

BROADWAY TOWN COUNCIL

August 3, 2021

The Broadway Town Council met in regular session on August 3, 2021 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, 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 M. Fulk, Town Attorney Matt Light, Attorney Joel Francis and Chief Douglas Miller. Also in attendance were Cindy Grandle, Beverley Evans, Jen Knick, Kristina McLaughlin, Denis Post, Tom Counts, Susan Holsinger, Darlene Sites, John Sites, Karen Tusing, Brenda Showalter, Tammy Cullers, Randy Cullers, Wayne Phillips, Patrick Fritz, Annette Fritz, Nory Fletcher, John Shipe, Brenda Fawley, Ken Fawley, Tim Schmoyer and James Hively.

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:

Douglas W. Harpine moved, seconded by Beverly L. London, to adopt the minutes of the July 6, 2021 session of Council and to authorize payment of bills in the amount of \$1,517,504.97. 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

Adoption of Ordinance, Assessment of Electronic Summons System:

Town Manager Kyle O'Brien stated that the proposed ordinance would help to defray the cost of the Electronic Summons System the Broadway Police Department currently has in use. This ordinance would allow the Town to impose an additional fee of five dollars (\$5.00) to offset the cost of the implementation and maintenance for this system.

Leslie E. Fulk moved, seconded by Chad L. Comer to adopt an ***ORDINANCE TO PROVIDE FOR A STATUTORY ASSESMENT TO MAINTAIN THE TOWN'S ELECTRONIC SUMMONS SYSTEM, AND ADDING A NEW TOWN CODE SECTION 130.05.*** A copy of the Ordinance 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

Adoption of Ordinance, Criminal and Traffic Ordinance:

Town Manager Kyle O'Brien reminded Council that the Town annually updates the Town's Criminal and Traffic Ordinances to incorporate the most recent amendments to the Code of Virginia adopted by the General Assembly. The proposed ordinance would allow for the automatic update of the Ordinances without the need for formal Council action. Richard E. Fulk moved, seconded by Beverly L. London to adopt an ***ORDINANCE TO PROVIDE FOR ONGOING AND AUTOMATIC FIXED-DATE CONFORMITY OF THE TOWN'S CRIMINAL AND TRAFFICE ORDINANCES TO THE VIRGINIA STATE CODE.*** A copy of the Ordinance 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

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Old Business:

Sunset Drive Rezoning:

Mr. O'Brien began by stating at the May 4, 2021 Council Meeting there was a Joint Public Hearing for the rezoning request for the property with Rockingham Tax Map No. 51-(A)-L24, which is located on South Sunset Drive in proximity to the Town limits. Due to concerns of those in attendance, an additional traffic study was completed, the Town's monitoring equipment was utilized, and additional police patrols were put into play. After all the information was reviewed, the consensus was to bring the rezoning request for the property with Rockingham Tax map No. 51-(A)-L24 back off the table for consideration.

Mayor Timothy Proctor stated there are rules and regulations that must be followed; therefore, this will not be open for public discussion. He did acknowledge that there are many in attendance that wish to voice their concerns and he will allow a spokesperson to speak collectively for all.

Cindy Grandle, the designated spokesperson, read a letter she had prepared that reiterated the previous concerns with traffic, speed, lack of sidewalks, water pressure, public safety, and the most recent concerns that the traffic study was not correct, VDOT standards are not met, why the planning commission minutes have not been put on the Town's website and if the Town paid for the traffic study.

Mr. O'Brien responded to the concerns by stating the Town did not pay for the original traffic study that was required the developer did, the Town did however choose who did the study. He also stated the Town cannot control the portion of the road that extends into Rockingham County. The VDOT standards requiring a 50 right of way are met. He further stated that in the past sixty days Sunset Drive has been the top priority with extra police presence and distribution of tickets, the monitoring equipment being utilized, the speed limit being lowered to 25 MPH and the future installation of two digital 25 MPH signs that are like those on E. Springbrook Road. The issue on the table is the rezoning of the property on Sunset Drive. The R1 zoning is the lowest density development possible and that is what the developer is requesting. He reminded all in attendance that Rockingham County and the Town entered into a contract in 1990 for the orderly development of its annexation areas, and this property is in that conservation area and has been slated for development since that time.

Mayor Proctor requested Town Attorney Matt Light to give a few details of the contract.

Mr. Light commented that the Town and the County, after many public hearings, came to an agreement that certain land areas would be annexed into the Town with the understanding that the land would be developed. These areas must be developed before any other land may be annexed into the Town. The County made this decision that all future development will be around the towns to preserve farmland and keep growth to these localities. The agreement also states that The Town must "seriously consider" all reasonable requests for development.

Mayor Proctor stated he wanted to add that the Town took over the roads in 2006-2007. When VDOT had the roads they used their own engineers for approvals, and now the Town must hire engineers for approval of these subdivisions and trust their recommendations. If the recommendation does not show any ill impact from the property being rezoned and the Town decides against it there can be litigation due to the Councils actions.

Mr. Light agreed and stated the decision can be challenged in court and overturned.

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Mr. O'Brien stated that when Coyote Run was approved VDOT oversaw the roads and approved the subdivision. The Town wanted more information at that time and requested the traffic study be completed to see how things would affect the area.

