

TOWN OF BROADWAY  
BOARD OF COMMISSIONERS  
MEETING  
MINUTES  
MARCH 28, 2016

A scheduled meeting of the Board of Commissioners was held on Monday, March 28, 2016 at 7:00 p.m. at the Council Chamber, 102 East Lake Drive, Broadway, North Carolina.

Board members present were Mayor Donald Andrews, Commissioners Tommy Beal, Woody Beale, Jim Davis, Lynne Green, and Janet Harrington. 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 amendments to the Agenda. The Mayor added a Closed Session under Old Business Item C. Church Street & Holt Street Project was changed to Item D, and Approval of February 22 Minutes was moved to Item E. Mayor Pro Tem Beal made the motion to accept the Agenda as amended. The motion was seconded by Commissioner Woody Beale. Motion carried unanimously.

Commissioner Harrington made the motion to accept the February Financial Statement as submitted. The motion was seconded by Commissioner Woody Beale. Motion carried unanimously.

Town Manager Kornegay advised that Garland Smith has petitioned the closing of the unopened portion of Second Street. This street runs between his funeral home and a house he recently purchased. Because Mr. Smith is the only adjacent property owner, the closed portion of the street would revert back to him. The Town Manager explained the process of closing the street. The first step is the adoption of a resolution of intent to close the unopened portion of the street. The resolution must be published in the paper once a week for four weeks. Then a public hearing must be held the month following the adoption of the resolution. Mr. Smith has agreed to pay the costs of publishing. The Register of Deeds will handle the rest of the process. Mr. Kornegay recommended that the Town Board adopt the resolution of intent to close the unopened portion of Second Street. Commissioner Harrington made the motion to adopt a Resolution Declaring the Intention of the Town Board to Consider the Closing of an Unopened Portion of Second Street. The motion was seconded by Commissioner Green. Motion carried unanimously.

Public Hearings were held to consider two amendments to the UDO. Marshall Downey presented the amendments to the Town Board and the Broadway Planning Board. The first proposed amendment was Amendment 1 to Article 11 Sign Regulations. This amendment is downtown related. The merchants in Sanford and Broadway may take advantage of this amendment, which will allow the use of sandwich board signs. If adopted, merchants can place portable A-frame signs on the sidewalk in the central business district.

The amendment encourages creativity but requires the sign to have a finished look. It must be constructed of a non-reflective material and/or color. The sandwich board signs may have language on both sides for pedestrians. The location of the sign must be 1 foot away from the curb and leave 5 feet for pedestrian clearance. Signs can only be displayed during business hours. The dimension of the sign can be no greater than 30" in width and 42" in height.

If the sidewalks in Broadway are less than seven feet, the amendment can be customized for Broadway. Town Counsel asked about the liability issue should a claim be made against the Town for negligence in the case of a business owner who has left. 11.7.19.8 addresses liability. The business owner shall in writing agree in advance to indemnify and hold harmless the City from any claim arising out of the presence of the sign.

In Sanford a temporary use permit would be required for using a sandwich board sign, but no fee will be charged.

Mayor Andrews opened the Public Hearing for those wishing to speak in favor of or against proposed Amendment 1 to Article 11 Sign Regulations. No one spoke in favor of the amendment, and no one spoke against the amendment. Mayor Andrews closed the Public Hearing.

Mr. Downey explained the proposed amendment to add Regional Breweries, Large Breweries and Microbreweries as new land uses to the permitted use matrix. The changes in the UDO include amendments to three sections: (1) Article 4 Permitted Use Matrix, (2) Article 5 Supplemental Development Regulations to add a new section and supplemental standards for Microbreweries, and (3) to Appendix A to add new definitions for breweries.

