

BROADWAY TOWN COUNCIL

January 5, 2021

The Broadway Town Council met in regular session electronically via Zoom on January 5, 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 Planning Commission members were present: Kathy Boase, Eddie Long, Steve Shifflett, David Jordan, and Brenda Pultz. 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 Sara & Steve Halteman, Patrick Fritz, Becky Breneman, Mike Darrow, Chris Miller, Cari Orebaugh, Jessica Wetzler, Eugene Bare, Nayeli and Shannon Orebaugh.

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. This meeting is being held electronically via Zoom and since this is a joint meeting with the Planning Commission, it is not possible to meet physically due to social distancing requirements. The Mayor then reviewed various rules and procedures for the electronic meeting. Mayor Proctor then commented on the passing of Don Stickler, a council member for several terms. Additionally, he noted the recent passing of Council Member David Jordan's father-in-law Doug Wager and will continue to keep him and his family in thoughts and prayers. He concluded by asking for a roll call to determine if a quorum exists.

Town Manager Kyle O'Brien took attendance by roll call for Town Council and Planning Commission. 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 Richard E. Fulk, to adopt the minutes of the December 1, 2020 session of Council and to authorize payment of bills in the amount of \$491,869.28. 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

**Appointment of Town Clerk**

Due to the retirement of Marla Kline last month, Councilman Leslie E. Fulk noted that it is necessary to appoint a new Town Clerk. Leslie E. Fulk recommended the appointment of Andrea M. Fulk as Town Clerk, seconded by Beverly L. London. 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
Tim Proctor	Aye		

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**Joint Public Hearing: Special Use Permit, 320 Broadmoor Lane :**

Mayor Proctor advised that the first item of business is a Public Hearing to consider a request for a Special Use Permit (SUP) for a short-term rental (Airbnb) at 320 Broadmoor Lane. Mayor Proctor opened a Joint Public Hearing of the Council and Planning Commission and asked the Town Manager to review the request.

Town Manager Kyle O'Brien familiarized everyone with the request and stated this is a similar request for an Airbnb that has been considered by the Town Council and Planning Commission recently. It has been advertised and the adjoining property owners will be given the opportunity to voice their support or concerns. The Halteman's are available via Zoom and were asked if they would like to elaborate on their application.

Sara Halteman stated that they have lived in Broadway for thirteen years and are excited to be part of the community. The home on Broadmoor was purchased due to the separate kitchen, bath, and bedroom for future family use. She further commented that since it will be sometime until they move other family members in, this space will be vacant, and they are interested in generating additional income to offset the mortgage costs.

Mayor Proctor opened the floor for public comment.

Shannon Orebaugh commented that he is not against Airbnb, but he was not aware there were so many in Broadway. He questioned if there were any restrictions like a three or four strike rule and any form of recourse for violations? He concluded by stating that he does not have any concern regarding this request, just Airbnb in general.

Town Attorney Matt Light addressed the questions and stated that anyone who wants to operate an Airbnb must get a Special Use Permit and requires that the applicant follow all federal, state and town laws. If they are in violation, there are procedures whereby the permit could be revoked after a formal hearing.

Shannon Orebaugh stated that his main concern is there any recourse for the whole town not just the Halteman's.

Council member Leslie Fulk stated there is not a one, two, three strike rule. This is something that is new and will be monitored, and if there is failure to comply the permit can be revoked.

Kyle O'Brien stated that, if not in compliance it will come back to Council for review. He concluded by stating that there are no current issues with any of the previous approvals and does not anticipate it with this request.

Shannon Orebaugh concluded by stating that this answered his concerns.

Leslie Fulk advised that this is an up-and-coming issue, and the Town welcomes new and innovative ideas. Will work to make it successful for Halteman's and the Town as well. Having confirmed there were no other public comments in favor of or in opposition to the proposed request, Mayor Proctor closed the public hearing and asked for a recommendation from the Planning Commission.

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The Planning Commission convened, and Kathy Boase asked if there were any questions, comments, or concerns. With nothing being brought forward, Steven Shifflet 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	Aye	David Jordan	Aye
Eddie Long	Aye	Brenda Pultz	Aye
Steve Shifflett	Aye		

Mayor Proctor then invited Council action.

Having heard the Planning Commission's recommendation, David L. Jordan moved, seconded by Douglas W. Harpine, to approve the Special Use Permit for a short-term rental for 320 Broadmoor Lane, subject to the condition that they follow all federal, state, and local laws. The resolution 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

**Old Business:**

Mr. O'Brien reported on the following items:

- **Hartz Water Tank:** Painting has been completed and it looks great.
- **Heritage Park playground:** Equipment has been installed and is getting a lot of use regardless of the weather. It has been very well received.
- **Water plant withdrawal permit:** Staff continues to work with DEQ on the renewal of the withdrawal permit for the water treatment plant. The public notice is proposed to be out next month, and the renewal will follow shortly thereafter.
- **Public Works:** Water main breaks typically start when it gets cold and slow down after the first of the year. The Town has had several, with one of the larger ones off Broadway Ave, and was losing about 100,000 gallons of water a day. In this area there are a lot of caves and the leak was not visible. The leak locator was able to find it and enabled them to repair the leak.
- **Off Broadway Players:** Architect Dale Cupp has been working on preliminary renderings for the possible restoration to the old school building beside the Town office, to be potentially used for the theatre. He is finishing those up now and will be presented to the Council in the new future.

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**Committee Reports:**

**Parks & Recreation Committee:**

Chairman Douglas W. Harpine advised he has nothing to report but wanted to state he is very pleased with the use of the new playground equipment.

**Finance Committee:**

No report.

**Personnel/Police Committee:**

Chairman Leslie E. Fulk noted there is nothing to report, no meetings. Chief Doug Miller tried to comment but was having technical difficulties. Kyle O'Brien stated that the Department is fully staffed, and all is well with no issues to report. A copy of the police report for the month of December is included in the minutes as Attachment B.

**Streets & Properties Committee:**

No report.

**Utilities Committee:**

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

**BHP:**

Council representative Chad Comer stated they have three new board members and now have the full fifteen board members. At this time, they are tentatively planning for 2021 upcoming events and will see how things go due to Covid-19 restrictions.

**Planning Commission Report:**

Mr. O'Brien advised that there will be no meeting in January.

**New Business:**

Nothing to report.

**Public Comment:**

No public comment.

There being no further business, the meeting was adjourned.

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Timothy S. Proctor

Mayor

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Andrea M. Fulk

Clerk