A County resident stated that all these comments were stated at the last meeting. She also stated that her and Ms. Grandle are not concerned with their end of the street because they are in the county. They are concerned for the safety of the people that are in the town and for all the things that were supposed to have been done that have not been completed yet.

Mr. O'Brien stated he understands. Since the Town has had control of the streets, sidewalks have been added every year at the cost of the Town. The end goal being as pedestrian friendly as can be with a sidewalk on every street in this Town. The speed issue is being addressed and will continue to be monitored. The traffic from these 21 units will not have a big impact on this area. The bigger issue is the legal impact of not following the Town's contractual obligation.

Mayor Proctor asked if there was anything in the study that stated the addition of the 21 units in the subdivision would not be advisable.

Mr. O'Brien and Town Attorney Matt Light both stated there is not.

Mr. O'Brien stated the Draper Aden study was estimating 202 single family homes in Coyote Run and Sunset Springs was proposed to be duplexes. Both subdivisions will end up being smaller than what was estimated on the studies that were completed.

Cindy Grandle questioned when this information was known.

Mr. O'Brien responded by explaining when a subdivision is being brought forth for development a preliminary plat is done by a planner. After reviewing the topography of the land, a final plat is developed for approval. The final plat is typically smaller than the preliminary because there are always areas that cannot be developed due to the land itself. Therefore, the traffic study is estimated for more homes than there will be.

Mr. O'Brien reminded all in attendance that the issue before Council is the rezoning of the property off Sunset Drive. This subdivision is around growth and development and that is where the County and Town planned for development.

Mayor Proctor stated there are basically two or three things before the Council on this issue, with the main complaint being traffic. That issue is being addressed with the extra patrols and the new signs that will be placed as soon as they are available. He reiterated Town must seek professional guidance for this sort of issue and there is nothing in their recommendation that states there will be a dire impact to this area.

Tom Counts stated what you are saying is we do not have an option, by contract this property must be developed. So, there is no democratic process here.

Mr. O'Brien stated it is a Representative Government. Virginia is a Dillon Rule state which means the Town only has the authority that the Commonwealth gives. When Virginia changes laws the Town must conform to them.

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Mayor Proctor stated it was time for the matter to come back to Council and asked if there was a motion on the floor.

David L. Jordan moved, seconded by Richard E. Fulk, to adopt ***AN ORDINANCE TO REZONE ROCKINGHAM TAX MAP NO.51-(A)-L24*** as previously presented to the Council. A copy of the Ordinance is included in the minutes as Attachment C. 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		

After a five-minute recess, Mayor Proctor reconvened the meeting.

Old Business:

Mr. O'Brien reported on the following items:

- **Pool House:** The Town currently has 6 plan holders and is cautiously optimistic that a plan will be chosen, and the updates will be completed before the next pool season begins.
- **Old School House:** The Town has purchased the property and the leases for the current tenants are in the renegotiation process.
- **Stimulus Act Funding:** The Council members began the process of delivering the money granted to the local businesses. There were reports of astonishment and gratitude from the business owners. The water, sewer and trash credit are being applied to the September water billing.

Committee Reports:

Parks & Recreation Committee:

Chairman Doug Harpine stated he has given a list of concerns from the parks to Mr. O'Brien to be addressed. He requested if anyone sees anything to let Mr. O'Brien know.

Finance Committee:

No report.

Personnel/Police Committee:

Chairman Leslie Fulk stated the resolution for Larry Good will be done at another time due to family health issues. A copy of the police report for the month of July is included in the minutes as Attachment D.

Utilities Committee:

No report. Mr. O'Brien commented that the Town's water supply is still good, even though there has been no rain all summer. A copy of the water production report for the month of July is included in the minutes as Attachment E.

Streets & Properties Committee:

No report.

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BHP:

Council representative Chad Comer stated there are two upcoming events. The first is the craft show on September 11, 2021. This event is being planned by Brenda Pultz and may be larger than previous years due to the number of vendors attending. The second event is Oktoberfest on September 25 at Heritage Park.

New Business:

No new business.

Public Comment:

Patrick Fritz stated he wanted to publicly thank Chief Miller and Sgt. Good in front of the Council. There was a situation that dealt with mental health and some other issues. Chief Miller and Sgt. Good handled it very diplomatically, and had they not done so things could have ended very differently. He also stated that he is on the other end of Sunset Drive and traffic and speeding is an issue, but he has noticed and appreciates the extra police presence.

Jen Knick stated they are very excited for the first day of school. They are doing the community welcome for the first day of school on Monday August 23 by 7:25am. October 22 is the Gobbler give back day the school is looking for businesses or organizations that could benefit from having extra help. DIY day will be on Tuesday December 21, that will allow for twenty-minute sessions of lessons from members of the community that have a skill to share.

Tom Counts mentioned he noticed quite a few larger trucks that are using Sunset Drive. This is a Residential area, and he feels that these large trucks should not be going through this area. He is also requesting that signs be placed to deter them from driving through this area.

Mr. O'Brien stated this is something that the Council can have the Highway Committee investigate.

Patrick Fritz stated he wanted to add that since the digital sign was placed on Rt.259 he has noticed that the speeds are being reduced but now the trucks are engine breaking when they see the sign.

Council Member Leslie Fulk stated the issue of engine breaking has been brought before Council before and it was discovered then that nothing could legally be done.

There being no further business, the meeting was adjourned.

Timothy S. Proctor

Mayor

Andrea M. Fulk

Clerk