

MEETING MINUTES OF THE
BROADWAY TOWN COUNCIL
OCTOBER 3, 2023

The Broadway Town Council met in regular session on Tuesday, October 3, 2023, in the Council Chambers of the Broadway Town Hall. 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 staff members were present: Town Manager Kyle O'Brien, Deputy Town Manager Cari Orebaugh, Town Clerk Donna Lohr, Town Attorney Matthew Light, and Police Sergeant Kelsey Corder. The Planning Commission Members were also in attendance for the joint public hearing.

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:

Beverly L. London moved to adopt the minutes of the September 5, 2023, session of Town Council and to authorize payment of bills in the amount of \$336,274.27. Chad L. Comer seconded the motion which was approved with the following recorded roll call vote:

David L. Jordan	Aye	Leslie E. Fulk	Aye
Beverly L. London	Aye	Douglas W. Harpine	Aye
Richard E. Fulk	Aye	Chad L. Comer	Aye

Joint Public Hearing:

The next item on the agenda was a joint public hearing with the Planning commission to hear comments on a Zoning Ordinance Amendment regarding paving requirements.

Mr. O'Brien explained that the Town's current Land Development Regulations require that off-street parking be solid surfaced, such as concrete or asphalt. Most of the subdivisions in Town already have that, however, there are a few locations that are not in subdivisions and this ordinance will cover the requirements going forward for all locations in Town.

At 7:05 p.m., Mayor Proctor opened the public hearing for public comment on the proposed Zoning Ordinance Amendment.

Ms. Jen Knick asked if the ordinance requires existing locations to make their driveways concrete or asphalt if they are not currently constructed with those materials.

Mr. O'Brien responded that they will not have to reconstruct their driveways. Properties that are already constructed and have gravel driveways are "grandfathered" in. This ordinance is for new construction.

Mr. Light, Town Attorney, added that the requirement applies to both commercial and residential properties, however it was already in place for commercial properties.

Planning Commission Chairman Eddie Long asked if the requirement would change for citizens who live at locations with gravel driveways and who request a Special Use Permit to conduct a small business out of their home.

Mr. Light responded that the requirement would not be changed as a matter of law, however the Council has the discretion to set any conditions they want on the Special Use Permit. The Council could say the permit will not be granted unless the driveway is paved.

With no further questions or comments from the public, at 7:07 p.m., Mayor Proctor closed the Town Council's portion of the Joint Public Hearing.

Planning Commission Chairman Eddie Long then opened the Planning Commission meeting and established a quorum with all members present. He also then opened the Planning Commission's portion of the joint public hearing to hear comments on a Zoning Ordinance Amendment regarding paving requirements within the Town.

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Mr. Travis Driver asked if tar and chip is considered properly bound. Mr. O’ Brien responded that it is not. Only concrete, asphalt, and pavers are considered properly bound.

With no further comments, the Planning Commission’s portion of the joint public hearing was closed.

Mr. Travis Driver then made a motion to recommend the Ordinance, as presented, to the Town Council. Ms. Brenda Pultz seconded the motion which passed on the following recorded roll call vote of Planning Commission Members:

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

Chairman Eddie Long announced that the Planning Commission unanimously recommends to the Town Council the approval of the Ordinance to amend and re-enact sections 703.03-1, 703.04-6, and 621.02-4, and to enact a new section 703.05-6 of the land development regulations of the Town of Broadway, Virginia, to require paving of certain parking, driveway, loading, and other areas.

Mr. David Jordan then advised Mayor Proctor that at the conclusion of the joint public hearing the Planning Commission unanimously recommended to Council the ordinance, as presented in the packet, to require paving of certain parking, driveway, loading, and other areas.

Mr. Chad Comer made a motion to adopt the Ordinance as presented. Ms. Beverly London seconded the motion which passed on the following recorded roll call vote:

David L. Jordan	Aye	Leslie E. Fulk	Aye
Beverly L. London	Aye	Douglas W. Harpine	Aye
Richard E. Fulk	Aye	Chad L Comer	Aye

Mr. Comer thanked Ms. Brenda Pultz for her efforts with the Autumn Days event. Ms. Pultz remarked that she and Ms. Cari Orebaugh had worked closely together on this event, and she thanked Ms. Orebaugh for her help with the event.

Mayor Proctor then announced that the joint public hearing was concluded, and Council would take a brief recess to allow members of the Planning Commission or the public to leave if they wished.

