

TOWN OF BROADWAY
BOARD OF COMMISSIONERS
MEETING MINUTES
OCTOBER 26, 2020

A scheduled meeting of the Board of Commissioners was held on Monday, October 26, at 6:00 p.m. in the Community Building, 111 N. Main Street, Broadway, North Carolina.

Board members present were Mayor Donald Andrews, Commissioners Tommy Beal, Lynne Green, Janet Harrington, Teresa Kelly, and Jim Paschal. Also, Town Manager Eddie Thomas, Town Counsel Jimmy Love, 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.

Commissioner Paschal made the motion to accept the Agenda as presented. The motion was seconded by Commissioner Harrington. Motion carried unanimously.

Consent Agenda – Approval of September 28 Board Meeting Minutes, September 28 Public Hearing Minutes, and the September Financial Statement. Mayor Pro Tem Beal made the motion to accept the Consent Agenda as submitted. The motion was seconded by Commissioner Kelly. Motion carried unanimously.

New Business – Amy McNeill, Zoning Administrator for Sanford-Lee County Community Development presented the recommendation of the Broadway Planning Board, which they decided after the September 28 Public Hearing. The Broadway Planning Board recommended by unanimous vote to deny the rezoning request by Weaver Development Company to rezone a 10.01± acre vacant tract of land with frontage on S. Main Street and Vernon Street from Residential Single-family (R-20) to Residential-Mixed Conditional Zoning District (R-6-C) to allow the development of a 50 lot residential single-family home subdivision. During their deliberation, the board discussed that the rezoning request is not consistent with the long-range plan designation of low-density residential development, that the long-range plan was adopted in October 2018 by the Broadway Board of Commissions as a guide for future growth, and that the Off Broadway development on adjoining property was approved many years ago (plat recorded in 1999) and is a different type of development. Concern was expressed regarding how the subdivision covenants and restrictions would be enforced and who could make the HOA/POA enforce the covenants and restrictions if they decided that they no longer wanted to do it, that there is the potential for 50 families to have lots of belongings (such as lawn mowers, boats, accessory buildings, and multiple automobiles) which may not easily fit on a 5,000sf lot, that the amount of traffic generated by a 50 lot subdivision could be problematic during the hours when

people line up to drop off and pick up children from the nearby school, and that the proposed subdivision was so different from any existing residential development in Broadway that it could change the character of the Town in a detrimental way. The positive aspects of growth, such as increasing the tax base and having new neighbors to shop downtown, were also discussed; however, the consensus was that this rezoning request was not consistent with the long-range plan for future growth, and the associated subdivision would not be an asset for Broadway.

Ms. McNeill reminded the Town Board that two votes are required on this matter: one regarding long-range plan consistency and one to either approve or deny the rezoning request. Mayor Andrews asked if density was an issue with the Planning Board. Ms. McNeill advised the Planning Board was concerned about high density and felt the long-range plan held precedent.

Since Commissioner Kelly was not serving in 2018, she asked Ms. McNeill to explain the Village Neighborhood designation. The Plan San-Lee is the adopted long-range plan, which applies to Sanford, Lee County, and Broadway. This land use plan identifies the future land use place type for this tract of land as Village Neighborhood, which has the following characteristics: low-density single-family dwellings and interconnected street network; area surrounding Village Center place types; and pedestrian connectivity and access to Village Center place types. The maximum development density is four units per acres. First Street is an example of a Village Neighborhood.

Commissioner Kelly made the motion that the proposed zoning map amendment is not consistent with the adopted long-range plan because it is not in keeping with the long-range plan designation of "Village Neighborhood," which recommends low density single-family dwellings at this location. The motion was seconded by Commissioner Green. Motion carried unanimously.

Commissioner Kelly made the motion that the proposed zoning map amendment is not reasonable and not in the public interest because it is not consistent with the long-range plan, which was adopted to serve as a guide for future growth. Therefore, she moved to deny the request to rezone a 10.01± acre vacant tract of land with frontage on S. Main Street and Vernon Street from Residential Single-family (R-20) to Residential-Mixed Conditional Zoning District (R-6-C) to allow the development of a 50 lot residential single-family home subdivision. The motion was seconded by Commissioner Green. Commissioner Green stated she had visited the Weaver property, Bella Square in Smithfield. She found it to be a lovely neighborhood. Commissioner Green said she loved the houses and the landscaping. However, the subdivision was not in the town proper so some of the issues that concerned the Broadway Planning Board were probably not an issue there. The density of the housing was a concern. She thinks those particular houses would be an asset to Broadway and would fit in very well in that area, but the density is an issue.

Commissioner Kelly also visited Bella Square and felt the houses were beautiful. She lives across from the S. Main Street property and would love to have a subdivision

there that would be complimentary to the area. She is concerned about the density, as well, and would like to see another plan re-submitted.

Commissioner Harrington is concerned about the additional traffic that would be generated on Vernon Street, which is already busy. She also expressed concerns about Cameron Grove Church.

When the vote was called, motion carried unanimously to deny the rezoning request.

