

BROADWAY TOWN COUNCIL

November 5, 2019

The Broadway Town Council met in regular session on November 5, 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, Leslie E. Fulk, Richard E. Fulk, Douglas W. Harpine David L. Jordan, and Beverly L. London. The following staff members were present: Town Manager Kyle D. O'Brien, Clerk/Treasurer Marla W. Kline, Police Chief Randy Collins, Town Attorney Matt Light and Attorney Joel Francis. Also in attendance were Irvin Armentrout, Ed Blackwell, Janet Dellinger, Joseph B. Dellinger, Linda Gilbert, Heather Harris, Bo Hotchkiss, Sherri Hotchkiss, Bryan Hutcheson, Joy Kauffman, Kent Kauffman, Tim Knight, Eddie Long, Keith May, O. Gene Nesselrodt, Mac Nichols, Cynthia Noble, Michael Noble, Marcie Phares, Neil Phares, Darlene Sites, John Sites, Joey Suters, and Larry Zirkle

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:

Richard E. Fulk moved, seconded by Beverly L. London, to adopt the minutes of the October 1, 2019 session of Council and to authorize payment of bills in the amount of \$815,512.22. 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

Public Hearing: Rezoning, Rockingham Petroleum:

Mayor Proctor advised that the first item of business will be a Public Hearing on the rezoning request of Rockingham Petroleum.

Mayor Proctor opened the Public Hearing and asked each person to state his/her name and address and noted that each speaker will be limited to three minutes. He then invited anyone wishing to speak in favor of the proposed rezoning, including the applicant to do so.

Irvin Armentrout, representative of Rockingham Petroleum, stated that Rockingham Petroleum is a locally owned farmers cooperative that has been established in the valley for many years, and has been working with the Town this year on a request to construct a convenience store/gas station at the intersection of Springbrook Road and Route 259. He further commented that throughout this process there have been concerns raised regarding traffic, safety, and environmental issues, and Rockingham Petroleum has worked very diligently to address these issues and are confident that they have done so. He concluded that the Planning Commission recommended approval of their request at the October meeting, and so now they are before the Town Council respectfully requesting the Council's consideration of this request.

Mayor Proctor then invited anyone wishing to speak in opposition to the request.

Bo Hotchkiss, 4222 Shady Oak Drive, stated that this area, as it is today, did not exist 30 years ago when the Town's annexation agreement with the County was enacted. He stated that this is not an appropriate use for this area. He voiced disappointment that at the most recent Planning Commission meeting, one member indicated that he had spoken with citizens and had received few concerns about the request. He further stated that another member noted that this request had been exhausting. He stated that if approved, this is where the trouble will start, creating traffic and safety problems. He concluded by stating that despite what has been said, this is clearly a misplaced truck

BROADWAY TOWN COUNCIL

November 5, 2019

stop and does not belong in the vicinity of a community graveyard and high school.

Brisco Dellinger stated that he has lived at the end of Daphna Road for 60+ years and he, along with other residents in this area, depend on an underground (well) water source. He commented that he is very concerned how this development will impact the supply. He also expressed concern about the graveyard as well as caves in this area. He stated that traffic has increased over the years and he does not feel this is a fit location for this facility. He concluded that he is opposed to the proposed use and despite findings of engineers', they are not fully aware of what is in this area.

Heather Harris, a resident of 12149 Daphna Road, also expressed concerns with traffic/pedestrian safety and noted that she too depends on an underground water source. She stated that she is not opposed to the request but would ask if the project moves forward that everything possible is done to assure that these concerns, as well as light pollution, are adequately addressed.

Linda Gilbert, a resident of 12211 Daphna Road, stated that she has the same concerns as others, and fears that drugs and prostitution will eventually occur.

Kent Kauffman, 3768 Mayland Road, stated that he is appreciative of the Council taking the time to consider all the concerns associated with this project. He stated that as he had previously mentioned he does not feel a gas station will be a good neighbor. He reiterated concerns regarding its vicinity to the church and graveyard. He noted his displeasure that a formal traffic study was not conducted. He concluded that he does not feel anyone realizes the impact the traffic associated with this development will have on this area and feels there are other better suited locations that would not feel the impact as much.

After confirming there was no one else in attendance wishing to speak, Mayor Proctor closed the Public Hearing and invited Council action.

David Jordan, Council representative to the Planning Commission, stated that the Commission held its public hearing on September 30, 2019, and at its subsequent meeting on October 21, 2019, recommended to approve the rezoning request on a 3-1 vote.

