

MEETING MINUTES OF THE  
BROADWAY TOWN COUNCIL  
November 14, 2023

The Broadway Town Council met in regular session on Tuesday, November 14, 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, 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 Chief Doug Miller. The following Planning Commission Members were also in attendance for the joint public hearing: Chairman Eddie Long and Planning Commission Members Travis Driver and Brenda Pultz.

Mayor Timothy S. Proctor congratulated Richard E. Fulk on being recently re-elected to Town Council, and Mr. Travis Driver on being elected to Town Council for his first term. Mayor Proctor then 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 to adopt the minutes of the October 3, 2023, session of Town Council and to authorize payment of bills in the amount of \$390,650.09. Beverly L. London seconded the motion which was approved with the following recorded roll call vote:**

<b>Leslie E. Fulk</b>	<b>Aye</b>	<b>Beverly L. London</b>	<b>Aye</b>
<b>Richard E. Fulk</b>	<b>Aye</b>	<b>Chad L. Comer</b>	<b>Aye</b>

**Joint Public Hearing:**

The next item on the agenda was a joint public hearing with the Planning commission to hear comments on an Ordinance to amend Section 801.01 of the Land Development Regulations of the Town to abolish the Joint Board of Zoning Appeals for the Town of Broadway and the Town of Timberville; and to establish a new, independent Board of Zoning Appeals for the Town of Broadway alone.

Mr. O'Brien explained that over the years both Towns have grown and it is now time for each town to have its own Board of Zoning Appeals. The purpose of the joint public hearing at this evening's meeting is to establish the Town of Broadway's Board of Zoning Appeals. The Town of Timberville is in agreement with separating the joint Board of Zoning Appeals and they will also be creating their own Board of Zoning Appeals.

For the public's knowledge, Mr. O'Brien then explained the purpose of the Board of Zoning Appeals. He stated that the BZA is Town Council appointed, but it is an independent board and when they render a decision, that decision is final and binding. The BZA hears matters from citizens who have zoning issues with their properties in regard to setbacks, lot size and frontage requirements, and who have a hardship or obstacle with meeting the Town's current zoning requirements. If the zoning permit is denied by the zoning administrator, the citizen may appeal to the BZA. The Board of Zoning Appeals meets only on an "as needed" basis.

At 7:07 p.m., Mayor Proctor opened the public hearing for public comment on the proposed establishment of a Board of Zoning Appeals solely for the Town of Broadway.

There were no comments from the public on this matter so Mayor Proctor closed Town Council's portion of the joint public hearing at 7:09 p.m.

Planning Commission Chairman Eddie Long then called the Planning Commission Meeting to order and established a quorum with three members present. There were no questions from Planning Commission Members regarding the subject matter of the public hearing.

Mr. Travis Driver made a motion to recommend to Town Council on behalf of the Planning Commission the approval of an ordinance to amend the zoning text to establish an independent

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Board of Zoning Appeals and its associated language. Ms. Brenda Pultz seconded the motion which passed on the following roll call vote:

Brenda Pultz	Aye	Travis Driver	Aye
Eddie Long	Aye		

With no further business to discuss, the Planning Commission Meeting was adjourned at 7:10 p.m.

Mr. Long stated to the Town Council that the Planning Commission supports the amendment establishing an independent Board of Zoning Appeals.

**Mr. Leslie Fulk then made a motion to adopt the recommended ordinance as presented to establish an independent Board of Zoning Appeals for the Town of Broadway.**

**Ms. Beverly L. London seconded the motion which passed on the following recorded roll call vote:**

<b>Leslie E. Fulk</b>	<b>Aye</b>	<b>Beverly L. London</b>	<b>Aye</b>
<b>Richard E. Fulk</b>	<b>Aye</b>	<b>Chad L. Comer</b>	<b>Aye</b>
<b>Timothy S. Proctor</b>	<b>Aye</b>		

Mayor Proctor then called a brief recess to allow members of the Planning Commission or the public to leave if they wished.

**Consideration of Resolution – BZA Appointments:**

**Mr. Leslie L. Fulk made a motion to adopt a Resolution which recommends to the Circuit Court of Rockingham County the appointment of the following members to the newly established Town of Broadway Board of Zoning Appeals: Ms. Doris Whitmore, Mr. Taylor Fulk, Mr. Eddie Long, Mr. Jim Sacco, and Ms. Joan Shifflett. Mr. Chad L. Comer seconded the motion which passed on the following recorded roll call vote:**

<b>Leslie E. Fulk</b>	<b>Aye</b>	<b>Beverly L. London</b>	<b>Aye</b>
<b>Richard E. Fulk</b>	<b>Aye</b>	<b>Chad L. Comer</b>	<b>Aye</b>
<b>Timothy S. Proctor</b>	<b>Aye</b>		

**Old Business:**

Mr. O'Brien reported that paving will commence this week. Door notices were distributed today to citizens on First Street and Lindsay Avenue. Mr. O'Brien is waiting on a price for Rosemont Drive, and it may be included in the paving area as well.

