

BROADWAY TOWN COUNCIL

April 5, 2022

The Broadway Town Council met in regular session on April 5, 2022 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: Eddie Long, Brenda Pultz and Steven Shifflett. The following staff members were present: Town Manager Kyle D. O'Brien, Town Clerk Andrea Fulk, Director of Marketing & Development Cari Orebaugh, Police Chief Douglas Miller, Town Attorney Matt Light and Attorney Joel Francis. Also in attendance were Kellen Stepler, Karen Klasnick, Kindra Zimmerman, Jason Zimmerman, Ronald Fawley, Liz Fawley, Tim Schmoeyer, James Penwell, Emily Penwell and Joe Adolph.

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:

David L. Jordan moved, seconded by Chad L. Comer, to adopt the minutes of the March 1, 2022 session of Council and to authorize payment of bills in the amount of \$750,003.30. 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

Special Presentation:

Chief Douglas Miller stated that after the recent shooting at Bridgewater College he felt the need to do something to help the families of the two fallen officers. After speaking with Emily & James Penwell, owners of Penwell Designs they decided to do a Memorial T-shirt. Mrs. Penwell designed the shirt and after offsetting the cost of production, they have the honor of giving a check to the Town of Broadway in the amount of \$10,000.00 to be divided amongst the two families.

Joint Public Hearing: Special Use Permit, 338 Jewelry Dr.:

Mayor Proctor advised that the next item of business is a Joint Public Hearing to consider a request for a Special Use Permit (SUP). Town Manager Kyle O'Brien familiarized everyone with the request from Jason Zimmerman for a pet grooming business located at 338 Jewelry Dr. He stated that anyone wanting to run a business out of their home is required to get a SUP. Mayor Proctor opened a Joint Public Hearing of the Council and Planning Commission and invited anyone wishing to speak in favor of or in opposition to the Special Use Permit request to do so.

Karen Klasnick stated that she lives in the area and has never known there was a pet grooming business in the neighborhood. She has been watching to see if there was extra traffic or additional noise but has been unable to detect any. She further stated Kendra and Jason Zimmerman are great neighbors and have done well with the business so far and highly recommends that they receive the permit needed to continue their business.

A neighbor of the Zimmerman's stated she is also in the area and has nothing against the permit being approved. She does however want to make sure that the integrity of the subdivision does not change, and the business does not get out of control.

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Planning Commission Member Steven Shifflett asked for the statement to be clarified as to what was meant by “out of control”.

The neighbor stated she does not want to see the business turn into a kennel with many animals and a lot of noise.

Town Attorney Matt Light responded by stating the Ordinance clearly states that it must be kept inside and limited to one customer at a time. He further stated that this is a Special Use Permit, and it can be revoked if the Ordinance is not followed.

Having confirmed there was no one else in attendance wishing to speak either 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.

The Planning Commission convened and after brief consideration, Steven Shifflett advised this matter was discussed, and there were no objections to the request. Eddie Long moved, seconded by Brenda Pultz, to recommend approval of the Special Use Permit. The motion was approved with the following recorded Planning Commission vote:

David Jordan	Aye	Steven Shifflett	Aye
Eddie Long	Aye		
Brenda Pultz	Aye		

Mayor Proctor then invited Council action.

Having heard the Planning Commission’s recommendation, David L. Jordan moved, seconded by Beverly L. London, to approve the Special Use Permit request of Jason Zimmerman as described in the resolution 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

Special Presentation:

Mayor Proctor stated there is a special presentation for Planning Commission Member Steven Shifflett. Personnel Committee Chairman Leslie Fulk began by stating Mr. Shifflett has not only been a good friend but has served the community as a baseball umpire for many years. He has carried the same integrity and clarity that he used to umpire into his time serving as a Planning Commission Member. Mr. Fulk then thanked Mr. Shifflett for his eight years of dedicated service to the Town of Broadway and presented him with a plaque.

Mayor Proctor then announced there would be a three-minute recess before proceeding with the remaining business items.

The Council then reconvened.

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Old Business:

Mr. O'Brien reported on the following items:

- **Pool House:** Mr. O'Brien presented photos showing the construction progress of the pool project and the new design. The projected completion date is mid to late April, leaving May for punch list items that need to be addressed.
- **Future News:** There are new businesses coming to the area, Beards and Broads, a few breweries, and inquiries from others with Rails to Trails coming.
- **Budget:** There is a budget meeting tomorrow with the Finance Committee.

Committee Reports:

Parks & Recreation Committee:

No report.

Finance Committee:

No report.

Personnel/Police Committee:

Chairman Leslie E. Fulk stated the next item of business is to appoint two new Planning Commission members to fill the vacant seats of Steven Shifflett and Kathy Boase. Chairman Fulk stated there were many applicants and after much consideration the two candidates were chosen. Leslie E. Fulk moved, seconded by Beverly L. London, to appoint Timothy Schmoyer and Travis Driver to fill the vacated seats. 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		

A copy of the police report for the month of February is included in the minutes at Attachment B.

Streets & Properties Committee:

Chairman Chad Comer stated the Third Street project should be completed this month. Mr. O'Brien stated VDOT is going to be paving Main St this summer and Rt.259 will be the following year.

Utilities Committee:

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

BHP:

Council representative Chad Comer stated the Easter Egg hunt is this Saturday April 9,2022 at Broadway High School. The next event will be Kids Fishing Day on April 30,2022 at Heritage Park.

Planning Commission:

No Report.

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New Business:

No new business.

Public Comment:

Ronald Fawley questioned if all of Third St. will be paved and if new water lines will be put in at the apartments.

Mr. O'Brien stated all of Third St. will be paved but the water lines at the apartments will not be replaced at this time.

Broadway Fire Chief Josh Lohr began by stating he has not been to recent Council meetings due to Covid. He then reported on the following items:

- There is a new digital sign being installed.
- The Fire Department is currently accepting bids to remodel the upstairs area to allow for overnight accommodations which will increase the coverage for calls at night and during inclement weather.
- Rockingham County is providing all of the Fire Stations with a gear washing machine. Broadway Fire Department has decided to use some of the County funding to also purchase an industrial dryer. This will allow the Fire Department to wash and dry all the gear to help prevent unnecessary expose to the Fire Fighters.
- Due to the Town's increasing size the Fire Department will be looking to purchase more specialty equipment in the future hopefully with some financial support from the Town.

There being no further business, the meeting was adjourned.

Timothy S. Proctor

Mayor

Andrea M. Fulk

Clerk