Regional and Large Breweries are permitted in Light Industrial and Heavy Industrial. Microbreweries shall be permitted in Highway Commercial, Light Commercial & Office, General Commercial, Central Business Districts, Light Industrial and Heavy Industrial. There are certain design standards that must be met. Definitions are: Large Brewery – has an annual beer production over 6,000,000 barrels; Regional Brewery – has an annual beer production of between 25,000 and 6,000,000 barrels; Microbrewery – has an annual beer production less than 25,000 barrels. They can sell to the public by one or more methods: the traditional three-tier system, the two-tier system, and directly to the consumer through carry-outs and/or on-site taproom or restaurant sales. Accessory uses may include sale of merchandise, the sale of take home containers, a taproom, or a brewpub, subject to all regulations from local, state or federal agencies. At

least one accessory use is required. The CBD option on spacing standards affects Broadway and Sanford but will not affect Lee County. A taproom shall not be located within 200 linear feet of a parcel or tract of land that contains any church or religious institution, daycare facility, or detached single-family dwelling structure. Town Counsel Love mentioned that some schools have daycare facilities and questioned how that would be handled. Brewpub with taproom could be added to the 200 feet stipulation. Concerning taprooms and brewpubs, Broadway is the first to see Option 2 from the staff. The City and County opposed the original option. A taproom does not have to have a restaurant. However, a brewpub is considered a restaurant brewery.

Mayor Andrews opened the Public Hearing for those wishing to speak in favor of or against the proposed amendment to add Regional Breweries, Large Breweries and Microbreweries as new land uses to the permitted use matrix. No one spoke in favor of the amendment, and no one spoke against the amendment. Mayor Andrews closed the Public Hearing.

The Mayor dismissed the Planning Board so that they could meet to discuss the two proposed amendments to the UDO. He thanked them for their service to the Town.

Mayor Andrews discussed the local marketing campaign. On February 29 a meeting was held for local businesses and services. There was not an overwhelming turnout. At the meeting it was suggested that Broadway businesses consider contributing to a billboard for advertising. The cost of a billboard is approximately \$500-\$700 per month for a commitment of three–four months. Participation may not be there to do a billboard. It may be prohibitive due to lack of participation and costs. The Mayor suggested publishing another newsletter in the fall with local businesses listed. Each business could be featured on the Town Facebook page periodically. A business listing is already posted on the Town website. The Town may consider some type of internal promotion in the coming months.

A public information session on the Town Hall project was held last Tuesday evening from 6:00-8:00 p.m. at the Community Building. Only a few citizens attended the meeting. A Public Notice was published in the Sanford Herald, posted in the Town Hall, printed on the water bills, posted on the Town website and placed on the meeting sign in front of the Town Hall. The meeting was also announced at the Lions Club, Woman's Club and at three local churches. The next step in the Town Hall project involves spending money for detailed drawings followed by a Public Hearing when the Town borrows the money. In order to build a new Town Hall it will require a tax increase of 3-4 cents to fund the debt service.

The specified drawings are required for bids. The drawings will cost approximately \$20,000. A demolition crew has given a quote of \$12,000 to demolish the existing building. This quote does not include asbestos removal. It has been determined that asbestos is in the floor of the Town Hall and the roof of the Police Department. There are three ceilings in the Town Hall. The original ceiling, existing since 1919-1920, may have asbestos. That ceiling could not be reached by the accredited asbestos inspector.

Commissioner Green suggested sending letters with the Town Hall fact sheet to citizens.

Commissioner Woody Beale stated it is time to move ahead with the building project. The current Town Hall is unsafe for staff and constituents. All Town Board members concurred.

Commissioner Davis recommended sending letters to citizens prior to the Public Hearing. The Town Board agreed the Town would send a mailing to all citizens at that time.

Most of the citizens that have talked with Commissioners about the Town Hall project have been in favor of it. Some folks have suggested other alternatives. Wal-Mart was contacted about donating their building to the Town, but they have refused. It is their desire to sell at a price of approximately \$900,000. The local library is not an option for relocation. The Town doesn't want the library to close, and it is too small to serve as the Town Hall and Police Department. It has been suggested to build on the corner lot at the Community Building, but that would leave the Town with two empty buildings.

Mayor Andrews talked with Joni Martin who helped with the renovation of the Buggy Factory in Sanford. A conservative cost for renovation is \$125/sq ft. The Town Board discussed that renovation is not an option because it is too costly, and the load bearing wall cannot be moved. It would give us exactly what we have now.

