

BROADWAY TOWN COUNCIL

June 1, 2021

The Broadway Town Council met in regular session on June 1,2021 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 Planning Commission members were present: Kathy Boase, Eddie Long and Brenda Pultz. Steve Shifflett was absent. The following staff members were present: Town Manager Kyle D. O'Brien, Town Clerk Andrea Fulk, Town Attorney Matt Light, Attorney Joel Francis and Police Chief Doug Miller. Also in attendance were Tom Counts, Nancy Laro, Stan Laro, John D. Sites, Darlene Sites, Ron Fawley, Liz Fawley, Karen Tusing, Donna Rhodes, Fred Peele, John Shipe, Cindy Grandle, Jeffrey S. Evans, Larry L. Leffel, John Knepper, Tim Conley, Lois Conley, Lisa Funkhouser Jenkins, Drenna Whetzel, Brenda Showalter, Kate Hill, Ken Fawley, Brenda Fawley, Dr. Rellins, James Hively, and Jose Sergio Romen.

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 Chad L. Comer, to adopt the minutes of the May 4, 2021, session of Council and to authorize payment of bills in the amount of \$366,035.82.

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: Rezoning, South Main Street:**

Mayor Proctor stated that the first item of business is a Public Hearing on the rezoning of a lot between 451 and 463 South Main Street, Broadway. He further stated this Hearing will be held in two phases with the first phase being for the rezoning and the second being for the Special Use Permit if the first phase is approved. He then requested Town Manager Kyle O'Brien to give a brief history on the lot and the proposed request. Mr. O'Brien stated that this corridor is currently zoned B-2, which is one of the most restrictive zoning classifications in Town. The applicant is requesting the zoning be changed to B-1, which along with a SUP would allow for the construction of a duplex. Mayor Proctor then opened the floor for public comment.

Ronald Fawley,119 Third Street, expressed his concerns involving parking for the current and future structures.

Mr. O'Brien addressed his concerns by stating if approved the new construction will have to meet the Towns building regulations and that includes parking. The existing structures are grandfathered in and there is nothing that can be done concerning those.

Having received no further comments, Mayor Proctor closed the Public Hearing and asked for a recommendation from the Planning Commission.

The Planning Commission convened and after brief discussion, Chairman Boase invited Planning Commission action. Eddie Long moved, seconded by Brenda Pultz to recommend to approve the rezoning request. The motion was approved with the following Planning Commission vote:

Kathy Boase	Aye	David Jordan	Aye
Eddie Long	Aye	Brenda Pultz	Aye

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Steve Shifflett Absent

Mayor Proctor then invited Council action.

David L. Jordan moved, seconded by Chad L. Comer, to adopt **AN ORDINANCE TO REZONE ROCKINGHAM TAX MAP NOS. 51A3-2-(B6)-L26A, 51A3-2-(B6)-L27A, AND 51A3-2-(B6)-L28A**, 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

Mayor Proctor advised that with the approval of the rezoning the meeting will now move into the second phase of the Public Hearing, which is the request for the Special Use Permit. He opened the floor for public comment. Having received no comment, he closed the public hearing and asked for a recommendation from the Planning Commission.

Chairman Kathy Boase invited Planning Commission action. Brenda Pultz moved, seconded by Eddie Long to recommend to approve the Special Use Permit request. The motion was approved with the following Planning Commission vote:

Kathy Boase	Aye	David Jordan	Aye
Eddie Long	Aye	Brenda Pultz	Aye
Steve Shifflett	Absent		

Mayor Proctor then invited Council action.

