

TOWN OF BROADWAY
BOARD OF COMMISSIONERS
MEETING MINUTES
DECEMBER 20, 2021

A scheduled meeting of the Board of Commissioners was held on Monday, December 20, 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, Lynne Green, Teresa Kelly, and Jim Paschal. Also, Town Counsel Jimmy Love, Town Manager Eddie Thomas, Finance Director Barbara Cox, and Town Clerk Laura Duval were present.

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

Mayor Andrews introduced and welcomed the new Town Manager, John Godfrey, to the meeting. Mr. Godfrey's first day of work will be January 3.

The organizational meeting was the first order of business. Town Clerk Duval administered the oaths of office to Commissioner Tommy Beal, Commissioner April Collins, and Commissioner Jim Paschal.

- Mayor Andrews opened the floor for nominations for Mayor Pro Tem. Commissioner Paschal nominated Tommy Beal to serve as Mayor Pro Tem. With no other nominations, Commissioner Paschal made the motion to close the nominations and elect Tommy Beal as Mayor Pro Tem. The motion was seconded by Commissioner Green. Motion carried unanimously.
- Mayor Pro Tem Beal serves as the TJCOG representative with Mayor Andrews as the alternate. Commissioner Kelly made the motion to re-appoint them to these roles with TJCOG. The motion was seconded by Commissioner Paschal. Motion carried unanimously.
- Mayor Andrews serves as the TARPO representative. Commissioner Kelly made the motion to re-appoint the Mayor to TARPO. The motion was seconded by Commissioner Collins. Motion carried unanimously.
- Mayor Andrews serves on the SAGA Board with the Town Manager serving as Ex-Officio as stipulated by their by-laws. Commissioner Kelly made the motion to re-appoint the Mayor as the representative to SAGA. The motion was seconded by Commissioner Paschal. Motion carried unanimously.
- Currently, Mayor Andrews, Commissioner Kelly, Jerry Bradley (Chair of the Planning Board) and the Town Manager, as Ex-Officio, serve on the Joint UDO Commission. Mayor Pro Tem Beal made the motion to re-appoint the Mayor to

serve on this commission. The motion was seconded by Commissioner Collins. Motion carried unanimously.

- Commissioner Paschal currently serves on the Lee County Transportation Committee, and Commissioner Kelly made the motion to re-appoint him to this committee. The motion was seconded by Mayor Pro Tem Beal. Motion carried unanimously.
- The Town Board agreed to leave the meeting date on the fourth Monday of each month at 6:00 p.m.

Mayor Andrews requested the addition of a Closed Session at the conclusion of the meeting. The closed session will be called per G.S. 143-318.11(a)(3) to consult with Town Attorney in order to maintain client-attorney privilege. Commissioner Kelly made the motion to accept the Agenda as amended. The motion was seconded by Commissioner Green. Motion carried unanimously.

Consent Agenda – Approval of October 21 Work Session Minutes, November 22 Board Meeting Minutes, and the November financial statements. Commissioner Paschal made the motion to accept the Consent Agenda as submitted. The motion was seconded by Mayor Pro Tem Beal. Motion carried unanimously.

Public Comment – John Eldridge, of 400 South Main Street, congratulated Chief Hinnant on his retirement. Mr. Eldridge started as a reserve officer with Broadway when Todd started as a patrol officer. They became friends and have been friends for 30 years. Since the department was so small, it was reassuring that they had each other's backs. Mr. Eldridge thanked Chief Hinnant for his 30 years of service to the community.

Mayor Andrews read and presented a resolution honoring Sheriff Tracy Carter for his 35 year career in law enforcement. The Mayor also expressed appreciation to Sheriff Carter for aiding and supporting the Broadway Police Department.

Mayor Andrews read and presented a resolution honoring Chief Todd Hinnant for his 30 year career in law enforcement. The Town awarded the Chief with his service side arm per N.C.G.S. 20-187.2 for a job well done in the protection and service to the Town of Broadway and Lee County.

Lee County Commissioner Kirk Smith read and presented a resolution honoring Chief Todd Hinnant for his 30 years of service in law enforcement to the citizens of Lee County and Broadway.

New Business - Tanner O'Quin presented a rezoning request for a parcel located at 203 N. Main Street. Mayor Andrews advised Mr. O'Quin that the Town Board is comfortable expediting the rezoning decision so that the property owner will not have to wait another month. He asked the Planning Board to reconvene at the Community Building after the public hearing. Once their decision is made, Mr. O'Quin can come back to the meeting and give their recommendation.