Mayor Andrews presented a budget amendment that will cover the cost of iPads for the commissioners. The iPads will cost a little over \$2,800. To fund the purchase, \$1,500 is already in Governing Body for miscellaneous expense and \$300 in Travel. \$1,000 designated for the Christmas Parade can be moved out of Parks and Rec since the parade has been cancelled. Commissioner Paschal made the motion to appropriate \$1,000 from Parks & Recreation to Governing Body for the purchase of five iPads. The motion was seconded by Mayor Pro Tem Beal. Motion carried unanimously.

The Town Board discussed the possibility of paving the walking trail at Watson Lake Park. The cost of paving is \$15,000. The Woman's Club has designated \$1,000, the Lions Club has designated \$1,000, and an individual citizen is willing to give \$4,000 towards paving the trail. Commissioner Kelly has learned that the City is doing a 50/50 raffle for the arts. Some of the Town Board expressed concern about involvement in a raffle. If the walking trail is paved, Mayor Andrews would like to see additional improvements made at the park in the future. The Town Park is an asset and does get a lot of use. He suggested adding picnic tables, trash cans, and benches. The Mayor has talked with the Town Manager about the possibility of a clean-up day. He would like to enlist the help of folks from the correctional center. There are a lot of dead limbs and a few trees that could be picked up along West Lake Drive. The undergrowth needs to be cut around the dam. Mayor Andrews stated the infrastructure is there for outdoor restrooms. The fixtures were removed about 30 years ago. It would require some work, moving the HVAC system back to its original place to make the restrooms ADA compliant. There are PARTF grants available through the state for projects such as this. The Mayor asked the Town Board for their input on long range plans.

Mayor Pro Tem Beal voiced concerns about restrooms. He asked who would clean them and control them. Mayor Andrews advised it would be the Town's responsibility. The Town could contract with someone to clean the restrooms. Time locks could be put on the doors so that they would be locked at night. The restrooms would be the most expensive upgrade and would be a long range plan.

Commissioner Kelly suggested forming a group called Friends of Broadway Town Park. Some of the people who utilize it a lot could be asked for input and their help in fundraising. Maybe they could hold an event after COVID or help with the 50/50 raffle. Commissioner Green asked about the legality of the raffle. Counsel Love stated raffles are legal, but you must be careful how they are done. She didn't want to set a precedent. Mr. Love stated it sets a bad policy to raise money. Commissioner Paschal expressed he would rather not sell raffle tickets especially as a commissioner. The

Town Board agreed a group such as Friends of the Lake or Friends of the Park could be responsible for the raffle. Mayor Andrews suggested the Lions Club might be willing to sponsor the raffle. Commissioner Kelly mentioned the Lions Club is always looking for environmental projects. They have been cleaning the building at Lett's Family Park today. The Lions Club may be willing to assist with the Town Park as an environmental project, and she will check into that. Mayor Andrews mentioned the Town may be able to utilize help from the Sanford Correctional Center on a cleanup day. Volunteers may also be willing to help clean up the park.

Commissioner Green mentioned having a concert when people can gather again and possibly charge \$5 per ticket, and all the proceeds could go to the Town Park.

Town Manager Thomas feels the Town Park is very beneficial to the Town. An investment in the park is really an investment in the community. Walking is the thing in Broadway. With more people using the park comes policing issues and possible damage, but that is just part of it. Citizens will need to be vigilant in community watch. The benefits outweigh the negatives. Mr. Thomas would like to see the Board proceed with paving the walking trail before the cost increases.

Commissioner Green is in favor of proceeding with paving the walking trail as long as a committee is formed to develop and work a long-range plan and help with fundraising for the park. Mayor Andrews believes there is enough interest from people who use the park and members of the Lions Club to form a committee to work on the project.

Commissioner Kelly made the motion to move \$6,000 from Reserves to the Pave the Walking Trail Project. The motion was seconded by Mayor Pro Tem Beal. Motion carried unanimously. Commissioner Kelly and Mayor Andrews will begin working to put together the committee.

Manager's Report - Town Manager Thomas reported the resurfacing of Crystal and Colonial is ready to go ahead at any time. Patterson Paving gave two separate quotes for paving Hazel Lane - \$17,242 and for Ruth Ann Lane - \$15,817.50. The cul de sacs will also be included. Those streets will be paved according to the same parameters that S.T. Wooten is using for Crystal and Colonial. All paving will be completed by the end of this year. The cracks on Cats and Fiddler Drives have been sealed and look good. He actually doubled the sealing in some places because the cracks were so deep.

The Town Manager has received no additional formal complaints on violations of minimum housing standards. The issues reported on Payton Place have either been addressed or are in the process of being fixed. Mr. Thomas has sent letters to the property owners of 205 E. Harrington Avenue and 310 Burgess Circle. He plans to follow up with these letters in a little over a week.

Mr. Thomas has talked with several residents about junk vehicle code violations. The property owner on Forest Avenue is planning to move the first of the year. All vehicles are properly tagged and run except for one. Another junk vehicle on Forest

Avenue has been moved, and others are in the process of being moved. The junk vehicle on Smith Drive has been mowed around and will be moved as soon as possible. The Town Manager has been unable to talk with the resident on Thelma Sloan Drive that has three junk vehicles, so a letter will be sent.