David L. Jordan moved, seconded by Beverly L. London, to adopt **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BROADWAY, VIRGINIA GRANTING A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A TWO-FAMILY DWELLING ON THE PROPERTY CONSTITUTING ROCKINGHAM TAX MAP NOS. 51A3-2-(B6)-L26A, 51A3-2-(B6)-L27A, and 51A3-2-(B6)-L28A**, a copy of which is included in the minutes 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

Mayor Proctor then addressed the public attendees regarding the Sunset Drive Rezoning. He stated, there will not be another public hearing this month. He requested that Mr. O'Brien give some information on the action being taken. Mr. O'Brien stated at the last meeting the Council made a motion to table any action until some of the public's requests had been addressed. The Town has decided to obtain another traffic analysis comparable to the one that was completed for the Coyote Run and Sunset Heights projects, but with a different firm. The Town will also be using its own technology to monitor the traffic to get updated data on the speeds in this area, however the town cannot do anything outside of the town limits. The Council will not be taking any action until all the information is received. Mr. O'Brien requested that a point person be designated to whom he can contact and share the information. Once that person has been decided upon they can call the town office and give their contact information.

Some in attendance commented that Cindy Grandle should be the point person.

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Mayor Proctor stated when the traffic analysis is presented, the Town will also provide a copy of the Annexation agreement the town has with the County.

A public comment was made questioning the agreement with the county and what it was.

Mr. O'Brien addressed the question by stating that the County encourages growth and development near and around towns in order to have adequate services, such as water and sewer. The annexation agreement was developed with the intent that when a property is annexed into the town it is done so with the understanding that it will be developed.

Councilman Leslie Fulk stated if the County had zoned this R-1 instead of C-1 this would not be an issue. It was zoned C-1 because the future development of the property was unknown.

A public comment was made inquiring what C-1 meant.

Mr. O'Brien responded that C-1 is Conservation, it is the strictest of the zonings. It is often used when the future of a property is unknown this is done so once a decision is made it must be brought forth for approval. Which is what we have been discussing.

Mayor Proctor addressed Town Attorney Matt Light and stated that it is his understanding that the annexation agreement between the town and the county specifically states that the town must have a very good reason to not approve developments within the agreed upon annexation boundary. Attorney Light responded by stating that he believes the wording is that the town must seriously consider all development requests.

Mayor Proctor then requested that all public comment regarding Sunset Drive to be held until the Public Comment portion at the end of the meeting.

Cindy Grandle stated that the concerns they have about the infrastructure have not been met.

Mr. O'Brien responded by stating the Town has taken over maintenance of Sunset Drive and have been slowly addressing the sidewalk issue. Some of the challenges involved with this are the overhead, fiber optics, and utilities that are on both sides of the road.

Tom Counts questioned whether the town has a 25-foot easement on the west side and if the plan is to put sidewalks on both sides of the street. Mr. O'Brien stated that was in the original plan however those plans are still undecided. Mr. Counts then questioned if an environmental impact study has been done. Mr. O'Brien stated that will be part of the process for this land to be developed.

Councilman Douglas Harpine stated that the Council had spoken about the Engineer that looked at the sidewalks was also going to look at the sharp turn and the house to see if something could be done to address the issues there. Mr. O'Brien responded and stated that the house is proposed to be torn down by the developer. The sidewalks will have to be addressed in phases as the Town does not qualify for the VDOT grant that would fund the sidewalk project, so this will fall to the Town to fund. The goal is to get the sidewalks the full length of Sunset Drive.

### **Public Hearing-Fiscal Year 2021/2022 Budget:**

Mayor Proctor stated that as required by state law, the proposed budget for fiscal year 2021/2022

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was printed in summary form and properly advertised at least seven days prior to the public hearing in the Daily News Record. Mayor Proctor opened the Public Hearing and asked Town Manager Kyle O'Brien to present the proposed budget.

Mr. O'Brien stated that the total amount of the budget is \$7,000,100.00. He stated that the proposed budget does not include any increases in water or sewer rates; however, the wastewater contracts with Pilgrims, Cargill, New Market, and Timberville will have modest increases effective July 1, 2021, based on their contracts. He further stated that the budget does not include any of the Federal Stimulus Money that the town is set to receive.

Highlights of the proposed budget include:

### **General Fund Revenues:**

- **No proposed changes to real estate or personal property tax rates.** The Town continues to have the lowest overall tax structure of any community in the area. The last change in the real estate tax came in 1998 when the rate was actually lowered from 8.5 cents per \$100 to 7 cents per \$100, which continues to be the rate.
- **Sales Tax:** This revenue is continuing to perform well, even during a Covid affected year. There is no proposed increase.
- **Meals Tax:** This is another tax that has done well despite being a Covid affected year.
- **Transportation Revenue:** At \$480,000 annually, this continues to play a major role in General Fund revenues and continues to increase each year based on the payment per lane mile of streets within the Town.

