

BROADWAY TOWN COUNCIL

October 9, 2018

The Broadway Town Council met in regular session on October 9, 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, David L. Jordan, and Beverly L. London. 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, Clerk/Treasurer Marla W. Kline, Town Attorney Matt Light, Sergeant Larry Good, and Police Officer Joe Ritchie. Also in attendance were Micah Buckwalter, Bonnie Caplinger, Shirley Chenault, John Dove, Joel Francis, Sue Fulk, Ashley Hoover, Alda Knupp, Charles Knupp, Curtis Knupp, Debbie Knupp, Holly Knupp, Kevin Knupp, Lynn Miller, Jennifer Ritchie, Mikayla Ritchie, Nicole Robertson, Yavuz Sengul, Joan Shifflett, Darlene Sites, John Sites, Autumn Slifer, Johny Vandevander, Stephanie Vandevander, Jesse Whetzel,

Mayor Timothy S. Proctor called the meeting to order at 7:00 p.m. with the Pledge of Allegiance followed by the invocation.

Mayor Proctor welcomed Shirley Chenault, who introduced Micah Buckwalter and Mikayla Ritchie, members of the BHS Leos Club. Mr. Buckwalter stated that members of the club have done a number of fundraising projects this year, among of which recently assisting the Lions Club with parking cars at the Rockingham County Fair. He stated that on behalf of the club, he wanted to present the Town with a check for \$1,000 as a donation to assist with the funding of the narcotics K9 dog that the police department will be getting. Mayor Proctor asked Officer Joe Ritchie to familiarize everyone with where the Town is in the process. Officer Ritchie advised that he and Chief Randy Collins will be going to select and meet the dog in November. He stated that he will then begin training in December followed by putting the dog in use in January.

Mayor Proctor and Council thanked the LEOS Club for the generous donation as well as the service they provide to the community.

Continuance of Joint Public Hearing-Rezoning Request, E. Springbrook Rd.:

Mayor Proctor stated that a Joint Public Hearing of the Council and Planning Commission was held on August 7, 2018 to consider a rezoning request from Curtis Knupp for the location of an automobile sales lot on E. Springbrook Rd. He reminded everyone that the hearing was continued until the October Council meeting. Mayor Proctor then reconvened the public hearing and asked the Town Manager to update everyone on the status of the request. Town Manager Kyle O'Brien stated that the Planning Commission met and reviewed documents submitted by Mr. Knupp relating to drainage and lighting. He further stated that Mr. Knupp has offered the following proffers:

1. The property may be used only for an auto sales lot or for a use permitted by right in the R-1 zoning district.
2. There will be a vegetative buffer on the southern property line.
3. Yard lights shall be turned off by 9:00 p.m. each evening, except for security lighting; and
4. Pole lighting shall be installed according to the plan previously submitted to the Town.

Mayor Proctor noted that an unsigned letter and petition opposing the request had also been received by the Town. Yavuz Sengul stated that he had submitted the letter and petition; and he continues to have concern about trailers unloading vehicles on Springbrook Road.

Mayor Proctor then asked if anyone else wished to speak concerning this matter prior to closing the public hearing.

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Mr. Knupp advised that he had spoken with all of the neighbors since the last meeting and noted that none of them are in attendance, so he feels all concerns have been addressed.

Mayor Proctor then closed the Public Hearing and asked the Planning Commission to provide a recommendation.

The Commission then convened, and Chairman Kathy Boase stated that after further discussion of the proposed rezoning at its last meeting and in consideration of tonight's discussion, she feels the Commission is prepared to make a recommendation. Steve Shifflett moved, seconded by Eddie Long, to recommend that Council approve the conditional rezoning request with the proffers offered. The motion was approved with the following recorded roll call vote:

Larry Barb	Absent	Kathy Boase	Aye
Beverly London	Aye	Eddie Long	Aye
Steve Shifflett	Aye		

Mayor Proctor thanked the Commission and invited Council action.

