

**February 12, 2019**

**MINUTES OF THE BROOKNEAL TOWN COUNCIL**

**7:00 PM – The regular meeting of the Brookneal Town Council**

The municipal government of the Town of Brookneal met with the following members present:

James Nowlin, Mayor

Barbara Laprade, Mark Wilkes, Richard Adams, and Joseph B. David, Jr., Council Members

Richard Baldwin, Chief of Police

Russell Thurston, Town Manager

Bobbie Waller, Clerk/Treasurer

Absent: Cynthia Johnson, Council Member, and Mike Crews, Public Works Director

**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

Upon motion by Richard Adams, seconded by Mark Wilkes, and unanimously carried, Council approved the agenda for the February 12, 2019, regular meeting of the Brookneal Town Council.

**MINUTES**

Upon motion by Joseph David, seconded by Mark Wilkes, and unanimously carried, Council approved the minutes for the January 8, 2019 Town Council meeting.

**TREASURER'S REPORT**

Mayor Nowlin asked that the February 2019 treasurer's report be filed for audit.

**PRESENTATION AND APPROVAL OF INVOICES**

Be it resolved that motion was made by Mark Wilkes, seconded by Joseph David, and unanimously carried, authorizing the payment of the invoices for the period of January 9, 2019 to February 12, 2019 in the amount of \$15,615.89.

**REQUEST FOR THE COMMUNITY BUILDING BY TRACY JENSEN**

Ms. Tracy Jensen presented a proposal for an Easter dinner for people in the community who are alone, cannot afford a meal or have not way to prepare a meal themselves. She wants to hold this dinner at the Brookneal Community building from 5 to 7 p.m. on Easter Sunday, April

21, 2019. Upon motion by Joseph David, seconded by Barbara Laprade, and unanimously carried, the Council voted to allow Ms. Jensen to use the building for the Easter dinner on April 21, 2019 at no charge to her since it was an event for the community.

## **BROOKNEAL 21<sup>ST</sup> CENTURY RURITAN CLUB**

Mr. O. H. Bobbitt, of the 21<sup>st</sup> Century Ruritan Club, appeared before Council to give an update on the club. He said there are 3 main tenants in Ruritan: fellowship, community service and goodwill. He said that the Brookneal 21<sup>st</sup> Century Ruritan Club is nationally known. He said that that is because the Brookneal Ruritan Club is nothing like the other 900+ clubs in the country. He said that their model (Brookneal 21<sup>st</sup> Century Club) has been recognized by Ruritan National and is going to be developed over all of Ruritan land. He said that over the last 18 months they have given a \$1000 scholarship to a William Campbell High School senior, painted the gazebo at the community building, feed the teachers at Brookneal Elementary, gave dictionaries to all 3<sup>rd</sup> graders at the school, planted flowers and roses at the community building, and participated in the Brookneal Christmas parade twice. He said they have several projects coming up including reading to the kids at Brookneal Elementary, delivering flowers to the residents at Heritage Hall on Valentine's Day, and partnering with the Brookneal Volunteer Fire Department helping them with some of their fundraisers, and they in turn are going to help with some of the Ruritan club's community service projects. He asked the Council to come and join them.

## **PUBLIC COMMENT**

Mr. Doug Rogers, of Juniper Cliff Road, and a landlord in the Town of Brookneal, appeared before the Council to talk about the new water policy in the Town. He said that this had recently come to his attention. He said that he was surprised to find that the new policy puts a burden on the landlord or someone owning a property. He said that the new policy says that should a tenant not pay their full water bill, that in order for him (as the landlord) to rent a property in town that he has to sign a document saying that he will be responsible for their water bill when they move out if they do not pay it themselves. He feels this is a socialistic, improper way for things to be approached. He asked if that provision was publicized; he said he was not contacted about this. He said that after the fact he has seen this information, but he said it would have nice to have given this to the landlords around Town. Town Manager Russell Thurston read the public hearing ad that had been publicized in the Union Star. See below:

