

MEETING MINUTES OF THE
BROADWAY TOWN COUNCIL
Tuesday, March 5, 2024
7:00 p.m.

The Broadway Town Council met in regular session on Tuesday, March 5, 2024, in the Council Chambers of the Broadway Town Hall. The following members were present: Mayor David L. Jordan and Council Members Chad L. Comer, Travis M. Driver, Leslie E. Fulk, Richard E. Fulk, Douglas W. Harpine, and Beverly L. London.

The following staff members were present: Deputy Town Manager Cari Orebaugh, Town Clerk Donna Lohr, Town Attorney Matthew Light, and Police Chief Doug Miller.

Mayor Jordan welcomed all citizens to the Town Council meeting. He then called the meeting to order at 7:00 p.m. with the Pledge of Allegiance followed by the invocation.

Mayor Jordan then read aloud the following statement, regarding the Town Manager, Kyle O'Brien, who was not at the meeting:

“Kyle is taking a leave of absence from his duties with the Town. We look forward to his return. At this time we don't have a firm date when that return will be. Out of respect for the privacy of Kyle and his family, we will not be commenting further on personnel matters. We are grateful to have the assistance of our Deputy Town Manager, Cari Orebaugh, while Kyle is out. Cari will be assuming many of Kyle's duties and Council is also considering whether any additional assistance will be helpful in the Town for this period. If and when we have any updates that we are able to share, we will do so promptly. Thank you.”

Approval of Minutes and Bills:

Mr. Chad L. Comer moved to approve the minutes of the February 6, 2024, session of Town Council, the minutes of the February 29, 2024, Town Council Workshop, and to authorize payment of bills in the amount of \$701,721.07. Ms. Beverly L. London seconded the motion which was approved with the following recorded roll call vote:

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

Appointment of IDA Board Members: Mr. Matt Light, Town Attorney, explained that the purpose of this Resolution brought before Town Council is to appoint two individuals to the Town's IDA. The IDA stands for the Industrial Development Authority, which is an agency of the Town, created in 2001. The IDA has certain powers under state law to promote economic development within the Town. The main purpose of the IDA is to facilitate the access of local institutions to borrow money at a tax-exempt rate. This is assistance that the Town can provide to local institutions, and it does not cost the town anything. The Town is not borrowing any money and the Town is not responsible for repaying the money, but it allows the institution to go through the Town to get their loan at a much lower interest rate. One institution that has used the Town's IDA several times is Eastern Mennonite University. They borrowed money through the IDA in 2008 and 2010 and received a much better interest rate than they otherwise would have received if they had not had the assistance of the Town's IDA. One benefit to the Town from the IDA is that for every year that these institutions have a loan outstanding through the IDA, the Town can charge \$4,000 per loan per institution. Since there are three loans through the Town right now, the Town receives \$12,000 per year for having allowed these institutions to use the Town's IDA. That money stays in a fund until at some point the members of the IDA decide to spend it. It can be used on anything in Town that the IDA thinks would be for the betterment of the Town. Mr. Light remarked that he believes the last time the IDA used some of the funds was for improvements to the Little League fields at the park. It is important to keep the IDA members' appointments current so that if an entity wishes to use the IDA, it is current and ready to be used. Two members of the IDA, Tristan

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Sinnett and Susan Olson's terms expired on March 1, 2024, so the Town needs to reappoint them to a new four-year term, which is what this resolution of Council does.

Mr. Leslie E. Fulk made a motion to re-appoint Mr. Tristan Sinnett and Ms. Susan Oleson to the Town's Industrial Development Authority for terms ending March 1, 2028, and to adopt the resolution as presented. Mr. Richard E. Fulk seconded the motion which was approved with the following recorded roll call vote:

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

Old Business:

Ms. Cari Orebaugh stated that at the last Town Council meeting, Council advised staff to pursue the naming of the Route 259 bridge in honor of Mr. Billy Pangle. The Town has been in communication with VDOT about the bridge naming and the Town was advised to present a draft resolution to VDOT for consideration. Ms. Orebaugh stated that Town Council will have that draft resolution to review at the April Town Council meeting. As Mr. O'Brien previously explained, the bridge naming will go through several layers of VDOT and the Commonwealth Transportation Board before it may be approved. VDOT suggested that the Town request Rockingham County to co-sponsor the resolution. Staff will reach out to the County regarding that.

Departmental Reports:

- a. **Parks & Recreation:** Mr. Douglas W. Harpine reported that the pillars are in place for the lights on the pickleball courts. Public Works will install the lights. Fencing has been purchased for the courts.
- b. **Finance:** Mr. Richard E. Fulk reported that one budget meeting has been held so far. The next meeting will be scheduled in the next several weeks.
- c. **Personnel/Police:** No report. A copy of the police department report for February 2024 was distributed to council members, and is included with the minutes as Attachment A.

Mr. Leslie Fulk stated there is a resolution that needs to be adopted which makes some revisions to the personnel manual.

