

BROADWAY TOWN COUNCIL

September 5, 2017

The Broadway Town Council met in regular session on September 5, 2017 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 Beverly L. London. Councilman Fred M. Olson III was absent. The following Planning Commission members were present: Larry Barb, Kathy Boase, Eddie Long, and Steve Shifflett. The following staff members were present: Town Manager Kyle O'Brien, Clerk/Treasurer Marla W. Kline, Attorney Matt Light, and Police Chief Randy Collins. Also in attendance were Rachel Eggert, Barbara Finnegan, T. Basil Finnegan, Amanda Lam, Sara Beth Mumbauer, Gene Nesselrodt, Sarah Rittenhouse, Lisa Schmid- Zweigler, Tim Schmoyer, Darlene Sites, John Sites, Blanche Wetzler, and James Zwiegler

Mayor Timothy S. Proctor called the meeting to order at 7:00 p.m. with a salute to the U. S. Flag and invocation.

Approval of Minutes and Bills:

Richard E. Fulk moved, seconded by Douglas W. Harpine, to adopt the minutes of the August 1, 2017 session of Council and the minutes of the August 31, 2017 Council Committees meeting, and to authorize payment of bills in the amount of \$728,556.58. 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
Beverly L. London	Aye	Fred M. Olson III	Absent

Joint Public Hearing – Home Occupation Permit; 370 Louisa Street:

Mayor Proctor stated that the Town has received an application from Jim and Lisa Zweigler for a Special Use Permit to operate a small antique store and art gallery at 370 Louisa Street. He advised that the Town's Land Development Regulations divide home occupations into two separate categories: Not Personal Service and Personal Service. He further advised that essentially, it is considered a Personal Service if you have clientele coming to the property for the sake of doing business. He stated that Personal Service home occupations require a Special Use Permit, and a joint public hearing of the Planning Commission and the Town Council. He further stated that this has been advertised as required, and all adjoining property owners have been notified of the request and the time and date of the hearing.

Mayor Proctor opened the public hearing and invited comments in support of or in opposition to the special use permit.

Barbara Finnegan, a neighbor on Louisa Street stated that she is in favor of the special use permit request.

Lisa Schmid- Zweigler stated that the tentative proposed hours of the operation are four days a week; Friday thru Monday from 10:00 a.m.- 6:00 p.m. She further stated that it is her goal to promote the arts in Broadway while incorporating the antiques store. She advised that she is working with two teachers at the high school to possibly provide an artwork display of the students every other month.

Basil Finnegan stated that he also is in favor of the request.

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Mr. O'Brien read a letter opposing retail business in this neighborhood, parking concerns, and concern that it will lower the value of property in this area. The letter will be incorporated into the minutes as Attachment A.

Having confirmed there was no one else in attendance wishing to speak in favor of or in opposition to the proposed special use permit request, Mayor Proctor closed the public hearing and asked for the recommendation of the Planning Commission.

The Planning Commission then convened and discussed the proposed request. Chairman Kathy Boase expressed concern about parking, to which Mrs. Schmid-Zweigler responded there are five parking spaces at the location and another five across the street at their residence. She indicated that she felt like the Broadway Presbyterian Church located near the proposed use would allow them to use their parking area when it is not in use. Additionally, she voiced her willingness not to promote the art display during hours of church-related activities. Commission member Steve Shifflett stated that he would feel better having something in writing from the church prior to acting on the request.

After brief discussion, Steve Shifflett moved, seconded by Larry Barb, to decline to act on the special use permit request and revisit the request at its next Commission meeting. The motion was approved with the following recorded roll call vote:

Larry Barb	Aye	Kathy Boase	Aye
Eddie Long	Aye	Fred Olson	Absent
Steve Shifflett	Aye		

Town Attorney Matt Light advised that the Commission has 60 days to provide a recommendation on the request; otherwise, the Council may go ahead and take action on the request.

Public Hearing – Design Build Project:

Mayor Proctor opened a Public Hearing to receive comments on the two design build proposals that the Town has received for the upgrade of the water treatment plant. Having confirmed there was no one in attendance wishing to speak either in favor of or in opposition to the proposals, Mayor Proctor closed the public hearing and advised that no formal Council action is necessary as the public hearing is just a requirement of the Town's PPEA ordinance.

Old Business:

Town Manager Kyle O'Brien provided updated photos of improvements that are being made on West Springbrook Road, as well as photos of the well project.

Committee Reports:

Parks & Recreation Committee:

Chairman Doug Harpine reported that the Town's open house held at the newly renovated pool during August was quite a success. He noted that Town staff provided free hamburgers, hot dogs, etc. and drinks and the event was very well attended.

Finance Committee:

No report.

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Personnel/Police Committee:

No report. A copy of an activities report for the police department for the month of August is included in the minutes as Attachment B.

Streets & Properties Committee:

No report.

Utilities Committee:

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

BHP:

Mr. O'Brien reported that the Autumn Day event will be held downtown on Saturday, September 9th. He further reported that BHP is currently in discussion with the Harrisonburg-Rockingham Chamber of Commerce to combine this event with the Chamber's Fall Festival beginning in 2018 in lieu of having two separate events. He noted that organizers of the antique car show have been contacted and are in favor of the change.

Planning Commission Report:

Mr. O'Brien reported that the Planning Commission is continuing progress with the Comprehensive Plan update.

New Business:

Douglas W. Harpine moved, seconded by Richard E. Fulk, to change the date of the October 2017 Council meeting to October 10, 2017 at 7:00 p.m. due to conflicts with several members attending the Virginia Municipal League conference. 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
Beverly L. London	Aye	Fred M. Olson III	

Public Comment:

Mayor Proctor welcomed students in attendance from Eastern Mennonite and Broadway High Schools.

Darlene Sites inquired as to what the anticipated completion date is for the West Springbrook Road project and commended Town employees on the excellent job they are doing.

Gene Nesselrodt applauded the Council on its efforts in pursuing an additional water source and proceeding with the drilling of the new well.

There being no further business, the meeting was adjourned.

Timothy S. Proctor Mayor

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Clerk

Marla W. Kline, MMC