Commissioner Davis stated that the time to do something is now. The condition of the building is not going to improve. It will continue to deteriorate. The Town Board agreed and decided to move forward with the project.

Mayor Andrews requested a closed session per G.S. 143-318.11(a)(3) to consult the local governing body's attorney to preserve the attorney – client privilege. Mayor Pro Tem Beal made the motion to go into closed session. The motion was seconded by Commissioner Davis. Motion carried unanimously.

After returning to regular session, Mayor Pro Tem Beal made the motion to reject all informal bids and proposals received by the Town of Broadway in connection with the Church Street and JR Holt Street project. The motion was seconded by Commissioner Davis. Motion carried unanimously.

Commissioner Green made the motion to approve the February 22 meeting minutes. The motion was seconded by Commissioner Woody Beale. Motion carried unanimously.

Under Manager's Report, Town Manager Kornegay stated the quote of \$12,000 for demolition of the Town Hall and Police Department is encouraging. As of this time, he has not received the cost for asbestos removal.

The picnic shelter at the Community Building was leaning very badly. Sammy McNeill braced the top and laid a cement pad under the shelter at a cost of \$2,500. It

looks much better and is much safer now. Mayor Andrews requested that Craig close the attic access when he has time.

Mr. Kornegay reported that Display Sales has a sale on Christmas wreaths through the end of March. Twelve wreaths can be purchased for approximately \$4,000, which is half the initial cost. The price of \$319 per wreath includes brackets as well. There is extra money in Parks and Recreation to cover this purchase. The wreaths are the same design as the old ones and can be interchanged. The Town Board authorized the Town Manager to proceed with ordering 12 Christmas wreaths.

Town Manager Kornegay has contacted Scotty Wilkins to obtain pricing for maintenance on the water tank.

In June ethics training will be ordered for the most recent elected Town officials. It will be an on demand webinar that will be available for viewing through October.

Town Manager Kornegay still plans to pursue the parks and recreation grant for playground equipment. Due to the Town Hall project, it may be delayed for a year.

Under Commissioner Comments, Commissioner Woody Beale discussed a water drainage problem on First Street. The Town has spent a considerable amount of money on this issue in the past, but Commissioner Beale told the property owner he would bring it to the attention of the Town Board.

Mayor Pro Tem Beal gave a report from the last Triangle J meeting. Some of the topics included an update on RTP, economic development for 13 counties, lawsuits against HB2, raising taxes on gas, and foreign trade zone. On May 5 Triangle J will be discussing body cameras at the mayors' meeting. On May 25 RTP will hold a meeting on broadband. A representative with the Town of Holly Springs reviewed ideas for communicating with citizens. They send out a monthly newsletter and communicate with citizens through email. The Town Board thought it would be a good idea to obtain email addresses from interested citizens for communication via email.

Commissioner Davis recommended that the Town Manager ask an engineer to look at the water drainage issue on First Street and make a recommendation. Town Manager Kornegay will make those arrangements.

Under Mayor Comments, Mayor Andrews reported that the public works department has been putting down mulch at the quads and welcome signs. On April 5 the stones will be laid at the fourth quad.

The Mayor received a letter from DOT advising that they are working on Broadway Road and Main Street, which is part of the TIP project. They are doing environmental studies for the Broadway Road project.

On Tuesday, April 5, SAGA is hosting McCallum Sweeny for the Duke Progress Project. The topic is prepared communities for economic development. It will be held at the Buggy Factory from 1:00-3:00 p.m. The Town Board has been invited to attend.

The Broadway Our Way Festival Committee will meet Tuesday night at 7:00 p.m. The festival is scheduled for April 16. The Town Hall still has cards and posters for distribution. Sponsors are down, so the festival may experience a shortfall this year.

With no further business to come before the Board, Mayor Pro Tem Beal made the motion to adjourn the meeting. The motion was seconded by Commissioner Green. Motion carried unanimously to adjourn.

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Donald F. Andrews  
Mayor

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Laura K. Duval  
Town Clerk