

BROADWAY TOWN COUNCIL

May 2, 2023

The Broadway Town Council met in regular session on May 2, 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, David L. Jordan and Beverly L. London. The following Planning Commission members were present: Brenda Pultz, Travis Driver, and Tim Schmoyer. Planning Commission Chairman Eddie Long 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 Jen Knick, Cliff Garber, Conner Shanholtz, Ricky Wilkes, Hannah Wilkes, Jane Short, Lindsey Wimer, Patsy Fulk, Donna, Mason Longmire and Emma Light.

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:**

Chad L. Comer moved, seconded by Richard E. Fulk to adopt the minutes of the April 4, 2023 session of Council and to authorize payment of bills in the amount of \$327,606.63. 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

**Joint Public Hearing: Zoning Ordinance Amendment for Short Term Rentals:**

Mayor Proctor advised that the first item of business is a Joint Public Hearing to amend the zoning ordinance regarding short-term rentals. Mayor Proctor then requested that Town Manager Kyle O'Brien give a brief history regarding the amendment. Mr. O'Brien stated previously if a resident in R1 zoning wanted to establish a short-term rental a special use permit would need to be obtained. This process required permit fees, advertising fees and time. Mr. O'Brien then stated there are short-term rentals that are already established in town and there have been no issues or complaints regarding them. He further stated it is the staff's recommendation to amend the ordinance to eliminate the need for the special use permit requirement by making R1 by right regarding short-term rentals. Mr. O'Brien concluded by stating that Town Attorney Matt Light drafted the ordinance amendment that has been given to Council and Planning Commission Members. Mr. Light stated there are six categories in the zoning ordinance that address short-term rentals, this amendment will condense the ordinance down to three categories. He further stated the changes made will make the ordinance easier to understand and a use permitted by right for R1 zoning.

Mayor Proctor then asked if there was any public comment or concerns. Hearing none he closed the public hearing and asked for a recommendation from the Planning Commission.

The Planning Commission then convened, and Planning Commission Vice Chairman Brenda Pultz asked if there were any questions or concerns from the planning commission members. Having found there were none she then invited Planning Commission action. Member Travis Driver moved, seconded by David Jordan, to approve the request to change the zoning ordinance amendment as presented. The motion was approved with the following Planning Commission vote:

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

Mayor Proctor then invited Council action.

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Having heard the Planning Commission’s recommendation, David L. Jordan moved, seconded by Chad L. Comer, to approve the recommendation to adopt, ***AN ORDINANCE TO MAKE BED AND BREAKFASTS AND SHORT-TERM RENTALS USES BY RIGHT IN CERTAIN RESIDENTIAL ZONING DISTRICTS, MAKING CONFORMING AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS, AMENDING AND RE-ENACTING SECTIONS 302.12, 302.54, 302.13, 302.28, 302.29, 611.02, 611.03, 612.02, 612.03, 613.02, 621.02. AND 713.04-1 OF THE LAND DEVELOPMENT REGULATIONS OF THE TOWN OF BROADWAY, VIRGINIA, REPEALING SECTIONS 302.55, 302.135 AND 302.136 OF THE LAND DEVELOPMENT REGULATIONS OF THE TOWN OF BROADWAY, VIRGINIA, ADDING A NEW SECTION 302.1111 TO THE LAND DEVELOPMENT REGULATIONS OF THE TOWN OF BROADWAY, VIRGINIA, AND AMENDING AND RE-ENACTING SECTION 94.01 OF THE TOWN CODE***, 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 closed the Joint Public Hearing and called for a two-minute recess.

**Public Hearing-Fiscal Year 2024 Budget:**

Mayor Proctor stated the next item on the agenda is the 2024 budget, he opened the Public Hearing and asked Town Manager Kyle O’Brien to present the proposed budget. Mr. O’Brien stated that as required by state law, the proposed budget for fiscal year 2024 was printed in summary form and properly advertised at least seven days prior to the public hearing in the Daily News Record.

Mr. O’Brien reviewed the totals in General Fund, Water Fund, and Sewer Fund with the total amount of the budget being \$7,716,786. He then provided a power point presentation highlighting the proposed budget as follows:

**General Fund:**

**Revenue:**

- **Real Estate tax rate:** Real estate rates remain unchanged at \$.07 per \$100.
- **Sales and Meals tax:** Sales and Meals tax continue a positive trend. Sales tax is based off the number of school-aged children in our area. Meal’s tax is Broadway based and has increased.
- **Personal Property tax:** Personal property rates will increase while eliminating the decal fee to stay close to revenue neutral.

**Expenditures:**

- **Streets:** Steet maintenance continues to account for a significant portion of the fund, planned paving projects move forward.
- **Parks & Recreation:** Pool construction is complete.
- **Planned Projects:** The Theatre building renovations are on hold temporarily.
- **Personnel:** There are no additional employees included other than filling the positions through attrition.