### **General Fund Expenditures:**

- **Public Safety:** Funding is included for an additional police officer; however, the timing of such is uncertain at this point.
- **Streets:** Street maintenance continues to account for a significant portion of the fund. The Town is moving forward with the paving projects.
- **Parks & Recreation:** Funding is appropriated to install a new roof on the Community Center.
- **Trash Collection:** Continue with contract with Waste Management.

### **Water Fund:**

- **Revenue:** While there are no increases to the water fees, the connection fees are on the rise due to new construction.
- **Expenditures:** The New Plant is fully operational, and the current debt is for the normal service of the plant.

### **Sewer Fund:**

- **Revenue:** The new rates for the Town's industrial customers will take effect on July 1, per the contracts. Broadway's rates for its residents will remain unchanged.
- **Expenditures:** No significant capital expenditures at the WWTF, due to new plant. Routine expense costs include utilities, sludge removal, chemicals, and debt service and miscellaneous line and repair work around Town.

He concluded his presentation by stating that the proposed budget does not have the \$750.00 credit that will be placed on the active water accounts or the grant money that will be going to local qualifying businesses.

Mayor Proctor thanked Mr. O'Brien for the presentation and asked if anyone had any comments

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or questions.

Having confirmed there were no concerns from the Council and noting that the Town had not received any comments or questions, Mayor Proctor closed the public hearing and advised that state regulations require that the budget public hearing and adoption of a budget be held on different dates and noted that no action can be taken during this meeting. He stated that adoption of the budget will be necessary as a part of a special meeting to be held on June 28, 2021, at 6:00pm. A copy of the proposed budget is included in the minutes as Attachment C.

### **Old Business:**

Mr. O'Brien reported on the following items:

- **Park and Pool:** The pool opened Memorial Day weekend; this is typically one of the busiest weekends for the pool. However due to the unusually cool temperatures, they decided to close early. Currently the pool is fully staffed and is starting the season by selling more passes than they have in previous years.

### **Committee Reports:**

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

Chairman Douglas L. Harpine stated Heritage Park now has new lights and has requested to have the old bulbs changed to match the newer brighter bulbs. This will give the park a more cohesive look. He requested for Mr. O'Brien to go over the preliminary plan for the pool. Mr. O'Brien began by stating that at first the Town was looking into tearing down the pool house due to its age, but after discussion with Mr. Dale Cupp it has been decided that the building itself is in good shape and is just needing some renovations. After the pool season ends the plan is to begin the process of updating the existing structure and adding some additions including requested additional covered areas. All the changes and updates to the pool building are pending the receipt of the Stimulus Act funding that the Town will be receiving.

#### **Finance Committee:**

Nothing to report.

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

Chairman Leslie E. Fulk stated there is nothing to report. Mayor Proctor stated he is very impressed the Town already has body cameras for its officers, as it was reported on the national news that some locations are having a difficult time getting them. Chief Doug Miller reported that the Police Department is still trying to find Pogo a home. It was questioned why we need to retire K9 Officer Pogo. Chief Miller explained that Pogo was trained to detect marijuana and cannot be retrained to not detect it. Therefore, since marijuana is now legal, he can no longer be used. Officer Joe Ritchie will be going to get acquainted with new K9 Officer Diablo. It is anticipated that all training will be completed, and he will begin service on July 1<sup>st</sup>. A copy of the police report for the month of May is included in the minutes as Attachment D.

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

Chairman Chad L. Comer stated that there are some paving projects that will be completed later on this year. He then asked Kyle O'Brien to give some information on the building next door. Mr. O'Brien stated the property is located next to the Town Office better known as the Old School House. It had been empty for a few years after Poultrey Specialties relocated to another area in town.