The old town hall parking lot needs to be marked and re-sealed. Merchants have reported that there are no handicapped spaces marked. A quote has been obtained for \$2,950, which includes double sealing and striping.

Lee County plans to install playground equipment near the Tiny Tots building. They continue to spend money to enhance Lett Family Park.

Town Manager Thomas reviewed the status of the payment option plan. Five customers are in danger of having their water service disconnected. Two customers have made arrangements to pay their current balance Thursday, but the other three have made no attempt to contact Town Hall. To be reconnected it will cost them their current balance, the \$40 reconnect fee, and 10% late fee assessment. This process was explained and stipulated in the installment agreement they signed.

Mr. Thomas advised during COVID-19 the Town is not able to use inmate labor. The Town has a contract with DPS. It stipulates we can use one worker five days a week as long as he is supervised. If we don't need him, we don't have to pick him up. Mr. Thomas stated using a correctional inmate to assist the maintenance department would cost about \$200/year.

Commissioner Comments – Mayor Pro Tem Beal asked about any improvements on East Harrington Avenue. The Town Manager advised that the resident is having yard sales again and putting unsold items at the street for town pick up. The Town is continuing to work on this issue and proceeding with caution.

Commissioner Kelly gave a Christmas report. The Lions Club decided not to host the Christmas Parade this year due to COVID. They are planning to have a Christmas celebration, which includes lights decorating the tree at the community building, the Town clock, the bushes at the post office, and Town Hall. On December 12 they plan to put up a mailbox for Santa so that kids can drive through and place their letters there along with a fire truck and police cars. At this time the Lions Club has received \$1,600 for lights, garlands, and wreaths. They have asked downtown business owners to decorate, as well. The Lions Club will send postcards to all residents asking them to participate by placing white candles in their windows from December 1 through January 1. At one time Broadway was known as the Town of Candles. Donations for the Town lighting and decorations are being accepted at 200 S. Main Street for the Broadway Lions Club.

Commissioner Paschal asked about placing lights on the water tower. The Town has yet to come up with a solution. A few electricians have been contacted, and they are not interested in the project. It requires 24 -36 floodlights. The lights must be mounted to the railing and cannot block the catwalk. It has to be done properly or the lighting will be in violation of OSHA regulations.

Commissioner Green thanked Commissioner Kelly and the Lions Club for their Christmas ideas as well as their ideas for Watson Lake Park. She also expressed her appreciation to Eddie and staff for always being on top of everything. Commissioner Green likes his attitude of trying to make ideas work rather than finding excuses to never do it.

Mayor Comments – The Mayor announced there will be no tree lighting this year at the NCVM. The tree will be put up along with the other Town decorations.

If anyone is asked about Halloween, the Town does not regulate Halloween but recommends CDC guidelines are followed.

A Veterans Day Ceremony will be held at the NCVM on November 11 at 11:00 a.m. There will be a 50 person limit with social distancing and mask wearing. The DAV Chapter 5 Auxiliary presented their guidelines, which were reviewed by Town Counsel, the Mayor, and Town Manager.

On Thursday at 11:30 a.m. there will be an unveiling of the Howard Griffin Boulevard sign at the maintenance shop.

Grant Spivey is lined up to trim the shrubbery at the NCVM prior to Veterans Day.

Mayor Andrews is working on updates for Title 15 Land Use Ordinance in the Town ordinance book because it is in conflict with the UDO. The Mayor has reviewed them and now Marshall Downey is reviewing them.

Mayor Andrews reported that work is picking up on the NC Veterans Monument.

The time capsule has been located at the water tank. An event will be planned and held after COVID-19 subsides.

Lee County Hazardous Waste Day will be held at the civic center on November 7 from 9:00 a.m. – 1:00 p.m.

The Town has received five inquiries about annexation since the beginning of the summer: 42 lots on Seminole Road, 15 acres on Seminole Road, 60 acres on Bradley Road, 41 acres on Vernon Street, another 58 acres on Vernon Street, and 57 acres on Swann Station Road. Developable lots inside the Town Limits are: 11 acres on Vernon Street, 40 acres behind Town Hall up to Broadway Hardware, 30 acres on Gilbert Lett Drive below the Tiny Tots building, 20 acres between Forest Avenue and Burgess Circle, 10 acres on S. Main Street owned by Weaver Development, 26 acres on Mansfield Drive, and seven acres on Hamlet and Macbeth Drives. There are several homes currently under construction now. The Town has the capacity to serve about 110 homes. The Town Board agreed the Town is obligated and must first offer services to in-town residents. The Town is not in a position to extend water and sewer services out

of Town at this time. Currently, there are too many unknowns to accept annexation petitions.

Medications can be disposed of at the Lee County Sheriff's Department and the Sanford Police Department.

It is Mayor Andrews' understanding that Weaver Development will come back with another rezoning request.

Early Voting runs through Saturday, October 31. Election Day is next Tuesday, November 3.

For those having problems making their installment plan payments due to COVID related issues, they may call United Way at 211. They offer assistance to those who meet their criteria.

With no further business to come before the Town Board, Mayor Pro Tem Beal 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