

## BROADWAY TOWN COUNCIL

August 7, 2018

The Broadway Town Council met in regular session on August 7, 2018 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: Kathy Boase, Eddie Long, and Steve Shifflett. The following staff members were present: Town Manager Kyle O'Brien, Town Attorney Matt Light, and Police Chief Randy Collins. Also in attendance were Melanie Cackowski, Bonnie Caplinger, Randy Cosner, Carolyn J. Dove, John Dove, Glen Fahrney, Ron Fahrney, Joel Francis, Jen Knick, Curtis Knupp, Debra Knupp, Elizabeth A. McAlister, O. Gene Nesselrodt, Jennifer Ritchie, Nicole Robertson, Danny Showalter, Peppe Showman, Darlene Sites, John Sites, Thomas Snook, Johnny Vandevander, Sandy Vandevander, Stephanie Vandevander, and Marijo Wood.

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 Chad L. Comer, to adopt the minutes of the July 10, 2018 session of Council and to authorize payment of bills in the amount of \$1,420,616.39.

### **Community Announcement:**

Mayor Proctor welcomed Jen Knick, newly appointed Assistant Principal at Broadway High School. Mrs. Knick briefly familiarized everyone in attendance of an upcoming event celebrating the opening day of school. Mrs. Knick advised that on the morning of Tuesday, August 21<sup>st</sup>, the first day of school, staff and members of the community will line the sidewalks at BHS to display signs and show community support in welcoming high school students back to school. She further advised that this has been done the past several years and students seem to really enjoy it. She further advised that breakfast will be available and invited everyone to join in the celebration.

### **Joint Public Hearing-Rezoning Request, East Springbrook Rd.:**

Mayor Proctor stated that the first item of business is a Joint Public Hearing of the Council and Planning Commission to consider an application from Curtis Knupp for a rezoning request. He advised that the property is located at the intersection of E. Springbrook Road and Lindsay Avenue and the request is to change the property from R-1 to B-1 for the purpose of locating an automobile sales lot. Mayor Proctor opened the Joint Public Hearing and invited comments regarding the proposed request.

The applicant, Mr. Knupp, advised that he has walked the community to explain to adjoining property owners what he is planning to do. He advised that the major concern he heard was about lighting and he will use minimal lighting, limiting it to 6:15 in the evenings.

Melanie Cackowski, a resident of Heritage Villas on Alger Lane, stated that she does not feel a car lot is an appropriate use of this property and would prefer it remain residential. She asked if a traffic study has been completed in this area and fears the cars and lighting could potentially be a distraction to drivers in the area.

Yaz Sengul stated that as a former employee of Mr. Knupp, he has been degraded and does not feel Mr. Knupp will abide in the best interest of the neighborhood. He further stated that this area has

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heavy traffic, and this use will create additional problems. He advised that most of Mr. Knupp's inventory is brought in by tractor trailers and questioned how this inventory will be unloaded.

Mayor Proctor reminded everyone that this is not a personal issue and when considering a rezoning, the surrounding land needs to be taken into account. This property is located on a major arterial road with commercial activity in its close proximity. Additionally, it is located in a transitional land use area with higher density residential to the south of the area.

Carolyn Dove, an adjoining property owner, stated that her biggest concern is the lighting, but also wonders how the ditch that runs between the townhouses and the proposed business will be affected with runoff. She further stated that she does not feel traffic will be impacted.

Councilman Leslie Fulk stated that regardless of the use of this property, a site plan will have to be submitted and drainage will need to be addressed as a part of the site plan approval.

Jennifer Ritchie, another adjoining property owner, advised that her tenants also have concerns regarding lighting and traffic.

Elizabeth McAlister stated that she too has concerns about lighting and drainage issues.

Mr. Knupp again advised that he intends to use minimal indirect lighting, nothing as strong as what exists at his current lot in Timberville because the nature of the neighborhood is quite different.

The Town Manager again reminded everyone that when considering this rezoning, the primary determination is if B-1 Business is an appropriate use of this land.

Having confirmed there was no one else in attendance wishing to comment on the rezoning request, Mayor Proctor asked Planning Commission members if they had any questions or comments prior to closing the hearing. Chairman Kathy Boase advised that she feels the Commission needs to get additional information from Mr. Knupp as to specifics regarding lighting, run-off, if there is going to be a landscape buffer, etc. prior to making a recommendation on the rezoning request.

Town Attorney Matt Light advised that if the Council and Planning Commission so desires, they could continue the hearing until a later date to give Mr. Knupp additional time to submit a more detailed proposal, as well as any written proffers, he wishes to offer addressing neighboring concerns.

The Council and Planning Commission concurred and agreed to adjourn the hearing until its October Council meeting which will be held a week later than usual due to members attendance at the VML Conference; and will give Mr. Knupp ample time to get a more detailed proposal submitted.