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The Town has been interested in this building for many years, not only to preserve a piece of town history but it also has the potential to generate additional revenue. Currently The Oliver Art House is renting space in this location and are planning to be long term renters. This building will not only provide a place for the Off Broadway Players theatre group to have their shows, but it will give the opportunity to have it used for other venues as well.

Chad L. Comer made a motion, seconded by Beverly L. London, to purchase the property located at 131 S. Main Street in the amount of \$330,000.00 and to authorize Town Manager Kyle O'Brien to sign the contract. A copy of the contract 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	Aye
David L. Jordan	Aye	Beverly L. London	Aye

**Utilities Committee:**

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

**BHP:**

Council representative Chad Comer stated that there are a few events happening in the Town.

- The Town, along with BHP is partnering with The Oliver Art House this Friday to do a music and movie night in the park. This Family event will continue throughout the summer months.
- Saturday is cleanup day. BHP and the Boy Scouts will be sprucing up the Town signs by pulling weeds, planting flowers and doing some painting.
- Town Fireworks are June 19<sup>th</sup>.
- Red, White and Brew will be on July 10<sup>th</sup>.

**Planning Commission Report:**

Nothing to report

**New Business:**

There is no new business.

**Public Comment:**

Lisa Funkhouser, 398 W. Springbrook Road, concerns with the volume and speed of the traffic coming through, water pressure, and poor drainage after a heavy rain.

Town Manager Kyle O'Brien addressed her concerns by stating that Public Works Staff will come and check the water pressure, the drainage issue was during a time when there was an extreme amount of rainfall. It does not appear to be an issue on a normal basis. The Town will monitor the traffic in this area.

Tom Conley, 356 Acme Co. St., stated he has concerns with the blasting that will need to be done. He suffered a significant amount of damage to his home, camper, and truck from blasting that was previously done.

Mr. O'Brien responded by stating blasting companies are regulated through the state so there is not a lot that the Town can do to control them. The Town can investigate to see if an Ordinance can be made to help with this. Mr. O'Brien will get with town Attorney Matt Light to research and see what can be done and will be in contact with Mr. Conley.

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Cindy Grandle, a county resident, read a follow up letter reiterating her stance on the proposed subdivision. She has spoken with VDOT officials, and it is her understanding that an Engineer is being hired by the developer to do a traffic study. She is requesting the Town make this information available to the public prior to scheduling a Council meeting regarding the new subdivision off Sunset Dr. A copy of the letter is included as Attachment G.

Tom Counts, 253 S. Sunset Dr., expressed his concerns with speeding traffic on Sunset Dr. and is looking for an answer to solve this problem. He offered two possible solutions the first being speed humps and the second being cameras that will take a picture of the offenders' tags so they can be issued a ticket of some sort.

Attorney Joel Francis stated that the red-light cameras are used more for revenue than for a speed deterrent. Mr. Counts responded by stating he disagrees.

Mayor Proctor addressed Chief Doug Miller and questioned how often this area is patrolled. Chief Miller responded by stating the officers are up there often, but they will ramp up the patrol in this area.

Tim Conley stated he wanted to bring up another point that coming off Springbrook on to Sunset, there is a wooden fence that hinders the line of sight. It is dangerous and you must pull into oncoming traffic to be able to see.

A letter was read on behalf of June Shaughnessy, county resident, in the letter states her concerns with traffic and speed on Sunset Dr. She requests this be considered before starting a new subdivision. A copy of the letter is included as Attachment H.

Jeffrey Evans, county resident, expressed his concerns with the sharp turn on this road, where several wrecks have been. He stated he has worked for several years with VDOT to get something done. VDOT has finally put a sign-up warning of the turn, but this should be taken into consideration as well with the traffic on this road.

Drenna Whetzel, 481 Coyote Run, stated she agreed with Mr. Conley regarding the blasting. Her house shakes regardless of where the blasting is, and they receive no notice at all.

Mayor Proctor stated the concerns will be investigated before any final decisions are made. Having confirmed no one else wanted to address the Council, Mayor Proctor stated there will be a special meeting on June 28, 2021 at 6:00pm to finalize the budget.

There being no further business, the meeting was adjourned.

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Timothy S. Proctor

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Clerk

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Andrea M. Fulk