

BROADWAY TOWN COUNCIL

March 7, 2023

The Broadway Town Council met in regular session on March 7, 2023 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 and David L. Jordan. Council Member Beverly L. London was not in attendance. The following Planning Commission members were present: Eddie Long, Brenda Pultz, Travis Driver and Tim Schmoyer. The following staff members were present: Town Manager Kyle O'Brien, Assistant Town Manager Cari Orebaugh, Town Clerk Andrea Fulk, Town Attorney Matt Light, and Police Chief Douglas Miller. Also in attendance were Don and Eloise Clem, Myo and Ray Salinas, Michael Noble, Scott Campbell, Kellen Stepler, Breylon Miller, Katherine and H. Tim Runion, Cecilia Vallejos and Kathy See.

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 David L. Jordan to adopt the minutes of the February 7, 2023 session of Council and to authorize payment of bills in the amount of \$618,404.12. 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	Absent

Joint Public Hearing: Trimble Heights Subdivision

Mayor Proctor advised that the first item of business is a Joint Public Hearing regarding the Trimble Heights Subdivision. He then requested that Town Manager Kyle O'Brien give a brief history. Mr. O'Brien stated this subdivision was approved in 2006 as a 55 and older age restriction development, then in 2008 the housing market crashed and the property stayed undeveloped. The owner then returned to the Town Council with requests to remove some of the restrictions which included no children under the age of 18 for no more than two weeks and adjusted the age restriction from 55 to 45. In 2011 the original developer declared bankruptcy and a bank in West Virginia held onto the property until the recent purchase by a local developer. He further stated the new developer could develop the property as it has been approved but is requesting the age restriction be removed. Planning Commission member Travis Driver asked Mr. O'Brien what type of homes could be built in the subdivision and how it is currently approved.

Mr. O'Brien stated that it is a mix of duplexes and zero lot line homes.

Mayor Proctor then asked if there was any public comment or concerns.

Katherine Runion, a resident at 649 Jade Ct. stated she is undecided on being for or against but has some concerns. The current age restriction is 45 but everything that has been advertised has said 55.

Mr. O'Brien stated the current age restriction is 45 and older.

Mrs. Runion then stated the property was purchased 9 months ago and does not understand why this was not brought up until now.

Mr. O'Brien responded by stating the new owner was aware of the restrictions and he decided when to bring it before Council.

Mrs. Runion stated her final concerns are the water and sewer and is the Town able to accommodate for the added homes, whether they are single family or duplexes and what type of homes will they be.

Mr. O'Brien stated that the Town is able to accommodate the extra homes whether they are family or duplexes. As far as the type of homes are concerned, the builder will have to follow the building codes and town ordinances, but the Town cannot dictate what the homes will look like.

Mrs. Runion then stated that another issue she has is she lives at the bottom of the hill and she has concerns about water run off as more homes are built and the landscape is changed.

BROADWAY TOWN COUNCIL

March 7, 2023

Mr. O'Brien stated that there is a storm water component that has been fully engineered for the 144 units. Rockingham County has established parameters that must be followed by the builder and the Town will follow up as well.

Mrs. Runion then asked if everyone had been out to the area to see the property and has there been any research done on the need for housing for the elderly.

Mayor Proctor stated while he feels the discussion is important, the issue being discussed is whether to remove the age restrictions to allow the developer to move forward with no restrictions.

Town Council member Leslie Fulk stated the approved development was very popular at the time and had the residential issues not happened the area would have already been developed with the age restriction.

Mr. O'Brien also responded by stating that the local retirement facilities had been contacted to try to get the property developed and at the time they were not interested, or they were already in the middle of another project.

Kathie See, resident on Denali Dr. questioned Town Attorney Matt Light about whether the 80/20 ratio had to be followed as the homes are built or could the developer build out the 20 now and then try to do the remainder.

Mr. Light responded that he is unsure but feels that if the ending result is following the 80/20 ratio it should not be an issue.

Michael Noble, a resident on Second St. stated that he is for removing the age restriction. He does want to make sure that the change in the demographics has been discussed and prepared for.

Myo Salinas, a resident of Shalimar Ct. stated if the age restriction is removed will the duplexes be single level or multi levels?

Mr. O'Brien stated to his understanding it will be similar to what is currently there, however this is not something that the Town can control.

Mrs. Salinas then requested Mr. O'Brien elaborate on the 80/20 ratio.

Mr. O'Brien stated that per stated code 80 % is age restricted and 20 % is not. He then stated that this is something that is very difficult to enforce, especially after it is developed, and homes are being sold.

