

BROADWAY TOWN COUNCIL

September 1, 2020

The Broadway Town Council met in regular session on September 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, Richard E. Fulk, David L. Jordan, and Beverly L. London. Council member Douglas W. Harpine was absent. The following staff members were present: Town Manager Kyle D. O'Brien, Administrative Assistant Andrea Fulk, and Police Chief Doug Miller. Clerk/Treasurer Marla W. Kline and Town Attorney Matt Light joined the meeting electronically via Zoom. Also in attendance were Joe Adolph, Katie Almquist, Carissa Bowman, Derick Bowman Annette Cashatt, Jessani Collier, Tom Counts, Patrick Fritz, Katie Johnson, Linda Kephart, Tim Schmoyer, Corinn Skates, Gabby Skates, Sharon Skates, and Jessica Wetzler.

Mayor Timothy S. Proctor called the meeting to order at 7:00 p.m. with the Pledge of Allegiance followed by the invocation. He then asked everyone to remember Councilman Doug Harpine whose brother passed away unexpectedly this afternoon.

Approval of Minutes and Bills:

Richard E. Fulk moved, seconded by David L. Jordan, to adopt the minutes of the August 4, 2020 session of Council and to authorize payment of bills in the amount of \$563,169.34. 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	Absent
David L. Jordan	Aye	Beverly L. London	Aye

Special Presentation:

Mayor Proctor stated that as everyone is aware, Police Chief Randy Collins officially retired August 31, 2020. He then asked Mr. Collins to come forward for a special presentation. Personnel/Police Committee Chairman Leslie Fulk then presented Mr. Collins with a Resolution (Attachment A) and retirement gift. Mayor Proctor and the Council thanked Mr. Collins for his service to the Town and wished him the best of luck on his retirement.

Mayor Proctor stated that as there are a number of people in attendance at tonight's meeting, he will now deviate from the agenda to allow opportunity for those desiring to speak to do so.

Public Comment:

Patrick Fritz voiced concern that there was collaboration between the Town's police department and militia groups in attendance at a Black Lives Matter protest held in July. Mr. Fritz stated that information obtained through a Freedom of Information Act (FOIA) request confirms there were emails showing communication between the police department and the militia groups. He further stated that as a citizen, he feels Chief Collins was put in an incredibly difficult leadership position where he had to make a choice, and unfortunately made the wrong one. He commented that the presence of the armed militia groups intimidated the young protesters and he concluded by stating that he hopes the police department will take advantage of free training offered by the Georgetown University Institute for Constitutional Advocacy and Protection, which reviewed and offered opinions relating to the FOIA request.

Town Manager Kyle O'Brien stated that he wished to clarify that there was absolutely zero collaboration between the Town and the militia groups in attendance at the rally. He explained that representatives of the militia groups had notified Chief Collins that there was a rally they planned to attend, which was their right to do, and provided a map of where they would be. He stated that at no

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point did the Town's police department reach out to the militia. He further commented that the department had worked closely with other law enforcement agencies to assure that protection was in place in the event the protest turned violent. He reiterated that the ultimate goal was that a peaceful rally be held with everyone returning home safely, which is what happened. He reiterated that the police department never reached out to the militia and there were enough trained police officers on hand to assure a safe environment.

Annette Cashatt commented that she had heard that Chief Collins had invited the militia groups in and now that she knows this was false information, she is glad to hear the police department did not invite their participation.

Tim Schmoyer stated that the Black Lives Matter group is a hate group and is known to wreak havoc and cause damage to towns.

Tom Counts questioned how the militia had intimidated protesters. He noted that if there were problems or threats made (by militia), then why didn't members of the protest group report it to the police department. He stated that he felt the militia groups were misquoted and misrepresented, resulting in false accusations being made.

Katie Almquist expressed concern that someone in a nearby wooded area of the park had pointed a weapon at protesters during the event, and although she didn't know if it was a member of the militia or not, she knows militia presence was throughout the park. She stated that, regardless, she would like to see things move forward in a positive way starting with the free training provided by the Georgetown institute.