Beverly L. London moved, seconded by Douglas W. Harpine, to adjourn and continue the hearing until the October 9, 2018 Council meeting. 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

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Beverly L. London	Aye	Fred M. Olson III	Absent
Timothy S. Proctor	Aye		

**Joint Public Hearing-Rezoning Request, Early Drive.:**

Mayor Proctor stated that the next item of business is consideration of a rezoning request from Cosner Construction, Inc. for property located at the intersection of Early Drive and Route 42. He further stated the applicant is requesting that the zoning be changed from B-2 to R-3 and has submitted in writing a proffer to only use the land for three single-family dwellings. He advised that the Town has notified all adjacent property owners and notice of the public hearing has been properly advertised. Mayor Proctor opened the public hearing and invited comments in favor of or in opposition to the rezoning request.

Danny Showalter, a resident at 665 Early Drive, stated that he is in favor of the rezoning and would prefer having the property zoned residential in lieu of the current commercial zoning.

Having confirmed there was no one else in attendance wishing to comment, Mayor Proctor closed the public hearing and invited input from the Planning Commission.

The Planning Commission convened and recommended approval of the rezoning request.

Beverly L. London moved, seconded by Leslie E. Fulk, to adopt ***AN ORDINANCE TO AMEND THE ZONING MAP TO CHANGE THE CLASSIFICATION OF TAX MAP NO. 51A3-(9)-LAI.***

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
Timothy S. Proctor	Aye		

A copy of the ordinance is included in the minutes as Attachment A.

**Final Plat; Sunset Heights Subdivision:**

Mayor Proctor stated that the next item of business is consideration of a final plat for Sunset Heights Subdivision. The Town Manager advised that this plat is for property located on Sunset Drive between Coyote Run and Broadway South Subdivisions. He further advised that it consists of 29 lots, is zoned properly, and meets all requirement of the Broadway Land Development Regulations. Beverly L. London moved, seconded by Leslie E. Fulk, to approve the subdivision plat as presented and shown on 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	Aye
Beverly L. London	Aye	Fred M. Olson III	Absent
Timothy S. Proctor	Aye		

**Alley Closures:**

Mayor Proctor stated that at the July Council meeting, a public hearing was held, and a resolution was adopted appointing viewers to investigate two proposed alley closures. He stated that having considered the requests, it is the recommendation of the viewers that the alleys be abandoned, closed, and deeded to the property owners.

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Chad L. Comer moved, seconded by Douglas W. Harpine, to adopt ***AN ORDINANCE VACATING THE ALLEY SITUATE PARALLEL TO, AND BETWEEN, CENTRAL STREET AND SOUTH MAIN STREET, NORTH OF ROCK STREET, IN THE TOWN OF BROADWAY VIRGINIA.***

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
Timothy S. Proctor	Aye		

Chad L. Comer moved, seconded by Beverly L. London, to adopt ***AN ORDINANCE VACATING THE ALLEY SITUATE PARALLEL TO, AND BETWEEN, CENTRAL STREET AND SOUTH MAIN STREET, NORTH OF ROCK STREET, IN THE TOWN OF BROADWAY, VIRGINIA.***

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
Timothy S. Proctor	Aye		

A copy of the viewers' recommendation as well as the ordinances are included in the minutes as Attachment C.

**Old Business:**

Town Manager Kyle O'Brien provided a slide presentation and update on the water treatment plant upgrade. He advised despite recent wet weather, the project continues to be progressing well.

**Committee Reports:**

**Parks & Recreation Committee:**

No report.

**Finance Committee:**

No report.

**Personnel/Police Committee:**

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

**Streets & Properties Committee:**

No report.

**Utilities Committee:**

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

**BHP:**

No report.

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**Planning Commission Report:**

No report.

**New Business:**

Personnel/Police Committee Chairman Leslie Fulk read a letter of resignation from Councilman Fred Olson due to ongoing medical difficulties. Mr. Fulk stated that it is with a very heavy heart that he offers a motion to accept Mr. Olson's resignation. The motion was seconded by Richard E. Fulk and approved with the 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

Council concurred that Mr. Olson will be greatly missed on the governing body. Mayor Proctor advised that the Council has 30 days to fill Mr. Olson's position and will begin accepting letters of interest from any citizens desiring to be considered for appointment to fill the remainder of Mr. Olson's term.

**Public Comment:**

Darlene Sites inquired as to why this is the first meeting she has heard anything about the Sunset Heights Subdivision. Mr. O'Brien responded that this project has been in the works for several years, but development is just now starting. He advised that when subdivisions are compliant with land development regulations, approval is administrative in nature.

Bonnie Caplinger commented that she has missed Mr. Olson since he has been unable to attend meetings and he will certainly be missed in the future.

Melanie Cackowski stated that she has an additional concern relating to what appears to be development on the former Lantz Building Supply property. More specifically, she is concerned about the retention pond in the Alger Lane area, as well as that area not being able to handle additional traffic. Randy Cosner advised that he is beginning development in this area; however, it will have an entirely separate entrance and will not be accessible from Alger Lane.

There being no further business, the meeting was adjourned.

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Timothy S. Proctor

Mayor

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Marla W. Kline MMC

Clerk