

TOWN OF BROADWAY
BOARD OF COMMISSIONERS
MEETING MINUTES
AUGUST 26, 2019

A scheduled meeting of the Board of Commissioners was held on Monday, August 26, at 6:00 p.m. at the Council Chamber, 103 North Main Street, Broadway, North Carolina.

Board members present were Mayor Donald Andrews, Commissioners Tommy Beal, Woody Beale, Lynne Green, Janet Harrington and Jim Paschal. Also, Town Attorney Jimmy Love, Town Manager Dustin Kornegay and Town Clerk Laura Duval were present.

The meeting was called to order by Mayor Andrews. Commissioner Green gave the invocation, which was followed by the Pledge of Allegiance.

Mayor Andrews requested an addition of a closed session as Item XI. on the Agenda. Commissioner Harrington made the motion to accept the Agenda as amended. The motion was seconded by Commissioner Paschal. Motion carried unanimously.

Consent Agenda – Approval of July 22 Meeting Minutes and July Financial Statement. Mayor Pro Tem Beal made the motion to accept the Consent Agenda as submitted. The motion was seconded by Commissioner Paschal. Motion carried unanimously.

Marshall Downey, Director of Planning, reviewed a proposed text amendment to Appendix B. Specifications for Forms to be Submitted, B-4 Subdivision Plats, at the request of the City of Sanford Public Works Director. The language in the Public Works Certificate that is on final subdivision plats within the jurisdictions of Sanford and Broadway is too vague. The wording will be changed from “streets, utilities, and other required public improvements” to “public water, sewer and/or streets” to make the language more specific.

Mayor Andrews opened the Public Hearing for those wishing to speak for or against the proposed text amendment. No one spoke for or against the amendment. The Mayor then closed the Public Hearing.

Mr. Downey gave a presentation on Oil and Gas Extraction (fracking) and Traditional Mining and Quarrying. Seven proposed amendments were presented for adoption.

Amendment 1. Amend Article 4. Table 4.6-1 Permitted Use Matrix: This

amendment proposes to revise the Permitted Use Matrix to create two distinct land use categories – one for traditional mining and a new category for oil and gas extraction.

Amendment 2. Add a new section to Article 4, titled, “4.16 Mining Special Use Overlay District (MSUOD).” This establishes The Mining Special Use Overlay Districts underlying zoning districts to permit mining and quarrying in the MSUOD, RA, LI and HI.

Amendment 3. Revise Article 5, 5.23 “Mining and Quarries” as follows: This section 5.23 establishes additional design criteria that shall be required for Mining and Quarrying operations as defined in Appendix A of this Ordinance.

Amendment 4. Delete Section 5.41 “Mining and Quarries, Oil and Gas Extraction” entirely from Article 5. Based on review of the State Oil and Gas Conservation Act and accompanying regulations, these “supplemental” design standards should be removed. This section will simply be held in “reserve” for other land uses.

Amendment 5. Amend Appendix A “definitions” as follows: Revise the current definition of mining to reflect the updated State definition.

Amendment 6. Revise Article 3, Section 3.5 “Special Use Permit.” This amendment proposes to add new language under a new subsection 3.5.4 that will allow the County to require additional study of potential impacts for certain land uses.

Amendment 7. Amend Article 13. Flood Hazard Area Regulations. This amendment proposes to revise the flood hazard regulations to add oil and gas exploration as well as mining and quarrying to the list of land uses as prohibited from being located within a flood hazard area (100-year flood plain).

Mayor Andrews opened the Public Hearing for those wishing to speak for or against the seven proposed text amendments regarding Oil and Gas Extraction and Traditional Mining and Quarrying. No one spoke in favor of or against the text amendments. The Mayor then closed the Public Hearing.

The Planning Board left to convene in the Conference Room and discuss the proposed text amendments.

Mayor Andrews presented a Resolution Requesting Prioritization of Transportation Funding for the Realignment of Kelly Drive. Currently, Kelly Drive bisects the middle of the CCCC campus and is a safety issue for students. Kelly Drive is already on the STIP Plan for DOT but needs to be moved up the list. The plan is designed to move the road between the Wicker Civic Center and Magneti Marelli. Mayor Andrews, Commissioner Smith and Councilman Gaskins serve on the TARPO committee. Commissioner Green made the motion to adopt the resolution requesting prioritization for funding the realignment of Kelly Drive. The motion was seconded by Mayor Pro Tem Beal. Motion carried unanimously.

Mayor Andrews consulted the Town Board on their view of the proposed Minimum Housing Standards for the Town. Community Development and Planning recommended the Town adopt such standards. He advised that Town Counsel has reviewed the Minimum Housing Standards. They have been written in compliance with the state rules. Mr. Love advised that nothing can be grandfathered in under these standards. It gives the Town enforcement that it didn't have previously. A Public Hearing must be held before the Town Board approves the Minimum Housing Standards ordinance. Commissioner Harrington made the motion to hold a Public Hearing on Minimum Housing Standards at the September Town Board Meeting. The motion was seconded by Commissioner Green. Motion carried unanimously.