- The Town of Brookneal will hold a public hearing on Tuesday September 11, 2018 at 7:00 p.m. at the Brookneal Community building, 261 Main Street, to receive comments concerning repealing and replacing existing town ordinance "Chapter 50: General Provisions Water and Sewer Service Rates and Charges". The replacement ordinance for "Chapter 50: General Provisions Water and Sewer Service Rates and Charges" will include language adopted in the two state code sections enacted by Virginia General Assembly March 24, 2017:
- § 15.2-2119. Fees and charges for water and sewer services provided to a property owner.
- § 15.2-2119.4. Fees and charges for water and sewer services provided to a tenant or lessee of the property owner.

After Mr. Thurston read this, Mr. Rogers then told Mr. Thurston that “no” he did not in any way let the landlords of this town know that this was being done. Mr. Thurston told Mr. Rogers that it was not the Town’s responsibility to read the newspaper for our citizens. He said it was published as was requested by the law. Mr. Rogers said that it was not published in no way that says anything about letting someone such as himself know that the Town was going to instigate those procedures. Mr. Thurston noted that in the public hearing ad the Town is not required to put every detail in the ad that is included in the public hearing. He told Mr. Rogers that if he was trying to say it was the town’s fault for not notifying him about it; he told him that as a property owner and a landlord he has a duty and responsibility to stay on top of these things. Mr. Thurston told Mr. Rogers that he did not read the public hearing or come to it, which he could have easily done. Mr. Rogers said that the public hearing from what he was just told by Mr. Thurston would not let him know the fact that you referred to some government regulation by number would not let him know that the Town was going to enact a provision that would be charging the landlord responsible for someone’s water bill. Mr. Rogers said that what was passed was sonorous and unfair to a landlord, and it should not have been done. Mr. Rogers said he would like to see it reversed. Mr. Thurston noted on a report he had in front of him that there is over \$49,000 worth of unpaid water accounts a lot of which are people in Mr. Rogers’ properties; he said most of which are uncollectible. He said that when Council asks why we can’t balance the budget, why is the utility fund at a deficit, and he has \$50,000 worth of unpaid water accounts; that is why that provision is there. He told Mr. Rogers that since he does not want to underwrite the risk, why should the Town. Mr. Rogers said that there is no correct way for the Town to justify why he should be paying someone else’s water bill, electric bill, or grocery bill just because the Town has the authority to do so. Mr. Thurston noted that the deposit of \$200 would be taken first as well as other collection methods. Mr. Thurston noted that in most cases, tenants are not going to have an extremely high water bill unless they have a leak at the property; he said that tenants come in the office often and say I have a leak at my property, I have called my landlord but no one has come out to fix my leak. Mr. Thurston noted that that is the number 1 cause for tenants not being able to pay their water bills in rental property is water leaks on the property that are not fixed in a timely manner; Mr. Thurston noted yes you will probably be liable for that. Mr. Rogers noted that he is opposed to it, and he feels that there are other ways to take care of that than making someone else liable for that. He said he felt that the notification that was given would have in any way enlightened a landlord that the Town was going to do this.

Mayor Nowlin thanked Mr. Rogers for coming and expressing his opinion. He told Mr. Rogers that it costs the Town money to supply the water, and the Town has its expenses surrounding that. He said that this is the law, and he appreciated his comments.

## **POLICE REPORT**

Police Chief Richard Baldwin presented the police report for January 2019. He said of the 65 calls for service, 60 were answered by the Brookneal Police Department and 5 were answered by the Campbell County Sheriff’s office. He introduced the new part time police officer Stacy Warf and his wife April who were in attendance at the meeting.