Mr. O'Brien reported that the public works department has recently repaired several water leaks. Mr. O'Brien remarked that the Christmas lighting celebration is coming up and details for that event are being worked out.

**Departmental Reports:**

**Parks & Recreation:** No report.

**Finance:** No report.

**Personnel/Police:** No report. A copy of the police report for the month of October is included with the minutes as Attachment A. Police Chief Doug Miller reported that the Route 259 bridge is scheduled to be completely done next week. He also reported that he

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had applied for a grant that was available in March through the Department of Criminal Justice Service and the Police Department received \$94,000 through that grant. The funds were used to purchase a new speed trailer with a directional sign, a new Chevy Silverado for Police Department use, and new flock cameras. These can be used throughout town to take pictures of a vehicle's license plate and to aid in solving and deterring crime.

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

**Streets & Properties:** No report.

**BHP:** Mr. Comer reported that Halloweenfest was a huge success with record attendance. Oktoberfest was a very successful and well attended event. The Community Thanksgiving Market will be held on November 22, 2023 and the Christmas Tree Lighting is on November 29, 2023. Mr. Comer also reported that the Broadway Hometown Partnership is currently in the process of hiring a new executive director. Mr. O'Brien thanked Mr. Comer for his tireless efforts on the Halloweenfest event.

**Planning Commission:** Mr. O'Brien reported that the Planning Commission will be meeting regularly to review the Comprehensive Plan. To date, they have reviewed the first three chapters. Mr. O'Brien believes the update will be complete this spring.

**New Business:** No new business to discuss.

**Public Comment:**

Mr. Bob Sutherland voiced his concerns regarding the survey for the Comprehensive Plan 2040. He asked if the survey could have been sent out in the mail as well as posted on Facebook. He said that the Town needs as much input as possible from the citizens since the Town has grown since the last review of the Plan. He has concerns that the survey sample is not representative of the growth in Town.

Mr. O'Brien responded that when the survey has been mailed out in the past, the response has not been good and it is not worth the cost of postage to mail it out. He further remarked that the response to the survey on Facebook and the website has been well received.

Ms. Cari Orebaugh remarked that a public meeting will be held after the holidays and the date of that meeting can be sent out as a notification on the water bill.

Mr. Taylor Fulk thanked Town Council for recommending to the Rockingham County Circuit Court his appointment to the Broadway Board of Zoning Appeals. He remarked that he is really looking forward to serving on this board.

Mr. Rodney Schroeder shared some concerns he has regarding the Rail Trail. He stated that he does not agree with the Rail Trail and he is concerned about the lack of communication from the Town regarding the Trail. He suggested that the Town send out notifications regarding Rail Trail meetings via the water bill, in order to reach more citizens. Mr. Schroeder remarked that he believes there are better solutions to benefit the Town economically than what the rail trail might bring. He stated that there are benefits to a railroad and the railroad could be repaired and brought back into service. He proposed an alternative solution to the rail trail could be a scenic train through the area. He then discussed the example of the scenic train in Goshen, VA and the money that was made in that area. He said he does not believe that bicyclists and walkers will increase tourism numbers in the Town or bring in the same amount of money that a scenic train would. Mr. Schroeder asked that Council Members consider an alternative like this before the Rail Trail is brought to the Town.

Mr. O'Brien responded that the rail trail is multi-jurisdictional with \$35 million that has been appropriated in state funds. He stated that Norfolk Southern currently owns the track but they have

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said they do not want the track and do not want to run trains on it any longer. This was what precipitated talks of the Rail Trail. A feasibility study has been done for the rail trail and the study was the most responded to study in the Commonwealth of Virginia. Mr. O'Brien stated that it is much too expensive and it is not feasible to run a train on the tracks now. In addition, there has been much discussion and support of the Rail Trail and the future economic impact of the rail trail is expected to be great.

Mayor Proctor thanked the public for their comments.

**Adjourn:**

**With no further comments from the public, and no further business to discuss, at 7:56 p.m., Beverly L. London moved, seconded by Richard E. Fulk, to adjourn the November 14, 2023, Town Council meeting. The motion was approved with the following recorded roll call vote:**

<b>Leslie E. Fulk</b>	<b>Aye</b>	<b>Beverly L. London</b>	<b>Aye</b>
<b>Richard E. Fulk</b>	<b>Aye</b>	<b>Chad L. Comer</b>	<b>Aye</b>

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Timothy S. Proctor Mayor

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Donna J. Lohr Town Clerk