Patrick Fritz reminded everyone that the protest group was made up of young people of our community who need to know they can express themselves in a safe manner.

Mr. Counts concurred that there is no room for intimidation or derogatory actions in today's society and no one should fear speaking his/her mind. He again stated that if someone sees another point a gun or any weapon at someone, is illegal and it should be reported to proper authorities.

Having confirmed no one else wanted to address the Council, Mayor Proctor stated that the Town had worked very closely with the protest group to assure that the rally was held in a peaceful manner; however, noted that anyone wishing to be present at the protest had the right to be there.

Mayor Proctor announced there would be a five-minute recess before proceeding with the remainder business items.

The Council then reconvened.

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 FOR OTHER PURPOSES. Richard E. Fulk moved, seconded by David L. Jordan, to adopt the ordinance as presented. The motion was approved with

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the following recorded roll call vote:

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

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

Coyote Run Street name change:

Mr. O'Brien advised that the final plat for Coyote Run Subdivision, Section 5, which has previously been approved, includes a street named "Wile E Court." He further advised that the developer has now asked that the name of the street be changed to "Mesa Court." Chad L. Comer moved, seconded by David L. Jordan, to approve AN ORDINANCE AND RESOLUTION TO PROVIDE FOR THE RENAMING OF "WILE E COURT" TO "MESA COURT", AND FOR OTHER PURPOSES. 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	Absent
David L. Jordan	Aye	Beverly L. London	Aye

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

Public Hearing, R-O-W Vacation:

Mayor Proctor stated that the Town has received a request from Nelson and Phyllis Showalter releasing a 15' right of way owned by the Town. Mr. O'Brien advised that the right of way was established many years ago to construct a proposed water tank; however, an alternate location was chosen for the construction and therefore, the right of way is no longer needed.

Mayor Proctor opened the public hearing and invited comments in favor of or in opposition to the proposed request. Hearing none, Mayor Proctor closed the public hearing and asked for Council action.

Chad L. Comer moved, seconded by Beverly L. London, to adopt a DEED OF RELEASE 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	Absent
David L. Jordan	Aye	Beverly L. London	Aye

VRA Refinancing:

Mayor Proctor stated that in light of recent reductions in interest rates, the Town Council has determined that it would be beneficial to the Town to refinance a portion of its existing wastewater debt. Mayor Proctor then introduced AN ORDINANCE AND RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BROADWAY, VIRGINIA, AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF A TOWN OF BROADWAY, VIRGINIA GENERAL OBLIGATION AND SEWER REVENUE REFUNDING BOND IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,665,000, AND SETTING FORTH THE FORM, DETAILS AND PROVISIONS FOR THE PAYMENT THEREOF. Richard E. Fulk moved, seconded by Beverly L. London, to adopt the Ordinance and Resolution as presented, a copy of which is included in the minutes as Attachment E. 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	Absent
David L. Jordan	Aye	Beverly L. London	Aye

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Old Business:

Mr. O'Brien advised that the pool will continue to remain open as long as the warm weather holds out and adequate staffing is available.

Committee Reports:

Parks & Recreation Committee:

It was reported that two baseball tournaments have recently been held and improvements to field #3 are basically complete.

Finance Committee:

No report.

Personnel/Police Committee:

A copy of an activities report for the police department for the month of August is included in the minutes as Attachment F.

Streets & Properties Committee:

No report.

Utilities Committee:

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

BHP:

Council representative Chad Comer reported that the group is continuing to look at ways to determine if the annual Halloweenfest can be held in a safe manner.

Planning Commission Report:

No report.

New Business:

Leslie E. Fulk moved, seconded by Beverly L. London, to appoint Doug Miller as Police Chief. 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	Absent
David L. Jordan	Aye	Beverly L. London	Aye

There being no further business, the meeting was adjourned.

Timothy S. Proctor

Mayor

Marla W. Kline, MMC

Clerk