## **TOWN MANAGER REPORT**

Town Manager Russell Thurston told the Council that one of the Ruritan club members in attendance at tonight's meeting is Joe Poppe, who is the Superintendent of the Gladys VDOT office. He thanked Mr. Poppe for the fantastic job he and his department has done on Smith Street and Lusardi Drive. He thanked him for the tremendous partner they are with Brookneal. Mr. Poppe stressed the importance of using the VDOT call center for both his department and for residents of Brookneal. Mr. Thurston said that Red Hill has finished a \$2 million expansion called the Casey Educational Center. He said the Town voted for him to write a letter of support to the tobacco commission to aid with a grant to fund that center. He said the Council has been invited for a tour of this center. He said a couple of groups have expressed interest in taking over day in the town; he said it may not happen this year since it is getting late in the season to still have that festival. He said the schedule for the budget meetings has been set and distributed to Council members.

Councilperson David asked for an update on the delinquent real estate taxes from the old River Ridge Apartments property. Ms. Waller informed the Council that the taxes are in the processing of being paid by USDA who was the foreclosing agent on the property.

#### **MOTION CONCERNING MR. TRIPP INSENHOUR, ATTORNEY FOR CAMPBELL COUNTY**

He said that he and Mrs. Waller have had conversations with Mr. Tripp Isenhour who is the county attorney; he handles the delinquent real estate taxes for Campbell County. He told him that he is willing to help Brookneal on their delinquent tax cases.

Upon motion by Richard Adams, seconded by Joseph David, and unanimously carried, the Council voted to authorize the town staff to work with Mr. F. E. "Tripp" Isenhour, III, an attorney with the law firm of Caskie & Frost on matters related to tax collection and any other items or issues that the Town may so designate of legal matters when appropriate.

#### **APPOINTMENT OF COUNCIL MEMBER TO FILL REMAINDER OF MAYOR NOWLIN'S TERM WHICH EXPIRES IN DECEMBER 2020**

Mayor James Nowlin explained that his Council seat was now vacant since he was voted in as Mayor on January 1, 2019. He said that he had talked to different people about filling the seat, but no one would commit. He said Mrs. Phyllis Campbell has agreed to fill the seat until it can be properly filled in the fall in a special election. Upon motion by Richard Adams, seconded by Mark Wilkes, and unanimously carried, the Council voted to appoint Mrs. Phyllis Campbell to fill the Council position vacated by now Mayor Nowlin until the next election in 2020.

#### **APPROVAL OF FY18 AUDIT**

Town Manager Thurston told the Council that the accounting firm has given him a draft of the audit, but the final copy of the FY18 Audit is not ready and will have to be approved at the March Council meeting.

#### **COMMITTEE RECOMMENDATIONS**

Councilperson Adams said that the first budget meeting for the 2019-2020 budget cycle will be held tomorrow at 11:00 a.m.

## **ITEMS FROM TOWN COUNCIL**

Councilperson Laprade said that on February 1, Katie Conner from Virginia Tourism met with a group of individuals in the Town office to set the stage for a plan of action for the hotel/motel project. She said representatives from Red Hill were also in attendance that day. He said the next step is to meet with potential stakeholders including Donnalynn Davis from 246 The Main and representatives from Georgia Pacific. She said Mike Davidson sent her a list of other potential stakeholders. She said they are going to establish monthly meetings to really get the ball rolling.

Councilperson David said that a few people have talked to him this week about this thing of doing away with the Town. He said that everyone needs to be on the same sheet of music, know all these points and speak the truth to people. He said that he doesn't like the thought of people being lied to and being told false information. He also mentioned moving the Council table around to allow all of Council to be facing the door. He said someone came in tonight, and he had no idea they were behind him. He felt for safety it would be a better idea.

Town Manager Thurston gave Council a document to review concerning the petition to dissolve the town. He asked Council to look over this document and let him to know their thoughts. He hopes to run this in the newspaper in the next few weeks if the Council is in agreement. Councilperson Wilkes said that we have a good Town here, and he said that this could cause a feud between families and friends.

## **ADJOURNMENT**

Upon motion by Mark Wilkes, seconded by Richard Adams, and unanimously carried, Mayor Nowlin announced that the February 12, 2019 Council meeting was adjourned.

---

Bobbie A. Waller  
Clerk/Treasurer

---

James Nowlin  
Mayor