Mr. O'Quin advised Mr. Robert Markey is requesting rezoning for a 0.63± acre tract of land owned by MTM Group, LLC and developed with a commercial building

addressed 203 N. Main Street from Residential Single-family (R-20) to Highway Commercial (HC). Mr. Markey would like to expand the parking area to the rear of the existing commercial building; therefore, he submitted a Zoning Map Amendment Application for consideration. This is a standard general use rezoning request, as opposed to a conditional rezoning request, which means that no site plan or building plans are required as part of the rezoning request.

The subject property is zoned Residential Single-family (R-20), which is established to provide areas for low-density single-family uses, with a maximum of two dwelling units per acre, that may provide buffers between the agricultural and R-20 classifications and the higher density areas of the County of Lee.

Examples of uses permitted by right within the R-20 zoning district include single-family homes (site built and modular) with associated residential uses, churches, parks and playgrounds operated on a noncommercial basis. There is a list of all permitted uses for this zoning district within the agenda packet for reference.

The proposed zoning of highway commercial is to accommodate uses that depend upon a large flow of traffic and convenient access, such as retailing of durable goods, the provision of commercial services to industrial areas, and the provisions of services to tourists.

Uses permitted by right within the HC zoning district include restaurants with or without drive-in or drive-through facilities, administrative services, antique shops, appliance sales, dry cleaning & laundry, farm/landscape garden supply with or without outdoor storage, and grocery stores and supermarkets of all sizes. There is a list of all permitted uses for this zoning district within the agenda packet for reference.

Adjacent land use to the north is Kangaroo Express convenience store; to the south and east is an adjoining 38.5 acre tract of land owned by the D.O. Harrington Heirs that has a large agricultural field fronting Main Street and a house addressed as 217 N. Main Street at the rear of the mobile home park off Payton Place, and a considerable amount of wooded land; and to the west is First Bank at 229 N. Main Street and a retail building/Piggly Wiggly grocery store at 207/300 N. Main Street.

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 style, but with a smaller scale and lower intensity. The local example is the Greenwood Road/Lemon Springs area of Lee County. Information from the land use plan is provided as attachments to this report for reference.

The existing building appears to have access to public water and sewer maintained by the Town of Broadway. There is approximately 180 linear feet of frontage on N. Main Street, a NCDOT maintained public road with a 60ft wide right-of-way at this location. If rezoned, all of the uses permitted in the Highway Commercial (HC) zoning district would be allowed and any future redevelopment of the subject property will be required to meet the current development standards of the UDO.

The long-range plan designation of Village Center lists small business services, professional offices, retail stores, personal services and entertainment as proposed uses. Even though it recommends less commercially intensive land uses than are typically allowed in the HC zoning district, this site is located along Main Street in Broadway and the small size of the building and the lot will limit the scale of the business. Rezoning the property to Light Commercial (C-1) or Office & Institutional (O&I) would be more in line 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 HC uses. The front of the site is already zoned HC.

Additional information presented at the public hearing should also be considered in the recommendation and the final decision regarding the requested zoning map amendment.

Mayor Andrews opened the public hearing for comments. No one spoke in favor of or against the rezoning request. The Mayor closed the Public Hearing. The Planning Board was excused to reconvene at the Community Building to make their determination.

When Mr. O'Quin returned to the Town Board meeting, he advised the Planning Board unanimously voted to recommend the approval of the rezoning request for 203 N. Main Street. Commissioner Kelly made the motion that the zoning map amendment is consistent with Plan SanLee long-range plan designation of Village Center because it lists small business services, professional offices, retail stores, personal services, and entertainment as proposed uses, which are similar to a restaurant use. The motion was seconded by Mayor Pro Tem Beal. Motion carried unanimously.

Commissioner Paschal made the motion to approve the proposed zoning map amendment because it is reasonable and in the public interest given that the site is located along Main Street and adjoins a commercial business on land already zoned HC. Also, the site has access to public water and sewer. The motion was seconded by Commissioner Green. Motion carried unanimously. Mayor Andrews welcomed Mr. Markey and Mr. Smokestack Chimney Service to Broadway.

Shelton Ennis, auditor with Joyce and Company, presented the audit findings for Fiscal Year 2020-2021. He reported that the Town received an unmodified clean audit, which means the financial statements present fairly in all material respects the financial position and the results of the operations and the cash flows of its proprietary fund types for the year ended June 30, 2021. Mr. Ennis then reviewed the audit highlights.

At the end of fiscal year 2020-2021, the Town had Cash balances in the total of \$1,793,000. This was an increase of \$7,000 over prior year. Fixed assets decreased \$176,000. There are governmental fixed assets including police cars, community building, town hall, etc. and proprietary fixed assets pertaining to water and sewer services. Governmental fixed assets decreased \$67,000 from prior year due to

depreciation, and Proprietary fixed assets decreased \$109,000 from prior year also due to depreciation.

