

TOWN OF BROADWAY
BOARD OF COMMISSIONERS
MEETING MINUTES
NOVEMBER 28, 2022

A scheduled meeting of the Board of Commissioners was held on Monday, November 28, 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 John Godfrey, and Town Clerk Laura Duval were present.

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

Mayor Andrews requested the addition of a closed session at the end of the meeting per G.S. 143.318.11(a)(3) and G.S. 143.318.11(a)(6) in order to maintain attorney-client privilege and to discuss a personnel matter. Commissioner Kelly made the motion to accept the Agenda as amended. The motion was seconded by Commissioner Paschal. Motion carried unanimously.

Mayor Andrews introduced the Town's new finance officer, Gail Brown. She began work a few weeks ago and previously worked for the Town of Cameron in finance and clerk capacities. The Town Board welcomed Ms. Brown to the admin staff.

Consent Agenda – October Board Meeting Minutes and October financial statements. Mayor Pro Tem Beal made the motion to accept the consent agenda as submitted. The motion was seconded by Commissioner Paschal. Motion carried unanimously.

Public Comment – Commissioner Kirk Smith, 3108 Avents Ferry Road, Sanford, NC – gave a compliment regarding the polls on Election Day. The lights did not come on at dark. A state board of elections official stopped by to inquire about the lights. Jane Fawcett was informed, and she called Chief Gunter. The Chief contacted the CFRFD, and within five minutes, they brought a truck to shine lights to illumine the dark area. It was determined that the school does not control the lights. Duke Energy does, and they had not maintained the lights at the school. Commissioner Smith complimented Chief Gunter and the CFRFD on their swift resolution to the problem.

New Business – Amy McNeill, Zoning Administrator, introduced Mr. Curtis Lee who is the newest planner. He will be processing all zoning requests and will be assuming the role of coordinating planner for the Planning Boards of all three jurisdictions that they serve. A Public Hearing was held on proposed UDO text

amendments concerning religious complexes within the CBD. Ms. McNeill reported the Sanford City Council directed planning staff to prepare an amendment to the UDO to allow religious institutions (churches) within the Central Business District classification.

Currently, the UDO does not allow for religious complexes (churches) to be located within the CBD. In April of 1999, the Sanford City Council took up this similar issue and adopted changes to the zoning ordinance that would promote relocation of the churches/religious uses into other areas of the City. While adopting these new changes in 1999, the Council also recognized that all existing churches would be grandfathered. In the months following, staff surveyed both the CBDs for Sanford and Jonesboro and created a master list of the churches then in operation that would be grandfathered. Over the years of this prohibition being in effect, zoning staff has consistently tried to monitor and enforce this regulation, However, staff recognizes that we have a number of current sites within both the CBD of downtown Sanford and downtown Jonesboro that appear to be operating as unauthorized churches/religious operations.

Complicating this issue is the concern regarding Religious Land Use and Institutionalized Persons Act of 2000, commonly known as “RLUIPA.”

Staff also looked into some case laws as examples of how this law has been applied to other towns and cities. Based on case law, it appears religious uses must be treated in the same manner as all similar land uses (places of assembly such as private clubs, bars, wedding venues, social/fraternal organizations, community centers, theaters, meeting halls, etc.) in a specific zoning district in order to meet the RLUIPA standard. Many of these other assembly uses are allowed by the right in the CBD.

As such, staff has brought forward the attached text amendment for consideration. If approved, this would allow religious complexes (churches) in the CBD in downtown Broadway.

The consideration of this amendment was presented and discussed by the Joint Planning Commission (JPC) in June of 2022, with the JPC recommending that the amendment move forward to public hearings on a 4-2 vote.

The City of Sanford held a public hearing for this text amendment on July 19, 2022, with a large number of citizens/interested parties in attendance. It is the understanding of staff that after the public hearing was held, this item was tabled and not voted upon.

On October 11, 2022, this item was taken from the table by the Sanford City Council, and the Sanford Planning Board was asked to make a recommendation. Their Planning Board recommended approval with a 5-member “yes” vote and one member abstaining.

Even though there is no CBD zoning in the jurisdiction of Lee County, the UDO serves as the zoning ordinance for all three jurisdictions; therefore, the text amendment must be considered by all three jurisdictions. Ms. McNeill reminded the Town Board

they are not required to approve this amendment just because the City of Sanford did. Since they are the governing board for Broadway, they make decisions for the Town. Ms. McNeill previously forwarded this text amendment to Counsel Love in case the Town Board has any legal questions.

Mayor Andrews opened the public hearing. No one spoke in favor of or against the proposed UDO text amendment allowing churches within the CBD. The Mayor closed the public hearing.

A Public Hearing was held on a proposed UDO text amendment that would establish "mobile food vendor" as a new land use with supplemental developmental standards. Thomas Mierisch, Planner II, advised Community Development staff has drafted a UDO text amendment in response to the increasing number of mobile food vendors (food trucks) operating in Sanford, Broadway, and Lee County. The new land use of mobile food vendor and its associated supplemental standards would allow greater flexibility for staff in issuing permits for food trucks, a more practical administration of the food trucks' use and operation throughout the community, and increase public safety by facilitating more coordination with the Lee County (and other counties') Health Department.

The proposed text amendment includes land use standards specifically for mobile food vendors. Those standards include the permitted location(s) of use, the location of food vendors within a particular site so as to avoid obstructing traffic and emergency vehicles; and the safe preparation and handling of food and disposal of resultant waste.

