

## BROADWAY TOWN COUNCIL

April 4, 2023

The Broadway Town Council met in regular session on April 4, 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, David L. Jordan and Beverly L. London. Council Member Douglas W. Harpine was not in attendance. The following staff members were present: Town Manager Kyle O'Brien, Deputy Town Manager Cari Orebaugh, Town Clerk Andrea Fulk, Town Attorney Matt Light, and Police Chief Douglas Miller. Also in attendance were Emma Light, Leah May, Lainey Reid, Scott Campbell, Tom Hoover, Amy Hoover, Lisa Schmid-Zweigler, Don and Kay Clem, Tim Schmoyer, Alaina Henry, Mandy Bartholomew, Joe Adolph, Alex Palmer, Sandy Palmer, and Broadway Fire Chief Josh Lohr.

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:**

Richard E. Fulk moved, seconded by Chad L. Comer to adopt the minutes of the March 7, 2023 session of Council and to authorize payment of bills in the amount of \$589,782.73. 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	Absent
David L. Jordan	Aye	Beverly L. London	Aye

### **Resolution to Initiate Zoning Text Amendment:**

Mayor Proctor advised the first item of business is a zoning text amendment. He then requested Town Manager Kyle O'Brien give a brief history. Mr. O'Brien stated the ordinance was originally changed to allow short-term rentals in town in R3 with R1 and R2 requiring a Special Use Permit. The text amendment would allow for the short-term rentals to be established without the requirement of a Special Use Permit. Short-term rentals are required to follow all the regulations and ordinances that are already established. Town Attorney Matt Light stated a Joint Public Hearing will be required to approve the text amendment to initiate the process. Mayor Proctor then questioned if the ability to pull a permit would still be there if there are issues with the short-term rentals. Mr. Light responded there will be no permit to pull, however with the regulations and ordinances already in place, any issues can be addressed. He then commented if the Town Council discusses and feels there are other ordinances that need to be established to prevent any future issues that can be addressed as well. Mayor Proctor then asked if there was a recommendation on the floor.

David L. Jordan moved, seconded by Chad L. Comer to adopt the ***RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BROADWAY, VIRGINIA, INITIATING THE PROCESS OF A ZONING TEXT AMENDMENT***, 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	Absent
David L. Jordan	Aye	Beverly L. London	Aye

### **Trimble Heights Subdivision Proffer Amendment:**

Mayor Proctor stated the next item of business is the discussion of the Amendment to the zoning associated with the Trimble Heights Subdivision. He then requested Mr. O'Brien give a brief history. Mr. O'Brien stated the subdivision was approved in 2006 as an age restricted development. The development has changed hands and has sat undeveloped for years. The new owner David Rao can develop the property with the current approval but has requested the age restriction be removed, which is the issue before Council. He then stated Mr. Tom Hoover is the builder for the subdivision and he is in attendance if anyone has any questions. Mayor Proctor stated although the public

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hearing for this was during the last Council meeting, he will allow discussion at this time. He then asked if anyone had any questions or concerns.

Don Clem stated his mother is a resident of Trimble Heights and she is for the age restriction to be removed. She does want to share her concern about traffic and questions if there is an option to make another entrance.

Mr. Hoover responded by stating Mr. Rao is looking into that but that will ultimately be a VDOT decision.

Mayor Proctor stated VDOT has approved the single entrance, but he encouraged Mr. Clem to contact VDOT and request an additional entrance. With there being no further questions or concerns Mayor Proctor then stated the Planning Commission recommended removing the age restriction and questioned if the was a motion.

David L. Jordan moved, seconded by Leslie E. Fulk to adopt an ***ORDINANCE TO AMEND THE ZONING PROFFERS ASSOCIATED WITH THE TRIMBLE HEIGHTS SUBDIVISION, TAX MAP NOS. 51C-(9)- LA, 51C-(9)- LI THROUGH L42 (INCLUSIVE), 51C-(9)- LB AND 51C-(A)- LI***, 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	Absent
David L. Jordan	Aye	Beverly L. London	Nay

### **Old Business:**

Mr. O'Brien reported on the following items:

- **Bridge:** The steel beams have been brought in and set. The project is going well and is ahead of schedule.
- **Pool:** The pavilion has been started and is set to be complete before the pool opening.
- **Park:** The concrete pads for the bleachers have been poured and the bleachers will be set once they are cured.
- **Little League:** There was a huge Baseball tournament this weekend to honor the Broadway High School student that has cancer.

