

BROADWAY TOWN COUNCIL

January 8, 2019

The Broadway Town Council met in regular session on January 9, 2019 in the Council Chambers of the Broadway Municipal Building. The following members were present: Mayor Timothy S. Proctor and Council Members Chad L. Comer, Richard E. Fulk, Douglas W. Harpine, David L. Jordan, and Beverly L. London. Councilman Leslie E. Fulk 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 D. O'Brien, Clerk/Treasurer Marla W. Kline, Town Attorney Matt Light, and Police Chief Randy Collins. Also in attendance were Don Clem, Eloise Clem, Kelsey Cabbage, John Dove, Lindsay Finnegan, Joel Francis, John Merle Herr, Clifton Ray Kaderli, Steven Layman, Russell Mumaw, Ruth Mumaw, Denise Ranck, Darlene Sites, John Sites, Johnny Vandevander, Sandy Vandevander, and Stephanie Vandevander

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:

David L. Jordan moved, seconded by Beverly L. London, to adopt the minutes of the December 4, 2018 session of Council and to authorize payment of bills in the amount of \$744,274.51. The motion was approved with the following recorded roll call vote:

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

Joint Public Hearing-Trimble Heights Subdivision:

Mayor Proctor stated that the first item of business is a request from Results Realty for a special use permit for an amendment to the Trimble Heights Subdivision. Mayor Proctor opened a Joint Public Hearing of the Council and Planning Commission and asked the Town Manager to familiarize everyone with the request. Mr. O'Brien explained that Trimble Heights Subdivision was approved in 2006 as a high-end, age-restricted duplex development, but that it never took off due to the economy and lack of demand for this type of development. He stated that only four units have been built since the subdivision's inception and the property has been in the hands of a West Virginia Bank for the last decade due to foreclosure. He noted that over the past 12 years, the subdivision has changed to include zero lot line patio style homes, and the age restriction requirement has been waived for 20% of the development; however, no further building has commenced since these changes. Mr. O'Brien concluded by stating that a firm has now come forward with a proposal to waive the age restricted requirement and to develop the subdivision according to the approved plan.

Mayor Proctor invited comments in support of or in opposition to the request.

Clifton Ray Kaderli of Results Realty stated his hope is to complete the development; however, he has conducted a study of the area and market, and does not feel that he or any developer, would feasibly be able to proceed with the development unless the 55+ age restriction is lifted.

Merle Herr, a resident of Trimble Heights, advised that he bought his property two years ago and is quite happy to be a resident of Broadway. He stated that although respectful of those in favor of the request to waive the age restriction, he is opposed to this request. He further stated that he does not feel that the age restriction will hamper the sale of lots and he wants to be in a quiet neighborhood.

Russel Mumaw stated that he has lived in Trimble Heights Subdivision since November 2007 and it

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is a quiet community, but he recognizes that it has become stagnant. He stated that for that reason, he is very open to mixed ages and would like to see further development.

Having confirmed there was no one else in attendance wishing to speak either in favor of or in opposition to the proposed 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. Planning Commission Chairman Kathy Boase stated that she had contacted Rockingham County Schools and had learned that all schools within the Town are at or near capacity. Additionally, she has concerns about the additional traffic this subdivision will create. Commissioner Eddie Long stated that he, too, has concerns regarding the traffic. Commission member Steve Shifflett stated that he feels that all schools within the County will eventually need expansion due to developments, not just those limited to Broadway.

Mr. O'Brien stated that Rockingham County is directing growth toward the incorporated towns because that is where services are readily available and provided to citizens. Furthermore, he noted that this project has already been approved for development.

Steve Shifflett moved to recommend approval of the special use request for removal of the age restriction for the development of Trimble Heights Subdivision. The motion failed for lack of a second.

Bev London asked Mr. Kaderli if there will be a homeowner's association, to which he responded that it is intention to keep the existing homeowner's association in place, although it may require minimal changes.

After additional discussion, Chairman Boase advised the Council that the Planning Commission does not have a recommendation at this time.

Town Attorney Matt Light advised that the Council cannot act on the matter until the Planning Commission provides a recommendation or until 60 days, whichever occurs first.

Annual Appointment of Vice-Mayor:

Mayor Proctor stated that at the beginning of each year, it is necessary to appoint a Vice-Mayor. Beverly L. London moved, seconded by Chad L. Comer, to appoint Richard E. Fulk as Vice-Mayor for 2019. The motion was approved with the following recorded roll call vote:

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

Public Hearing: Resolution – Appointment of viewers for right of way closure:

Mayor Proctor opened a public hearing to consider the appointment of viewers for a right of way closure on East Springbrook Road. Mr. O'Brien explained that this right of way was abandoned after the realignment of East Springbrook Road circa 2001 and is of no use to the Town. He further explained that the adjoining property owners have been maintaining the area and have approached

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the Town regarding its ownership. He stated that as with any vacation of Town owned property, appointment of viewers is the first step in the legal process. Mayor Proctor invited comments in favor of or in opposition to the proposed appointment of viewers Terry Stoehr, DD Hulvey-Sellers, and Sue Olson for the proposed closure. Having confirmed there was no one in attendance to speak in favor of or in opposition to the proposed appointment, Mayor Proctor closed the hearing and invited Council action. Chad L. Comer moved, seconded by Beverly L London, to adopt a ***RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BROADWAY, VIRGINIA, APPOINTING VIEWERS TO INVESTIGATE A RIGHT OF WAY CLOSURE***. The motion was approved with the following recorded roll call vote:

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

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

Resolution – Addition of new streets to the Town’s street system:

Mayor Proctor stated that streets within the Coyote Run Subdivision, along with Ridgewood Avenue, can now be presented to the Virginia Department of Transportation for inclusion into the Town’s roadway system, so that the Town can be paid for these streets. Chad L. Comer moved, seconded by Douglas W. Harpine, to adopt a ***RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BROADWAY, VIRGINIA, REQUESTING THE ACCEPTANCE OF CERTAIN TOWN STREETS INTO THE STATE SYSTEM FOR THE PURPOSE OF MAINTENANCE PAYMENTS***. The motion was approved with the following recorded roll call vote:

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

A copy of the resolution is included in the minutes as Attachment B.

Old Business:

Town Manager Kyle O’Brien presented a slideshow of improvements that have been made at the water plant since the last meeting. He noted that considerable progress has been made during the last month including the arrival and placement of the generator. He stated that much of the activity has been concentrated in the membrane building. He concluded that the project is nearing completion and continues to be under budget.

Committee Reports:

Parks & Recreation Committee:

No report.

Finance Committee:

No report.

Personnel/Police Committee:

Chief Randy Collins introduced Kelsey Cabbage, the newest addition to the Town’s Police Department. Officer Cabbage comes from the Rockingham County Sheriff’s Office and replaces Officer Brandon Plogger who recently accepted a teaching job at Massanutten Technical Center. Chief Collins also

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advised that Officer Ritchie and Pogo, the Town's new canine, will complete their training in Pennsylvania this Friday, January 11th and will be ready to begin service.

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

Streets & Properties Committee:

No report.

Utilities Committee:

A copy of the water production report for the month of December is included in the minutes as Attachment D.

BHP:

No report.

Planning Commission Report:

No report.

New Business:

There were no items of new business.

Public Comment:

There were no comments from the public.

There being no further business, the meeting was adjourned.

Timothy S. Proctor

Mayor

Marla W. Kline, MMC

Clerk