Resolution Initiating Zoning Text Amendment:

Mr. O’Brien explained that currently the Town of Broadway is part of a joint Board of Zoning Appeals with the Town of Timberville. After discussions with the Town of Timberville and the Town Attorney, both Towns agree that due to growth and changes in each town, it is prudent for the towns to separate the joint Board of Zoning Appeals and each town will form their own Board of Zoning Appeals. This resolution is the first step in the process of separating the joint Board of Zoning Appeals. A joint public hearing with the Planning Commission will be held in November and the Ordinance will come before Council for consideration.

Mr. Dave Jordan made a motion to adopt the resolution as presented. Mr. Doug Harpine seconded the motion which passed on the following recorded roll call vote:

David L. Jordan	Aye	Leslie E. Fulk	Aye
Beverly L. London	Aye	Douglas W. Harpine	Aye
Richard E. Fulk	Aye	Chad L. Comer	Aye
Tim S. Proctor	Aye		

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Old Business:

Mr. O'Brien reported that paving is scheduled to happen in early November. He also reported that the Planning Commission's review of the Comprehensive Plan is underway. In advance of that, Ms. Orebaugh has created a survey regarding the Comprehensive Plan to identify areas for improvement. The Rt. 259 bridge is scheduled to open October 11, 2023. The ribbon-cutting details are still being worked out. As soon as those details are finalized, Mr. O'Brien will let Council Members know in case they wish to attend. Mr. O'Brien concluded that the next Town Council meeting is scheduled for November 14th, 2023. No motion is needed to change this date as it is part of the updated Town Code. Council's work session will be held on November 9th, 2023.

Departmental Reports:

Parks & Recreation: No report. Mr. Harpine thanked Town staff for the Profit and Loss figures for the Community Pool. Mr. Harpine remarked that the pool is something that is done for the public and is a benefit to the citizens even though the Town always takes a loss on the pool.

Finance: No report.

Personnel/Police: No report. A copy of the police report for the month of September is included with the minutes as Attachment A.

Utilities: No report. A copy of the water production report for the month of September is included in the minutes as Attachment B.

Streets & Properties: No report.

BHP: Mr. Comer reported that Oktoberfest was a very successful and well attended event. Halloweenfest is the next event and is scheduled for Thursday, October 26th, 2023.

Planning Commission: Mr. Jordan reported that the Planning Commission has begun work on the Comprehensive Plan Update.

New Business: No new business to discuss.

Public Comment:

Mr. Shawn Moorman spoke regarding pickleball in Broadway. Mr. Moorman remarked that a tournament was held on Sunday, October 1, 2023. The tournament was a great success and over \$600 was raised from sponsors for cash & prizes for participants. Mr. Moorman provided some pictures of the tournament as well as a flyer that included information about pickleball in Broadway. Mr. Moorman thanked Ms. Cari Orebaugh for her help. Mr. Moorman also presented the Town with a check for \$216 with funds that were raised from the tournament.

Ms. Liz Fawley spoke regarding golf carts in the town. She advised that she had visited three other towns with golf cart ordinances as well as the DMV to gather information about golf carts. Ms. Fawley remarked that the other towns have not had any issues with golf carts. All of the other localities have guidelines for golf carts, and they all require that golf carts be inspected and have a town issued permit. Grottoes does charge a permit fee, whereas the other two localities do not. The DMV does not recognize a golf cart as a registered vehicle, and they do not issue permits for golf carts. It is up to individual localities to give out permits for golf carts. Ms. Fawley mentioned that signage for golf carts would not detract from the beauty of the Town. Ms. Fawley stated that she hopes the Council will revisit the golf cart issue in the new year.

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Ms. Jen Knick provided an update on Broadway High School. She remarked that Homecoming went well. She stated that the issue they were having with chronic absenteeism has been improving. She attributes this to better communication with students and parents.

Ms. Knick then announced that the school is planning their first annual arts and crafts show on Sunday, September 10th, which is the same day as the Christmas parade. Funds from the craft show will go towards the Grateful Gobbler account.

Mr. Fawley thanked the Town for repairing the pothole on Jewelry Drive.

Adjourn:

With no further comments from the public, and no further business to discuss, at 7:37 p.m., Beverly L. London moved, seconded by Douglas W. Harpine, to adjourn the October 3, 2023, Town Council meeting. The motion was approved with the following recorded roll call vote:

David L. Jordan	Aye	Leslie E. Fulk	Aye
Beverly L. London	Aye	Douglas W. Harpine	Aye
Richard E. Fulk	Aye	Chad I. Comer	Aye

Timothy S. Proctor

Mayor

Donna J. Lohr

Town Clerk