The total general fund balance decreased \$43,000 due to Powell Bill projects that were carried over from 2020 and completed in 2021. Unassigned fund balance increased \$63,000. These funds are not restricted.

Water & sewer fund cash balances increased \$51,000 as a result of operations.

The main source of revenue for the Town is ad valorem taxes (property taxes), which increased \$17,000. This is a 2.6% increase over prior year. The valuation subject to tax was \$98,305,000, which is a 3% increase. 99.19% is the collection rate for the Town and is a very high rate.

Long-term debt in general governmental, which finances capital projects, for the year was \$641,000 and decreased by \$27,000 as a result of payment of existing debt. The water and sewer debt was completely extinguished in June 2021. There is no new debt.

Mr. Ennis stated the Town is in sound financial condition. One significant recurring finding in internal controls is segregation of duties due to the small number of office staff. The Town has mitigated the risk with lack of segregation of duties. The Town Board and Mayor look at the paid bills and disbursed checks each month. Additional action will be taken by the Mayor who has agreed to review the bank statement reconciliations on a monthly basis. There were no material weaknesses found.

Mr. Ennis thanked Eddie, Barbara, and Laura for their assistance with the audit. He also thanked Beth Kelly, Finance Director with the City of Sanford, and her staff for their help and cooperation in completing the audit. Mayor Andrews also expressed his thanks to Beth Kelly and her staff for providing financial backup to the Town staff.

Ms. Kelly reviewed highlights of the Fiscal Results Summary.

General Fund Revenue increased approximately 8.8% or \$84,892 compared to prior year. Compared to budget, actual revenue was \$81,999 or 85% higher than budget.

General Fund Expenditures increased by 16% or \$151,008 compared to prior year. Compared to budget, actual expenditures were \$85,345 or 7.2% less than budget.

Utility Fund Revenue increased approximately 10% or \$41,233 compared to prior year. Most of that increase was related to connection and tap fees.

Utility Fund Expenditures decreased by .4% or \$1,480 compared to prior year.

Net Income was \$58,840 compared to a net income of \$17,312 in fiscal year 2019-2020.

Ms. Kelly advised the City is preparing audit RFP's for services. They are waiting on the LGC for audit requirements related to ARP money. This information will be included in the audit RFP's.

Mayor Andrews expressed his appreciation to Ms. Kelly and commended Barbara and Laura for all they do to help with finances throughout the year.

Mayor Andrews presented a budget amendment appropriating funds for the 2022 Broadway Our Way Festival. Commissioner Kelly made the motion to approve the budget amendment appropriating \$21,500 for expenditures relating to festival activities. The motion was seconded by Commissioner Green. Motion carried unanimously.

Old Business - the purchase of body cameras was discussed. The cost of the camera and taser package is \$9,400 per year for a five-year contract. This amount was not budgeted. If the Town Board is interested, staff will have to determine how to fund this purchase, or it can wait and be budgeted and purchased in the new fiscal year beginning July 1. The current budget had unexpected expenses. There is no room for cuts in the police budget. The Town Manager and Finance Director would have to search to find an additional \$9,400 in an already lean budget. It may be better to wait until planning the next budget. Policies and procedures will have to be devised for the use of the cameras and storage. The Town Board agreed the body cameras are needed. Counsel Love advised all policies, procedures, and training must be in place prior to use of the body cameras. The Town Board agreed to work this purchase into the 2022-23 budget.

Manager's Report – Mr. Thomas advised the Town received \$1,000 for the sale of the Crown Vic patrol car.

SCEI is working well. They are a very professional company, interact with the citizens as we would want them to, and have been getting good results with resolutions. However, there are some difficult cases that may need enforcement. Jill Wood, with SCEI, is reviewing the Town ordinances for needed updates and will also explain the enforcement process. The Mayor and Town Manager plan to meet with Mr. Pinnix the first week of January.

Mr. Thomas thanked Town staff and remarked his tenure with the Town was wonderful. Broadway citizens are an outstanding group. The Governing Body has been great to work with and very supportive. The Town has an outstanding group of staff who have learned to do a lot with less. Mr. Thomas wished everyone a Merry Christmas.

Commissioner Comments – Commissioner Collins stated she is humbled and excited to serve the Town as commissioner. She is a lifelong resident of Broadway, loves the Town, and wants to give back to the community by serving on the Town Board. She also thanked citizens and businesses for decorating for Christmas. Commissioner Collins expressed her appreciation to Mayor Andrews for all the time and effort that he gives every person in Broadway. He is the driving force behind Town

events, and they would not happen without him. She believes the Mayor is appreciated not only by the Town Board but also by many people in Town.

Commissioner Paschal wished everyone a Merry Christmas and Happy New Year. He hopes Broadway will continue to grow at a normal pace.