Mr. Light stated that while the Town would have the right to enforce the age restriction, it would not be popular with the residents, and it would be very time-consuming for Town personnel.

Mayor Proctor asked if there were any other questions, concerns, or comments. Hearing none he closed the public hearing and asked for a recommendation from the Planning Commission.

The Planning Commission then convened and Planning Commission Chairman Eddie Long stated that he wanted to begin by asking Kathie See if as a realtor has she sold properties in age restricted subdivision and has she refused the sale of a property due to the restriction.

Ms. See responded by stating she has not refused to sell a property, but she has informed the buyer of the 80/20 ratio.

Chairman Long asked if she has noticed that it is more difficult to sell a property that has the restriction.

Ms. See stated the most buyers that come to this type of subdivision are looking for a restricted area to purchase not only due to the age restrictions but also due to the square footage of the homes for the price.

Chairman Long then asked if there were any questions or concerns from the planning commission members.

Planning Commission member Travis Driver wanted to know if the residents that were out of town at the time had contacted anyone in the Town to discuss any issues.

Mr. O'Brien stated no.

BROADWAY TOWN COUNCIL

March 7, 2023

Mr. Driver then asked Mr. O'Brien if the current infrastructure would suffice if the restriction is removed.

Mr. O'Brien responded by stating the Town has a more than adequate water supply.

Having found there were no further questions or comments Chairman Long then invited Planning Commission action. Member Travis Driver moved, seconded by Brenda Pultz, to approve the request to remove the age restriction from the Trimble Heights Subdivision. The motion was approved with the following Planning Commission vote:

Eddie Long	Aye	David Jordan	Aye
Timothy Schmoyer	Aye	Brenda Pultz	Aye
Travis Driver	Aye		

Mayor Proctor then invited Council action.

Having heard the Planning Commission's recommendation, David L. Jordan moved, seconded by Chad L. Comer, to table the request to remove the age restriction from the Trimble Heights Subdivision until more information can be obtained and to when all Council members and the owner are present. 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	Absent

Mayor Proctor closed the Joint Public Hearing and called for a four-minute recess, prior to re-adjourning the regular council session.

Old Business:

Mr. O'Brien reported on the following items:

- **Park Pavilion:** The pavilion is part of the contract with Lantz Construction digging has begun, materials are being brought in and the water lines are being relocated. This project will be completed before the pool opens for the season.
- **Little League:** The barn has been cleaned up and the rolls of turf have been moved behind the barn.

Departmental Reports:

Parks & Recreation Department:

No report.

Finance Department:

Council Member Richard Fulk stated there has been a meeting and are getting started with the budget. The first public hearing for the budget will be in May with the adoption of the Budget in June.

Personnel/Police Department:

Council Member Leslie Fulk stated that the next item of business is consideration of a resolution regarding the reappointment of Doris Whitmore, R. Edward Long, and Joan Shifflett to the Broadway/Timberville Board of Zoning Appeals. Leslie E. Fulk moved, seconded by Richard E. Fulk, to adopt a **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BROADWAY, VIRGINIA, REGARDING THE REAPPOINTMENT OF DORIS WHITMORE, R. EDWARD**

BROADWAY TOWN COUNCIL

March 7, 2023

LONG, AND JOAN SHIFFLETT TO THE BROADWAY/TIMBERVILLE BOARD OF ZONING APPEALS, a copy of 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	Absent

A copy of the police report for the month of January is included in the minutes as Attachment B.

Utilities Department:

Council Member Douglas W. Harpine questioned Mr. O'Brien about the Elementary school and the water issue they are having.

Mr. O'Brien stated that the issue they are having is due to some internal plumbing on their end causing issues with the water pressure. The Public Works department has been in contact with the school and will help them to resolve their issue, but all have agreed to wait until school is out for Spring break.

A copy of the water production report for the month of January is included in the minutes as Attachment C.

Streets & Properties Department:

Council Member Chad L. Comer stated that the Third Street project is nearing completion.

BHP:

Council Representative Chad Comer stated the next event is the Easter Egg Hunt that will be held at Heritage Park on April 1st.

Planning Commission Report:

Council Member David L. Jordan stated there is a meeting on March 13th at 7:00 for a Special Use Permit for a short-term rental.

New Business:

No report.

Public Comment:

Michael Noble questioned if there is still consideration for curbing or paving along Third St.

Mr. O'Brien stated the areas that are issues will be addressed.

There being no further business, the meeting was adjourned.

Timothy S. Proctor

Mayor

Andrea M. Fulk

Clerk