In conjunction with these land use standards, a draft copy of a Mobile Food Vendor Application has been prepared for review. This application can be used to collect the food truck operators' information, to ensure staff administer permits fairly and accurately, and to provide general information to permit applicants about the mobile food unit and Health Department standards.

Commissioner Kelly asked if there is a time span limit allowing a food truck to remain at the same location. Mr. Mierisch advised the current UDO allows a food truck to stay at the same location for 10 days then leave for 30 days. This can only happen six times per calendar year. Under the proposed text amendment, the property owner must permit the food truck to be there indefinitely. The truck can operate from 6:00 a.m. until midnight.

The food truck must be inspected by the health department and must notify the county health department before setting up. They must get registered and permitted. A food handling certificate is also required, and the permit must be posted.

The question was asked if a church can have food trucks at a special event. Mr. Mierisch advised the church can apply for a temporary use permit at no cost for an event for a limited amount of time. Numerous food trucks are not allowed in one location under normal circumstances.

Mayor Andrews opened the public hearing. No one spoke in favor of or against the proposed UDO text amendment establishing “mobile food vendor” as a new land use with supplemental developmental standards. The Mayor closed the public hearing. The Planning Board was dismissed to discuss the proposed UDO text amendments. Their recommendation will be presented to the Town Board at the regular December meeting.

The special event ordinance was tabled until the December meeting.

A budget amendment was presented for adoption appropriating \$25,000 for the Broadway Our Way operating budget. \$25,000 will be appropriated from Festival Revenues to Festival Expenses so that the festival committee can begin preparation for the 2023 Broadway Our Way Festival. Commissioner Kelly made the motion to adopt the budget amendment as presented. The motion was seconded by Commissioner Green. Motion carried unanimously.

The next regular town board meeting falls on December 26, which is a Town holiday. Mayor Andrews suggested moving the meeting up a week. Mayor Pro Tem Beal made the motion to change the December 26 meeting to December 19. The motion was seconded by Commissioner Collins. Motion carried unanimously. The meeting will still begin at 6:00 p.m.

Manager’s Report – Town Manager Godfrey reported Gail Brown began employment on October 24 as the new Finance Officer.

On the same date DEQ completed a water systems audit with no deficiencies noted.

Our Police Officers participated in and completed training on de-escalation tactics on November 2.

Mr. Godfrey participated in Powell Bill training on November 3.

In mid-November, Southern Corrosion installed the Christmas lights on the water tower.

The Town’s annual inspection of fire extinguishers was completed with no issues noted on the 16th.

On November 17 Central Security began and completed installation of a new video intercom system for the front entrance of Town Hall to enhance security.

Our police participated in and completed taser training on November 22.

Mr. Godfrey continues to meet with various vendors, stakeholders, and officials, as needed in an effort to meet the Town’s daily operations. He takes calls and in person meetings from our citizens at various times to answer any questions or concerns.

All of our staff continue to maintain a high standard in providing effective service to our Town, and he appreciates their efforts very much.

Commissioner Comments – Mayor Pro Tem Beal appreciated the work on the water tank lights. He thanked Mr. Godfrey for getting the Christmas lights back on the tank.

Commissioner Collins thanked the Broadway Lions Club members and other volunteers who helped decorate the Town for Christmas. They had the largest number of volunteers to date.

Commissioner Paschal commented the Christmas decorations look super, and he has heard nothing but high praises for the lights on the water tank.

Commissioner Green echoed the comments about the Christmas lights and decorations. She welcomed Gail Brown to the staff, and she knows Gail would be an asset to the Town. Commissioner Green stated the Veterans Day Service was very nice and had good attendance. She mentioned Mayor Andrews did a superb job with his remarks.

Mayor Comments – Mayor Andrews thanked DAV Auxiliary Chapter 5 for hosting the Veterans Day Service. They did a good job, and there was a good turnout despite the weather.

Christmas in the Park will be held on Sunday, December 4 at 4:00 p.m. There will be Christmas music, the reading of the Christmas story, the lighting of the tree, and a visit from Santa. Per Commissioner Kelly 2,200 luminaries will light South Main Street.

The Broadway Lions Club Christmas Parade will be held Saturday, December 10 at 2:00 p.m. Mayor Andrews, Town Manager Godfrey, and Commissioner Collins met with Chief Gunter to update the Town's safety plans for the parade.

Mayor Andrews reported some of the sidewalk easements have been received and some have not. As soon as all easements have been returned, the project will be sent out to bid.

The Mayor attended the most recent pre-construction meeting on the North Main Street road widening project. A company out of Monroe was awarded the bid and will start relocating water and sewer lines in the spring. This project will complete the sidewalk installations from First Bank to Hunter Drive. The road will be widened from Horner Boulevard to Broadway.

The last festival meeting was very good. The committee will continue to work on the festival as April 15, 2023, quickly approaches.

Mayor Andrews entertained a motion to go into closed session to maintain client-attorney privilege and to discuss a personnel matter per G.S. 143-318(a)(3) and G.S. 143-318(a)(6) respectively. Mayor Pro Tem Beal made the motion to go into closed

session. The motion was seconded by Commissioner Paschal. Motion carried unanimously.

After returning to regular session, Mayor Andrews asked the Town Board if they wish to ride in the Christmas Parade. The new parade guidelines will be in place. Those commissioners not helping with the parade indicated they would like to ride in it, so they will make arrangements for transportation.

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