Ms. Cari Orebaugh explained that the General Assembly has changed a few items related to the grievance procedure and as a result the Town needs to update its personnel manual to reflect and certify those changes. Mr. Matt Light remarked that the General Assembly requires the Town to have a personnel manual which meets certain criteria and if the Town's existing grievance procedure does not meet those criteria, then the General Assembly does not recognize the Town's personnel manual and requires the Town to use the General Assembly's instead. Therefore, it is important to make sure the Town updates their personnel policies when the General Assembly does. This resolution updates a few items and brings the Town's policy into line with the General Assembly's policies.

Mr. Leslie E. Fulk made a motion to adopt the Resolution updating the Town's personnel manual as presented. Mr. Douglas W. Harpine seconded the motion

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which was approved with the following recorded roll call vote:

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

- d. **Utilities:** No report. A copy of the water production report for the month of January 2024 is included with the minutes as Attachment B.
- e. **Streets & Properties:** No report.
- f. **Events & BHP:** Mr. Comer reported that the Easter Egg Event is scheduled for 10:00 a.m. on March 23, 2024.
- g. **Planning Commission:** Mr. Travis M. Driver reported that the Planning Commission is still reviewing the Comprehensive Plan. He also reported that the new members of the Planning Commission are a good fit and have already participated in review of the Comprehensive Plan. The next Planning Commission meeting is scheduled for Monday, March 11, 2024.

New Business:

Ms. Orebaugh stated that in addition to the easter egg hunt, on March 23, 2024, there will be an Easter Community Market. There will be vendors at the Farmer's Market location so shopping will be available before and after the easter egg hunt.

Public Comment:

Mr. Bob Sutherland, a resident of Broadway, requested that the golf cart ordinance be brought back up for reconsideration by the Town Council. A plan was previously presented, safety zones are in place, and Mr. O'Brien had consulted with the attorney regarding the legal ramifications, and approval had been granted from the attorney. The ordinance was previously not passed by Town Council and the Mayor. Since there is a new Mayor and new Council members, Mr. Sutherland is requesting that this item be put back on the agenda.

Mr. Bucky Berry, from Harrisonburg, presented medals to Mayor Jordan, Town Council Members, and Ms. Cari Orebaugh in appreciation of their support of the Brent Berry Food Drive. Mr. Berry then stated that they had been recognized for the Annual Brent Berry Food Drive by the House of Delegates.

A copy of the congressional Record Certificate that Mr. Berry received is on file with the minutes as Attachment C. Mr. Leslie Fulk expressed his appreciation for the Brent Berry family and all they do with the Food Drive.

Ms. Jennifer Knick, Broadway High School Assistant Principal, reported that construction is progressing at the High School. The new construction will be ready for the re-districting and the 2024-2025 school year.

Mrs. Liz Fawley shared with everyone that the Rescue Squad has fundraiser meals at their location one Sunday a month from 11am – 2pm. Ms. Orebaugh mentioned that there is an online community calendar on the Town's website now and when she is notified of events such as this, it is added to the community calendar.

Mr. Pete Shores, a resident of Broadway, mentioned that he had seen veterans' banners in other towns throughout the region and he is researching costs for those banners to see if it is feasible to have similar banners displayed in Broadway.

Mayor Jordan welcomed the high school students who were present at the meeting.

At 7:31 p.m., Town Council took a brief recess.

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Closed Session:

At 7:36 p.m., Mr. Douglas W. Harpine made a motion that the Town Council convene in Closed session pursuant to the provisions of Virginia Code 2.2-3711(A)(1) and (A)(8) to discuss (a) matters regarding the performance and assignments of specific public officers or employees of the Town, namely, the Town Manager and the Deputy Town Manager; (b) the potential appointment of a specific public officer, namely, an interim Town Manager; and (c) consultation with the Town Attorney regarding specific legal matters involving the foregoing personnel matters related to the Town Manager, the Deputy Town Manager, and a potential Interim Town Manager. Ms. Beverly L. London seconded the motion which was approved with the following recorded roll call vote:

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

At 8:24 p.m., Mayor Dave Jordan read aloud the following Certification Resolution: I move to certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

If any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

Mr. Douglas W. Harpine moved to accept the Certification Resolution as stated. Ms. Beverly L. London seconded the motion which was approved with the following recorded roll call vote:

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

Mr. Leslie E. Fulk made a motion to hire Mr. Bob Holton as the Interim Town Manager on an "at-will" basis at an hourly rate of \$50.00/hour. Mr. Chad Comer seconded the motion which was approved on the following roll call vote:

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

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Adjourn:

With no further business to discuss, at 8:28 p.m., Ms. Beverly L. London moved, seconded by Mr. Travis M. Driver, to adjourn the March 5, 2024, Town Council meeting. The motion was approved with the following recorded roll call vote:

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

David L. Jordan Mayor

Donna J. Lohr Town Clerk