Mayor Pro Tem Beal welcomed Commissioner Collins to the Town Board. He also wished a Merry Christmas and Happy New Year to all.

Commissioner Green also welcomed Commissioner Collins to the Town Board. She's looking forward to working with her. Commissioner Green is also glad Commissioner Paschal and Mayor Pro Tem Beal were re-elected. She thanked Mr. Thomas for his service to the Town. He has done a fantastic job, and it has been great working with him. Commissioner Green welcomed John Godfrey as new Town Manager and looks forward to working with him, as well. Commissioner Green thanked all the staff and the Mayor for everything they do and then wished everyone Christmas greetings.

Commissioner Kelly thanked "Miss Christmas," Commissioner Collins, for her efforts with Town decorations and the Christmas parade. She also thanked the Mayor and Lions Club for their efforts in hosting the parade. Most people don't realize it requires a lot of planning. Commissioner Kelly has heard many good comments about it and thinks it was great. She wished everyone a Merry Christmas. She also mentioned that Town Manager Thomas will have a special place in their hearts and will be in their prayers to continue on with what God has called him to do. Commissioner Kelly stated she looks forward to having John Godfrey on board as the new Town Manager.

Mayor Comments – Mayor Andrews advised Withers-Ravenel is making progress on the water and sewer feasibility studies. They are still on schedule to complete the studies by the end of January or first of February. Once the studies are received, the Town Board will review the information and options and discuss how to move forward. Sewer expansion is the main issue.

On January 20 there will be a tentative All Boards meeting with SAGA. The meeting is scheduled to begin at 5:30 and will be held at the Convention Room at the Wicker Center. Mayor Andrews will share further information as it becomes available.

Don Kovasckitz, with Lee County GIS Services, is working with the US Census Bureau about the 2020 census count. He has concerns about the accuracy of the census for the City and Lee County, and Mayor Andrews has expressed concern about Broadway's census numbers. The Mayor feels the Town was undercounted. Mr. Kovasckitz will ask the Census to come back and look at the number of households. COVID may have affected census participation.

Mayor Andrews thanked the Broadway Lions Club and Commissioners Kelly and Collins for all the decorations downtown. He believes the Christmas parade had the largest crowd ever in attendance. There were a lot of great entries. The Town is fortunate to have a civic club that got involved and kept the parade going.

The Mayor thanked the Town Board for their support and guidance over the past year. The Town was able to maintain operations and serve citizens during two years of COVID. He thanked staff for working hard and taking care of the citizens of Broadway. Admin staff, public works, and the police department all do their jobs well. Mayor Andrews expressed his thanks to Mr. Thomas. He thinks the Lord sent him here to lead us through COVID. His calmness and demeanor was exactly what the Town needed. He hates to see Mr. Thomas leave. They had a very good working relationship, and Mr. Thomas made an impact. He has been called to shepherd another group of folks, and they are lucky to get him. Mayor Andrews thanked him for coming in at the right time to help us through this trying time.

Mayor Andrews looks forward to working with John Godfrey. He feels the Town Board has made another great decision in the choice of Town Manager and is excited to have him as part of the team. The Mayor wished everyone a Merry Christmas and Happy New Year. There is much to do beginning in January with many studies, reports, and projects.

Mayor Andrews advised the Town made a donation in memory of Commissioner Harrington to the Woman's Club of Broadway. The Mayor presented thank you notes from Penny Keane and the Woman's Club so that the Town Board could read them.

The Mayor entertained a motion to go into closed session to consult with an attorney to maintain attorney-client privilege per G.S. 143-318.11(a)(3). Commissioner Paschal made the motion to go into closed session. The motion was seconded by Mayor Pro Tem Beal. Motion carried unanimously.

After returning to regular session, the Town Board discussed how to proceed with the Watson Lake dam project. The state now considers the dam a high hazard due to the traffic count on McLeod Avenue. Hazen and Sawyer, engineers for the project, have indicated it will cost approximately \$2 million to make needed improvements to Watson Lake. They have offered two options in order to research grant funding for the Town. Option 9.1: Review available federal, state, and local funding programs that could be used to finance needed improvements to Watson Lake and provide a list of recommended funding programs to pursue at a cost of \$8,600 and Option 9.2: If analysis conducted in Option 1 supports the pursuit of grant funding through the American Rescue Plan Act, they will prepare an application for ARPA funding for submission to the NC Department of Water Quality for the lake improvements project at a cost of \$10,300. Commissioner Kelly made the motion to authorize Hazen and Sawyer to research grant funding for options 9.1 and 9.2 of the Watson Lake dam project. The motion was seconded by Commissioner Paschal. Motion carried unanimously.

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