

TOWN OF BROADWAY
BOARD OF COMMISSIONERS
MEETING MINUTES
SEPTEMBER 25, 2023

A scheduled meeting of the Board of Commissioners was held on Monday, September 25, at 6:00 p.m. in the Council Chamber, 103 N. Main Street, Broadway, North Carolina.

Board members present were Mayor Donald Andrews, Commissioners Tommy Beal, April Collins, and Teresa Kelly. Also, Town Counsel Jimmy Love, Town Manager John Godfrey, and Town Clerk Laura Duval were present. Due to illness, Commissioner Paschal was unable to attend the meeting. Commissioner Green was absent due to a death in her family. Mayor Andrews asked that everyone keep Commissioner Paschal and Commissioner Green in their thoughts.

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

Mayor Pro Tem Beal made the motion to accept the Agenda as presented. The motion was seconded by Commissioner Kelly. Motion carried unanimously.

Consent Agenda – August 28 Board Meeting Minutes and August financial statements. Commissioner Kelly made the motion to accept the consent agenda as submitted. The motion was seconded by Commissioner Collins. Motion carried unanimously.

New Business – A joint public hearing was held with the Broadway Planning Board for consideration of a zoning map amendment/rezoning application. David Montgomery, Planner, is taking over rezoning until a new person is hired and reviewed the rezoning request. Stronach Properties, Inc. has applied to rezone a 1.82-acre portion of a 29.55-acre tract of land with approximately 223ft of frontage on N. Main Street from Residential Single-family (R-20) to Light Commercial & Office (C-1) to allow the development of a retail store. This is a standard general use rezoning request, as opposed to a conditional rezoning request; therefore, no site plan, subdivision plan, or building plans are required as part of the rezoning request.

The Light Commercial & Office (C-1) district is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses. C-1 Zones should be located in areas, which continue the orderly development and concentration of moderate commercial uses. C-1 zones should be located on or within proximity to major and/or minor thoroughfares.

Adjacent Zoning consists of to the North: Opposite Main Street, Highway Commercial (HC); to the South: On the same parcel, Residential Single-family (R-20); to the East: Residential Single-family (R-20) and Residential-Mixed (R-10) with a Mobile Home Park Overlay District; and to the West: Highway Commercial (HC).

The long-range land use plan identifies the property as Village Center, which is intended to facilitate commercial and civic centers at the heart of Village Neighborhoods. It is similar to the Downtown place type, but with a smaller scale and lower intensity.

This site does not appear to be located within any of the local overlay districts but is located along a corridor with architectural design standards.

The site appears to have access to public water and sewer maintained by the Town of Broadway. Connection to public water and sewer must be verified/approved by the Town of Broadway to ensure compliance with all policies and regulations.

The site has approximately 223 linear feet of frontage on N. Main Street (SR-1579) a NCDOT maintained public road with a 60ft right-of-way at this location.

The long-range plan designation of Village Center lists small business services, professional offices, retail stores, personal services, and entertainment as proposed uses. Rezoning the property to Light Commercial (C-1) or Office & Institutional (O&I) would appear to align with the plan, but ultimately it is up to the Board of Commissioners to determine how the town should grow and if they are comfortable with the proposed use and other possible future C-1 uses.

Planning Board Member, Tammie Adcock, asked if they will be told what the proposed business is, for which Mr. Stronach is requesting rezoning. Mr. Montgomery explained it is for one of the uses listed in C-1 zoning. It is not relevant at this point.

Mayor Andrews opened the public hearing for those wishing to speak in favor of or against the rezoning. Eddie Winstead, who represents Stronach Properties, Inc., spoke in favor of the rezoning. The proposed use of the property is in line with the current use plan. The surrounding properties are zoned Highway Commercial except for the farm land behind this parcel and the mobile home park adjacent to it. The rezoning is consistent with what is already there. Mr. Winstead asked the Town Board and the Planning Board to give positive consideration and look at it as an opportunity for more retail in downtown Broadway. No one spoke against the rezoning. The Mayor closed the public hearing.

