appoint the viewers to review the property and provide their recommendation to the council, a copy of 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
David L. Jordan	Aye	Beverly L. London	Aye

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**Update to Sewer Use Ordinance:**

Town Manager Kyle O'Brien stated that the DEQ has requested a revision to the Town's Sewer Use Ordinance to make some minor changes to the PH and Metals numbers. Town Attorney Matt Light has drafted a revised ordinance reflecting the required changes. These changes will not affect the plant's operations as the town is well under the recommended parameters.

Beverly L. London moved, seconded by Leslie E. Fulk, to adopt ***AN ORDINANCE REPEALING, AMENDING, AND REENACTING SECTION 91.206 OF THE TOWN CODE***, a copy of which is included in the minutes as Attachment B.

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

**Old Business:**

Mr. O'Brien reported on the following items:

- **Street projects and repairs:** The Third Street project will begin as soon as the weather permits.
- **Water Main Breaks:** There is another water main break that will be addressed it is located on Main Street just south of Blue Ribbon Nursery. The repairs will begin in the early morning hours. Although it has been coordinated to repair live without shutting water off, it may be necessary to do so and those affected will be notified.
- **Salt:** Due to minimal snow events this winter, the Public Works Department treated the roads with salt, more so than plowing. Therefore, the Town did need to purchase additional salt.

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### **Committee Reports:**

#### **Parks & Recreation Committee:**

Chairman Douglas W. Harpine inquired about the status of the pool manager and returning lifeguards.

Mr. O'Brien stated he has been in touch with Jill Showalter over the winter and she is returning as pool manager and she is already fully staffed.

#### **Finance Committee:**

Chairman Richard Fulk discussed the need to set the meeting for the Finance Committee to discuss the budget. The meeting has been scheduled for March 17<sup>th</sup> at 10:00am.

#### **Personnel/Police Committee:**

Chairman Leslie E. Fulk noted there is nothing to report. Councilman Douglas W. Harpine questioned what area five was in the police report. Chief Miller responded that area five is the County. Councilman Harpine then stated while he is impressed with the mutual aid to the County and Timberville, he is concerned with the amount of time our police are out of the town. Mr. O'Brien addressed his concerns by stating the amount of time they are out of town is minimal and that other departments reciprocate Broadway as well. A copy of the police report for the month of February is included in the minutes as Attachment C.

#### **Streets & Properties Committee:**

No report.

#### **Utilities Committee:**

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

#### **BHP:**

Council representative Chad Comer stated that the Easter Egg drive thru event has been scheduled for March 27 at 10:30 am.

#### **Planning Commission Report:**

Councilman David L Jordan stated they did not meet. Mayor Tim Proctor questioned whether there is anything coming up in the near future. Mr. O'Brien stated there is nothing at this time.

#### **New Business:**

Mayor Tim Proctor mentioned that while he wants to be cautious, based on feedback, he has decided that the Council Meetings will go back to in person meetings in May, with the option of Zoom for those uncomfortable in attending.

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**Adoption of Recent Amendments to the Code of Virginia:**

Town Manager Kyle O'Brien reminded the Council of the need to annually update the Town Ordinances to incorporate the most recent amendments to the Code of Virginia adopted by the General Assembly. Leslie E. Fulk moved, seconded by David L. Jordan, to adopt and incorporate by reference as a part of the Town Ordinances Title 2 and Title 5 as follows:

**TITLE 2 - CRIMES AND OFFENSES ORDINANCE**

Amendment of Town Code § 130.04. Section 130.04 of the Town Code of the Town of Broadway, Virginia is amended to read as follows (additions in underline; deletions in ~~strikethrough~~):

All of the provisions and requirements of the laws of the State of Virginia contained in Title 18.2 of the Code of Virginia, 1950, as amended and in force on July 1, ~~2005~~2020, except (a) those provisions and requirements the violation of which constitute a felony and (b) those provisions and requirements which by their nature can have no application to or within the municipality, are adopted and incorporated in this Ordinance by reference and made applicable within the municipality. References to "the state" contained in the Code provisions and requirements adopted shall be deemed to refer to the Town of Broadway. The provisions and requirements are adopted, mutatis mutandis, and made a part of this Title as fully as though set forth at length. It shall be unlawful for any person, within the municipality, to violate or fail, neglect or refuse to comply with any provision of Title 2, Crimes and Offenses Ordinance of the Town of Broadway, as hereby amended and revised by the applicable provisions of Title 18.2 of the Code of Virginia, 1950, as amended, which is adopted by this Ordinance. In no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under the incorporated provisions of the Code of Virginia, 1950, as amended.

**TITLE 5 - MOTOR VEHICLE AND TRAFFIC ORDINANCE**

Amendment of Town Code § 70.02. Section 70.02 of the Town Code of the Town of Broadway, Virginia is amended to read as follows (additions in underline; deletions in ~~strikethrough~~):

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the State of Virginia contained in Title 46.2 and in Article 2, Chapter 7, Title 18.2, of the Code of Virginia, 1950, as amended and in force on July 1, ~~2005~~2020, except (a) those provisions and requirements the violation of which constitute a felony and (b) those provisions and requirements which by their nature can have no application to or within the municipality, are adopted and incorporated in this Ordinance by reference and made applicable within the municipality. References to "highways of the state" contained in the Code provisions and requirements adopted shall be deemed to refer to the streets, highways and other public ways within the Town of Broadway. The provisions and requirements are adopted, mutatis mutandis, and made a part of this Title as fully as though set forth at length. It shall be unlawful for any person, within the municipality, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Article 2, Chapter 7, Title 18.2 of the Code of Virginia which is adopted by this Section. In no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under the incorporated provisions of the Code of Virginia, 1950, as amended. A copy of the amendment is included in the minutes as Attachment E.

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The motion was approved with the following recorded 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

**Resolution-To show support of the Shenandoah Valley Rail Trail:**

Douglas W. Harpine moved, seconded by Beverly L. London, to adopt a **RESOLUTION TO SUPPORT THE ACQUISITION AND CONVERSION OF OUT -OF-SERVICE RAILROAD RIGHT-OF-WAY TO A TRAIL FOR ALTERNATIVE TRANSPORTATION AND RECREATION**. A copy of the resolution is included in the minutes as Attachment F.

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, Assistant Principal at Broadway High School, stated that they are excited to have the second Covid vaccination clinic going on.

Councilman Doug Harpine inquired regarding the new workorder report that has been included. Mr. O'Brien advised this is a staff generated reporting system that tracks work orders through the Public Works Department. It however does not include the regular tasks of the Public Works Department.

There being no further business, the meeting was adjourned.

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Mayor  
Timothy S. Proctor

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Clerk  
Andrea M. Fulk