Beverly L. London moved, seconded by Richard E. Fulk, to adopt ***AN ORDINANCE TO AMEND THE ZONING MAP TO CHANGE THE CLASSIFICATION OF TAX MAP NO. 51A3-(2)B2L1*** approving the Conditional Rezoning request of Curtis Knupp for the location of an automobile sales lot on property located at the intersection of East Springbrook Rd. and Lindsay Ave. with the previously stated proffers. 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
Timothy S. Proctor	Aye		

A signed copy of the proffers, along with the ordinance, is included in the minutes as Attachment A.

Approval of Minutes and Bills:

Richard E. Fulk moved, seconded by Chad L. Comer, to adopt the minutes of the September 4, 2018 session of Council and to authorize payment of bills in the amount of \$978,777.56. 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:

Town Manager Kyle O'Brien provided a slide presentation and update on the water treatment plant upgrade including photos of the recently completed membrane building. He explained that the building was fabricated elsewhere and brought in on trailers; and was then assembled in about a day and a half. He stated that the red-brick look building blends in well with the water treatment plant. He further stated that construction has begun on the 100,000-gallon raw water storage tank located just behind the building. He concluded by stating that water from the Town's well will be pumped into this tank daily.

Committee Reports:

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Parks & Recreation Committee:

No report.

Finance Committee:

Chairman Richard Fulk reminded members that each year, the Town is required to establish a personal property tax relief rate. He then moved, seconded by Chad L. Comer, to adopt a personal property tax relief rate in the amount of 47%, which again mirrors that of Rockingham County. 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
Timothy S. Proctor	Aye		

Personnel/Police Committee:

Chairman Leslie Fulk stated that the Town shares a Joint Board of Zoning Appeals with the Town of Timberville and there is now a vacancy on the Board as a result of the recent Council appointment of David Jordan. Mr. Fulk moved, seconded by Beverly L. London, to appoint Joan Shifflett to the Joint Board of Zoning Appeals. 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
Timothy S. Proctor	Aye		

Town Attorney Matt Light reminded members that the Council recommendation will need to be finalized by the Circuit Court.

A copy of an activities report for the police department for the month of September is included in the minutes as Attachment B.

Streets & Properties Committee:

Chairman Chad Comer advised that his committee is working on a paving/sidewalk plan for the Spring of 2019, along with a five-year project prioritizing needs throughout the Town. He also stated that as discussed at the committees meeting, it was recommended to adopt an ordinance prohibiting the parking of a vehicle on the street side facing traffic. Chad L. Comer moved, seconded by Leslie E. Fulk, to *adopt AN ORDINANCE TO ADD A NEW SECTION 72.01(D) TO THE TOWN CODE PROHIBITING THE PARKING OF VEHICLES WITH THE LEFT SIDE ADJACENT TO THE CURB, AND FOR OTHER PURPOSES.* 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
Timothy S. Proctor	Aye		

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

Utilities Committee:

No report. A copy of the water production report for the month of September is included in the

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minutes as Attachment D.

BHP:

Councilman Chad Comer reported that the Octoberfest event held on September 28th was well attended and a success despite the rainy weather preceding the event. He advised that Halloweenfest will be held on October 25, 2018 from 4:00 – 7:00 p.m. and that volunteers are still needed.

Planning Commission Report:

No report.

New Business:

Mr. O'Brien mentioned that June 22, 2019 has been set as the date for the Town's Family Fireworks Day.

Public Comment:

Sue Fulk, a resident of Fourth Street, stated that although she understands there is nothing the Town can do, she is very upset about a neighbor's leaves coming onto her property. She stated that this is an ongoing issue that happens every year and it is very frustrating. She further expressed concern about the new ABC store going into the Town of Timberville, as well as the lack of businesses in the downtown area. Mayor Proctor and Council sympathized with Ms. Fulk's concerns, but acknowledged that unfortunately, unless the tree encroaches onto her property, it is just a force of nature and the Town cannot intervene.

There being no further business, the meeting was adjourned.

Timothy S. Proctor

Mayor

Marla W. Kline MMC

Clerk