Amy McNeill, Zoning Administrator, presented a UDO text amendment to add "Food Truck Park" as a new land use with development standards. Due to the increased popularity of mobile food vendors (food trucks/trailers/carts), staff has received several inquiries regarding the creation of a "food truck park" at various locations within our jurisdictions. This would be a permanent location that people would frequent to dine from various mobile food vendors that are on site. The mobile food vendors would move

in and out of this location, but the site - with all of the required site improvements, such as parking, permanent restroom facilities, recycling/refuse area, etc. – would remain at the fixed location. The food truck park would be owned & operated as a private business, with regular hours & days of operation and there could be several at different locations zoned General Commercial (C-2) and Highway Commercial (HC) around our area, depending on demand.

Specific standards provided below would be in addition to any general design standards that may be applicable, such as the standard size of parking spaces & driveways, landscaping, etc.

- Site must have permanent public restroom facilities (no “port-a-john” type restrooms).
- Site must have permanent garbage/refuse/recycling methods that are approved by staff, properly maintained and emptied at the end of each day or more frequently (to maintain the health & safety of the public) and screened from view of all public streets. City/town trash receptacles shall not be used for this purpose.
- Mobile food vendors shall not operate within any public right-of-way.
- Mobile food vendors shall be located on an improved surface to include, but not limited to, asphalt or concrete.
- Mobile food vendors shall be located a minimum of 100ft from the main entrance to any eating establishment or similar food service business and 100ft from any outdoor dining area that they may have, as measured from the property line of the food truck park.
- Mobile food vendors shall be a minimum of 15ft from the edge of any public driveway or sidewalk, utility box or vaults, H/C ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
- Mobile food vendors shall not be located within any area of the lot or parcel that impedes, endangers or interferes, with pedestrian or vehicular traffic.
- Mobile food vendors shall not occupy any parking spaces required to fulfill the minimum requirements of a land use, unless allowed per the UDO shared parking standards.
- A minimum of 3 parking spaces per food trucks/trailers/carts shall be provided. If provided, electrical, water, and sewer utility services shall run to a central structure and shall be used by the individual operators instead of generators.
- The operator shall keep all areas of the food truck park free and clean of grease, trash, paper, cups, cans and other materials associated with the operation. No liquid waste or grease is to be disposed in tree pits, storm drains, or onto sidewalks, streets or other public spaces. Under no circumstances shall grease be released or disposed of in the City/Town sanitary sewer system.
- All food preparation, storage, sales, and distribution shall comply with all applicable local, State, and Federal Health Department sanitary and safety regulations, and it is the responsibility of the food truck park operator to verify that all requirements are met.
- On site seating/dining areas within open space must be incorporated into the design. Due to the varying array of existing conditions on sites, developable area, safety concerns, etc. staff will review & approve the site seating/dining

areas on a case-by-case basis.

Options that the Boards may or may not be comfortable offering as part of the food truck plaza/park:

- Permanent building(s) that accommodate more than just permanent restrooms
- Beer garden
- Vendor space for retail goods/ware/merchandise
- Farmer's market
- On-site commissary kitchen
- Electrical/water/sanitary sewer connections
- Limited dry storage area(s) that is screened from public view

Ms. McNeill advised that planning has received a few inquiries about food truck parks in downtown Sanford, but they have yet to follow through. No inquiries have been received from Broadway. Commissioner Kelly asked where food truck parks could be located in Broadway. She was advised they could be placed in HC zoning between the caution light to the hardware store.

Mayor Andrews opened the public hearing for those wishing to speak in favor of or against food truck parks. No one spoke for or against. The Mayor closed the public hearing. The Planning Board was excused to the Community Building so they could reconvene and discuss the rezoning request and the UDO text amendment. The Mayor extended his thanks to planning board members for their willingness to serve.

Mayor Andrews presented a budget amendment to cover the costs of repairs to Watson Lake dam. After the budget was finalized, DEQ sent a list for the Town to complete by September 15. All documentation, invoices, and pictures have been sent to DEQ as mandated. The budget amendment appropriates \$8,000 to Capital Outlay Parks & Recreation from Unallocated Fund Balance to cover the cost of those expenses. Commissioner Kelly made the motion to adopt the budget amendment as presented. The motion was seconded by Commissioner Collins. Motion carried unanimously.