Annexation Ordinance:

David L. Jordan moved, seconded by Beverly L. London, to adopt the Annexation Ordinance as presented.

Mayor Proctor commented that after spending a considerable amount of time, both at meetings and on a personal level, researching this project, he truly feels this use fits with the Town's Comprehensive Plan and Land Use Regulations. He noted that recommendations from DEQ and VDOT have proved to be key factors throughout the process. He advised he had spent 12 mornings and 12 afternoons parked near the high school observing traffic patterns. He stated that in speaking with high school administrators, he learned that they have more concerns with what happens in the parking lots more so than on Springbrook Road. Additionally, he stated that he had visited other areas such as Bridgewater, and Woodstock near where traffic from three schools actually feeds into a high-traffic business area, and found that the school traffic apparently is not a dangerous factor. He acknowledged that although his data is certainly not statistical, he feels confident with his findings.

Councilman Leslie Fulk stated that he feels all comments, including those in favor of and those opposed to this proposed annexation and rezoning request, have been thoroughly considered. He

BROADWAY TOWN COUNCIL

November 5, 2019

noted that when considering a matter such as this, members must rely on information from those entities with more knowledgeable people and must make a decision based on the best information available.

The motion was approved with the following recorded roll call vote:

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

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

Rezoning Ordinance:

David L. Jordan moved, seconded by Beverly L. London, to adopt ***AN ORDINANCE TO REZONE ALL OR PORTIONS OF ROCKINGHAM TAX MAP NOS. 51A4-A-8, 51AR-A-3, 52-A-113, 52-A-114, AND 52-A-115, AND FOR OTHER PURPOSES.***, as presented. Attorney Matt Light noted that signed proffers will be included in the approved ordinance. The motion was approved with the following recorded roll call vote:

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

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

After a five-minute recess, Mayor Proctor reconvened the meeting.

Final Plat, Section 5 Coyote Run:

Mr. O'Brien advised that members have been provided a copy of a final plat for Phase 5 of Coyote Run Subdivision, which consists of 47 lots. As a reminder, he stated that the preliminary plat of the entire subdivision was approved in 2011 by the Planning Commission and Council, and when subsequent phases are ready for final plat approval, it just requires Council action. He noted that the developers will be required to post a bond for all of the public improvements that are required, including streets, sidewalks, water and sewer lines, and street lights. He concluded that all land development regulations pertaining to this request have been met. David L. Jordan moved, seconded by Beverly L. London, to approve the final plat as presented, a copy of which is included in the minutes as Attachment C. 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

BZA Reappointment, Michael Gray:

Mayor Proctor stated that the next item of business is consideration of a resolution regarding the reappointment of Michael Gray to the Broadway/Timberville Board of Zoning Appeals. Leslie E. Fulk moved, seconded by David L. Jordan, to adopt a ***RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BROADWAY, VIRGINIA, REGARDING THE REAPPOINTMENT OF MICHAEL GRAY TO THE BROADWAY/TIMBERVILLE 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	Nay
David L. Jordan	Aye	Beverly L. London	Aye

BROADWAY TOWN COUNCIL

November 5, 2019

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

Old Business:

Town Manager Kyle O'Brien provided a review of current projects, including photos of the new Turner Avenue sidewalk, improvements that have been made to little league field 3 at the park, and the development of Section 5 of Coyote Run.

Committee Reports:

Parks & Recreation Committee:

No report.

Finance Committee:

No report.

Personnel/Police Committee:

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

Streets & Properties Committee:

No report.

Utilities Committee:

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

BHP:

Council representative Chad Comer reported that a huge Halloweenfest was held and the next event will be the Town's holiday lighting event scheduled on December 4, 2019.

Planning Commission Report:

No report.

New Business:

There were no items of new business.

Public Comment:

Marcie Phares encouraged the Town to consider using their local-based business, Precision Concrete, for future projects throughout the Town. Mrs. Phares also expressed safety concerns regarding various areas near her property that have wires that need to be cleaned up. It was suggested that Mrs. Phares contact Miss Utility in an attempt to get various utility companies to look into the issue.

Michael Noble commented that the parking lot at the Fire Department for the election held today was very congested and suggested that election workers/candidates be encouraged to use other parking lots in the future.

BROADWAY TOWN COUNCIL

November 5, 2019

There being no further business, the meeting was adjourned.

Timothy S. Proctor

Mayor

Marla W. Kline, MMC

Clerk