**Water Fund:**

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### ***Revenue:***

- **Water rates:** 4.9% increase proposed to help offset rising chemical costs.
- Connection fees remain steady with continued new construction.

### ***Expenses:***

- **Capital Improvements:** New plant is fully operational; the debt service is included in the water fund and continues to be paid down.

### **Sewer Fund:**

#### ***Revenues:***

- **Sewer rates:** 4.9% increase to Broadway customers to assist with rising expenses. The new rates for the Town's industrial customers, as well as New Market and Timberville, will take effect on July 1, per the contracts.

#### ***Expenses:***

- **Capital Improvements:** Renovations to existing office building.
- **On-going expenses:** utilities, sludge removal, chemicals, and debt service.
- **Misc:** Line and repair work around Town.

He concluded his presentation by stating that the proposed budget is balanced in accordance with state statutes, and revenues are based on conservative estimates, while expenditures are based on historical data, as well as actual proposed costs. The proposed budget continues the Town's fiscal prudence, while continuing to provide the highest quality service that its citizens have come to expect.

Mayor Proctor thanked Mr. O'Brien for the presentation and invited comments in support of or in opposition to the proposed budget.

Jen Knick stated she feels the increase in fees should not be an issue and appreciates the money that was applied to the resident's water/sewer accounts during COVID.

Having confirmed there was no one else in attendance wishing to speak either in favor of or in opposition to the proposed budget, 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 the regular June Council meeting. A copy of the proposed budget is included in the minutes as Attachment B.

### **Public Hearing: Ordinance Re: Transient Occupancy Tax, meals Tax, & Personal Property Tax:**

Mayor Proctor stated the next public hearing is regarding an ordinance to discuss the increase in rates for Meal's tax, Transient Occupancy tax and Personal Property tax. He then requested that Mr. O'Brien and Mr. Light go over the details of the proposed ordinance. Mr. Light stated that the tax rates for meals tax and transient occupancy tax are set by the town council and have not had an increase in years. He further stated, as previously explained by Mr. O'Brien, the elimination of the decal fee will require a slight increase in the personal property tax rate. He concluded by stating it is required by state law to have a public hearing before any increase in taxes and that is what is before the council.

Mayor Proctor opened the public hearing and asked if there were any questions or concerns.

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Jen Knick requested that Mr. Light explain what the taxes are for.

Mr. Light stated the Transient Occupancy tax is for Airbnb or short-term rentals and is paid by the out-of-town visitors that are staying at the establishments the proposed increase is from 5% to 7%. Meal's tax is on purchases that are made at the restaurants in town, the proposed increase is from 4% to 4.5%. Personal property tax is primarily cars and to eliminate the decal fee the rate needs to be increased to keep it revenue neutral.

Having confirmed there were no further questions or concerns Mayor Proctor closed the public hearing and stated that this ordinance was introduced and will be voted on at the next council meeting.

**Public Hearing: Ordinance Re: Water, Sewer, & Trash Fee Increase:**

Mayor Proctor stated the final public hearing is regarding the water, sewer, and trash increases. He then requested that Mr. O'Brien give an overview of the ordinance. Mr. O'Brien stated as discussed during the budget presentation that there is a need to increase the water, sewer, & trash fees to offset the rising costs the Town is incurring. The proposed increase is 4.9% and for an average user it will increase the billing by 3.00 or 4.00 dollars.

Beverly L. London moved, seconded by Richard E. Fulk, to adopt an ***ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BROADWAY, VIRGINIA, INCREASING THE TOWN'S WATER, SEWER, AND TRASH COLLECTION RATES***, a copy of which is included in the minutes as Attachment C. 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:**

No report.

**Departmental Reports:**

**Parks & Recreation Department:**

Council Member Douglas Harpine stated the bleachers have new cement slabs with steps being installed at field 1. He then praised the Little League for their hard work on fixing up the building.

**Finance Department:**

Council Member Richard Fulk stated he was thankful for all council members attending the finance meetings and discussing the proposed budget.

**Personnel/Police Department:**

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

**Utilities Department:**

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

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**Streets & Properties Department:**

No report

**BHP:**

Council Representative Chad Comer stated Kids Fishing day was a huge success. The next event is Red, White and Brew on July 8<sup>th</sup> and the Community Market will open this weekend.

**Planning Commission Report:**

No report.

**New Business:**

No report.

**Public Comment:**

The following students from Broadway High school introduced themselves and are in attendance for Ms. Ennis and Ms. Thompson's government class: Cliff Garber, Conner Shanholtz, Lindsey Wimer, Hannah Wilkes, Mason Longmire and Jane Short.

Mayor Proctor questioned Emma Light as to what award she won. Miss Light stated that she went to an FCCLA competition and won first place in her category and will be competing this summer.

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