Town Manager Kornegay reported his findings on revenue and expenses incurred by the Police Department in serving the annexed properties in Harnett County. The Town receives approximately \$4,000 in tax revenue annually, which includes property, sales and beverage taxes. An officer patrols these areas an average of three times a day. It is a two mile round trip. The cost of gas and an officer's salary spent on this patrol is approximately \$2,967 per year. However, an officer's salary is not affected by where he patrols nor will there be a reduction in the use of gas because an officer will still be patrolling regardless of the location. The Town has the same amount of expense regardless. According to Chief Hinnant, there were 46 calls to the annexed Circle K within a twelve month period. That is equivalent to one call every eight days. Most of the calls are for domestics, drive offs, suspicious persons or suspicious vehicles. The Circle K and storage facility were annexed about 20-30 years ago. If the properties are de-annexed, the Town will have to make up a budget shortfall of approximately \$4,000.

Commissioner Woody Beale was concerned about the future expansion of 421 and how it might affect this property. He mentioned a different type business could be located there in the future that would generate more tax revenue. Mayor Andrews advised that DOT could even possibly take that property with the road expansion. It is an unknown at this point.

Commissioner Green stated that these properties were annexed legally and pay taxes for that service. She does not see much cost differential. It would be difficult losing \$4,000 in revenue. Commissioner Harrington concurred with Commissioner Green. Mayor Andrews explained that a local bill for de-annexation would have to be passed by the General Assembly, which is a year away. Mayor Pro Tem Beal advised that he has received 12-15 calls from citizens who want our officers to patrol only in the Town Limits. It was pointed out that our officers are required to leave the Town Limits for mutual aid. He suggested thinking about this issue until the September meeting. Commissioner Woody Beale made the motion to table this agenda item until the September meeting. The motion was seconded by Mayor Pro Tem Beal. Motion carried unanimously.

Dr. Eldon Sloan gave a presentation on the design and progress of the North Carolina Disabled Veterans Monument. Mayor Andrews addressed the construction contract and explained the contract stipulates the Town is giving permission to build the monument on Town property. Town Counsel has already reviewed the contract to

ensure the Town is protected. Wayne Dennis, of Hammerstone Builders, is the contractor for the project. He will provide all certificates of insurance. The Mayor gave a review of the funding progression. The funds (\$250,000) for building are included in the 2019-2020 state budget, but the budget has yet to be adopted. The General Assembly passed the budget, but the governor vetoed it. The contract cannot be signed until the budget is adopted, so they are in a holding pattern. Gary Gilliam, of the Lee County Veterans Council, requested a \$10,000 grant from the county commissioners, and they included that in their budget toward the construction of the DAV monument. Commissioner Harrington made the motion to approve moving forward with the NC DAV Monument pending the approval of the money. The motion was seconded by Commissioner Green. Motion carried unanimously. Commissioner Green addressed Dr. Sloan and stated the pavilion is a wonderful thing, and the monument is a wonderful thing. She has family members to bring here so that they can understand there is life after war. Commissioner Green mentioned that the Mayor, Dr. Sloan, and Rebecca Hunter have worked so hard, and people like her appreciate it so much. Commissioner Green stated her husband would love to know that this beautiful monument is becoming a reality. Commissioner Harrington is pleased that local people are donating much of the work and recognized that some of them graduated from Boone Trail.

Manager's Report – Town Manager Kornegay informed the Town Board that the 2019 Ford F-150 pickup has come in.

Mr. Kornegay advised that the closing on the old town hall/police department went well, and everything has been finalized.

The Town Manager reported that Triangle J plans to walk him through their grant process. The application for the grant is due the end of September. He is applying for a grant to get the water and sewer lines digitized.

Commissioner Comments – Commissioner Woody Beale stated he is very pleased that there is a doctor in Broadway again. Her name is Julia Gumpert. She has already started seeing patients, but the grand opening for her practice is sometime the first of September. Gumpert is originally from Moncure but currently lives in Mamers. She is also related to Garland Smith.

Commissioner Harrington remarked that the NC DAV Monument is absolutely gorgeous, and she appreciates all of the hard work done by Dr. Sloan, Mayor Andrews and Rebecca Hunter.

Mayor Comments – Mayor Andrews advised that he has asked NC DOT for a cost analysis of relocating the downtown crosswalk.

National Night Out was a great success. This year's event had the largest turnout ever. The Mayor expressed his thanks to the sheriff, police and fire departments for hosting this event.

The lake level will be lowered late in the fall so that the riser can be inspected.

Mayor Andrews and Commissioner Paschal attended the Pfizer announcement last week. Pfizer announced it will have 300 more jobs coming to Sanford. Lee County is making a half billion dollar investment.

There is new construction going on in Broadway. One house is being built on Beale Drive, another on Crystal Drive, and five houses plan to be built on West Harrington Avenue.

Mayor Andrews approached Bob Joyce about reaching out to the owners of the old Dollar General building to find out their plans.

Several people have asked the Mayor about four lanes going through downtown Broadway. There are no four lanes going through downtown. Three lanes will run from Milton Avenue to Avents Ferry Road.

The Mayor would like to hold a meeting to discuss Broadway Our Way for 2020. More volunteers are needed to help with the festival. It cannot be continued with only a few interested folks. A meeting may be scheduled after Labor Day to determine if there are enough people interested in helping.

Mayor Andrews entertained a motion to go into closed session to discuss personnel matters per G.S. 143-318.11A(6). Commissioner Paschal made the motion to go into closed session. The motion was seconded by Mayor Pro Tem Beal, and the motion carried unanimously.

After returning to regular session, there was no further business to come before the Town Board. Commissioner Woody Beale made the motion to adjourn the meeting. The motion was seconded by Commissioner Paschal. Motion carried unanimously to adjourn.

Donald F. Andrews
Mayor

Laura K. Duval
Town Clerk