A budget amendment was presented to cover the cost of upfitting the Dodge Durango with lights, console, siren, etc. The vehicle is now in service. \$8,500 is appropriated from Unallocated Fund Balance to Capital Outlay Police to cover the cost of the upfit. Commissioner Kelly made the motion to adopt the budget amendment as presented. The motion was seconded by Mayor Pro Tem Beal. Motion carried unanimously.

Town Manager Godfrey reported he attended the Manager's Coffee at Lee County Government offices on August 30.

A water leak was repaired by Cox Plumbing at 600 S. Main Street. A large magnolia tree extended into the right-of-way and caused the leak due to an extensive root system. Homeowner was notified by voicemail and door hanger of the Town's intention to remove the tree to prevent future damage to the Town's water system. A

period of three weeks was given for a response from the homeowner but no response was received. Lett's Tree Service removed the tree on 9/20/23. They also removed a dead gumtree at Watson Lake Dam and a dead pine tree by the walking trail. The dead tree behind the Masonic Lodge was removed as well as some limbing/trimming work completed on Thelma Sloan Drive.

Sandhills Contractors finished up the punch list on the sidewalk project. Pavement was grinded down to be even with the sidewalk at Mansfield Drive and Church Street.

Mr. Godfrey and Mayor Andrews met with the City of Sanford to continue discussions on interconnect options for the Town.

Chief Gunter, Public Works staff, and Mr. Godfrey put up the new digital speed limit sign on N. Main Street near Dalrymple Road. The Chief will be able to pull data from the machine that will assist us with information that can be used to deter speeding. The sign is portable and can be moved. A full battery charge will typically last 10 to 14 days.

Public Works staff, Craig Buchanan and Tommy Fore, attended annual pesticide training at the Ruby McSwain Center.

All Broadway Police Officers are now certified to run radar.

Lee County loaned the Town a cage for the ghost car for the lifetime of the vehicle. It has been implemented, and the officers are pleased with it.

Town staff continue to work hard each and every day to ensure we provide the most efficient service to Broadway. Mr. Godfrey expressed it continues to be a pleasure to be a part of this team.

Commissioner Comments – Mayor Pro Tem Beal stated there was no Central Pines Regional Council meeting in September. They will meet in October and November. Since the welcome sign will need to be replaced at the north end of Town, Mayor Pro Tem Beal suggested it be replaced with a sign similar to the one at the Seminole intersection.

Commissioner Collins inquired about National Night Out. It is scheduled for October 3 from 5:00 p.m. – 8:00 p.m. and will be held in the Community Building parking lot. This event is sponsored by Broadway PD, CFRFD, LCSO, and First Health EMS. Commissioner Collins mentioned the new sidewalks look very good, and she appreciates the striping and sealing that was done on First Street.

Mayor Comments – Mayor Andrews reminded everyone of the NCDV Monument dedication that will be held on October 1 at 2:00 p.m. South Main Street will be closed between Church Street and Mansfield Drive from 12:00 p.m. until 5:00 p.m. The program will be held at the NCVM pavilion followed by a ribbon cutting at the

monument. Mayor Andrews would like American flags put up from the caution light to Thelma Sloan Drive for Sunday's event.

Sandhills Contractors has finished the list needed for approval of the sidewalk by NCDOT. A final walk through inspection will be conducted on Thursday at 11:00 a.m. Once approved, NCDOT will contact the federal highway folks who will meet and release funds to the Town. The sidewalk is a nice addition that fills the gap between the school and downtown.

Mayor Andrews gave a brief update on Watson Lake Dam. Conversations continue with Hazen & Sawyer to help the Town apply for a FEMA grant in order to secure funding for the dam project. The grant process opens in early 2024.

Jacob Melvin will attend lead and copper line training since the Town is required to determine the type of line that runs from each meter to each house for 800 customers.

The Mayor entertained a motion to go into closed session per G.S. 143-318.11(a)(3) to preserve attorney - client privilege, per G.S. 143-318.11(a)(5) to advise staff on contract negotiations, and per G.S. 143-318.11(a)6 to discuss a personnel matter. Mayor Pro Tem Beal made the motion to go into closed session. The motion was seconded by Commissioner Kelly. Motion carried unanimously.

After returning to regular session, there was 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 Collins. Motion carried unanimously to adjourn.

Donald F. Andrews
Mayor

Laura K. Duval, Town Clerk