### **Departmental Reports:**

#### **Parks & Recreation Department:**

No report.

#### **Finance Department:**

Council Member Richard Fulk stated there have been some budget meetings and the meeting for next week has been rescheduled.

#### **Personnel/Police Department:**

No report. A copy of the police report for the month of March is included in the minutes as Attachment C.

#### **Utilities Department:**

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

#### **Streets & Properties Department:**

Council Member Chad L. Comer stated that the Third Street project is almost complete with the base

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asphalt to begin next week.

**BHP:**

Council Representative Chad Comer stated the Easter Egg hunt was successful with 250-300 kids in attendance and 3,100 eggs collected in 3 minutes. The next event is Kids Fishing Day.

**Planning Commission Report:**

Council Member David L. Jordan stated there is a Public Hearing scheduled for May 2,2023.

**New Business:**

No report.

**Public Comment:**

Laney Reed, Leah May, and Alex Palmer, all introduced themselves and are Broadway High School students that are attending the meeting for their government class.

Lisa Schmid-Zweigler stated she is on the Friends of the North Fork executive board and there is a Earth Day Cleanup scheduled on April 22,2023 from 9:00- 12:00. She wanted to thank the town for the use of the trucks to pick up the trash. Last year was successful and they were able to get 120 tires out of the river. She left information to sign up and stated there is a picnic afterwards at Heritage Park.

Council Member David L. Jordan stated he received a phone call talking about the police department and the public works department. He stated the couple was out of town and the police department checked their home while they were gone. They stated to him that their kids had stopped by the house and left the door open, so the police went through the house to make sure all was secure. The police even had the public works department repair a leak that was found while checking the home. They requested that Mr. Jordan share their sincerest thanks for a job well done since they were unable to attend in person.

Alaina Henry, a resident of Robin Roost Ct., stated she has two questions. The first one being, why does the intersection on Springbrook and Main have two crosswalks with only one pedestrian signal. Mr. O'Brien explained that the town only maintains the secondary roads with the primary roads being VDOT's responsibility. An inquiry was made to VDOT at the time of the signal installation regarding the issue and the signal can be installed for a fee of 35 to 40 thousand dollars. He then stated he will revisit the issue with them and see what can be done. The Town is unable to install anything as it is a VDOT maintained road.

Mrs. Henry then questioned if there has ever been discussion about sidewalks on Sunset Drive. Council Member Leslie E. Fulk stated the sidewalks on Sunset Drive. are on the list to be done. This area will be one of the most difficult and expensive areas to address due to the utilities being on both sides of the street. The engineering is being worked on now.

Fire Chief Josh Lohr stated the construction in the activities building to add an additional bay by reducing the activities area to about 2/3 the size is complete. The project was budgeted for \$40,000 however with the utilization of donations and the skills of the volunteers the project has been completed for \$6,000.00. The department has decided to purchase a new mini pumper that will help in the rural areas that have smaller, more difficult lanes and a used ladder truck that will assist with the town homes and apartment complexes to help minimize the damage.

Council Member Chad L. Comer asked Chief Lohr if there are any fundraising events that are

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planned. He stated he has had several residents that would like to make donations, but they want to do it through the fire department's interaction with the community. Chief Lohr stated they are trying not to rely on fundraising events to maintain the needs of the fire department as the events require hours of volunteer time and that is sometimes difficult to achieve. He then stated he is looking forward to being part of the Town's events and will try to implement more fundraisers in the future.

There being no further business, the meeting was adjourned .

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Mayor

Timothy S. Proctor

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Clerk

Andrea M. Fulk