

September 13, 2016

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:

Phyllis Campbell, Mayor

James Nowlin, Vice Mayor

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

Russell Thurston, Town Manager

Bobbie Waller, Clerk/Treasurer

Mike Crews, Public Works Director

Richard Baldwin, Chief of Police

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

Upon motion by Mark Wilkes, seconded by Robert Jean, and unanimously carried, Council approved the agenda for the September 13, 2016, regular meeting of the Brookneal Town Council.

MINUTES

Upon motion by Robert Jean, seconded by Mark Wilkes, and unanimously carried, Council approved the minutes for the August 9, 2016, Town Council meeting.

TREASURER'S REPORT

Mayor Campbell asked that the September 2016 treasurer's report be filed for audit.

PRESENTATION AND APPROVAL OF INVOICES

Be it resolved that motion was made by Mark Wilkes, seconded by Robert Jean, and unanimously carried, authorizing the payment of the invoices for the period of August 14, 2016 to September 13, 2016, in the amount of \$22,469.95.

PUBLIC COMMENT

Ms. Kimberly Witcher of 107 Todd Street appeared before Council to get information about the non-state road between the Brookneal Machine Shop and her property at 107 Todd Street. She said that in the past there have been some modifications or some improvements to the condition of the road over the years. She said she is trying to get clarification of what is supposed to be done. She said that what she really needs to find out is who owns this property and what is the responsibility. She said that she is really in need of something to be done because they use this road to access their lot and this is where they park their vehicles. She said the road is in very bad shape, and there are trenches 9 or 10 inches deep in the road. She said that it is the worst it has ever been since she moved there in 2005. She said that she had been looking on her own into this; VDOT told her it was not their responsibility. She is trying to make sure that this is not the property of the Town before she does something on her own. She said the survey at the real estate office goes back to 1927, and the alley is connected to her lot. She said the road is about 10 feet wide; Ms. Witcher did bring photographs for the Council's perusal. Councilperson Jean said that it sounds like it is a public alleyway and no one really has responsibility for it, but it cannot be blocked by anyone because it belongs to the public. Councilperson David suggested that the Town needs to do some research on it and get back with Ms. Witcher. Councilperson Adams noted that the Town needs to be careful with this issue as it could open up a "Pandora's box" for other residents with alleyways or right of ways that need attention. Town Manager Russell Thurston said that this is not owned by the Town, and it is not deeded to anyone. He also noted that there is no money in the budget for these types of things, and the Town does not have a legal duty to do anything to the property since it does not own it. He noted that if the Town had some surplus gravel to donate to the project that that could be done, but it has to be understood that the Town is not taking ownership of the property.

Mayor Campbell noted that Ms. Witcher has done all the research that needs to be done, and she doesn't see what the committee would need to research. She asked the physical development committee to set a date of when they would get back to Ms. Witcher. Councilperson Jean said that the Council needs to find out what it would cost to get the problem fixed. Vice Mayor Nowlin said that his committee would get back with Ms. Witcher in 2 weeks with what the Town can or cannot do, after they looked at the problem and discussed it.

POLICE REPORT

Police Chief Richard Baldwin presented the police report for August 2016. He said of the 72 calls for service, 61 were answered by the Brookneal police department. Chief Baldwin passed around a list of derelict properties that he has been addressing in the last 2 months. There was then some discussion about different properties in town that need attention.

PUBLIC WORKS REPORT

Public Works Director Mike Crews said that the backhoe and trash truck have been repaired. He said VDOT was in Town working on Depot Street yesterday. He said the heat pump in the Town office building on the police department and council chambers side has gone out and needs to be replaced. He said 3 quotes have been obtained, and Moore's Electric has received the job. He said the tree service working in Town has left a mess in certain places, but he said he was assured they would be back to clean up those areas.

Mr. Crews said that Ryan Deitterick, who works at the water plant, passed the exam to obtain his Class 3 Wastewater certification today. He said Ryan takes great pride in the water treatment plant.

TOWN MANAGER REPORT

Town Manager Russell Thurston said the partner appreciation lunch this year will be on October 19, 2016. Mr. Thurston said that after questioning at the last meeting about the status of the Dan River property, he inquired in Campbell County and obtained some information from the fire marshal Randall Johnson. He said that he was told that Mr. Richard Wiggins, a compliance officer with the Virginia Department of Labor and Industry in Roanoke, is responsible for monitoring the cleanup of the site. He said the Monroes who own the Dan River property have been authorized to begin the cleanup of the construction debris; he said it is construction material with no contaminants on it. He said he was told that as they move toward the office part of the building that there is asbestos in that part of the building, and they have been required to contract with a third party asbestos abatement firm and that will be monitored very carefully. He said he was not given a timeline on when this had to be done, but he said they were supposed to be actively working on getting it done.

Mr. Thurston said that he and the Council members received letters in the mail regarding Stewart Smith. He said that since there is pending litigation in Amherst County, that it is some way to say to the Town what are we doing? He said that there is a Class 1 misdemeanor in Campbell County General District court that is an active, open, current case against Stewart Smith for a Cook Street property here in the Town of Brookneal. He said there is current, pending legal action against Stewart Smith to clean up the house on Cook Avenue. He said he received a 90 day continuation until November 15 at 2 pm. He is supposed to re-appear back in general district court to provide an update to the judge on the progress or lack thereof.

Mr. Thurston said that VDOT has done some work on Depot Street, and he said he and Mike are lobbying VDOT to do some work on Bank Street as well.

RESOLUTION FOR VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) DEPARTMENT OF CORRECTIONS ROAD MAINTENANCE

Upon motion by Robert Jean, seconded by Joseph David, and unanimously carried, the Council voted to approve the following resolution for VDOT. A verbal vote was taken as follows:

Ms. Laprade	Aye	Mr. David	Aye
Mr. Jean	Aye	Mr. Wilkes	Aye
Mr. Adams	Aye		
Mr. Nowlin	Aye		
Mayor Campbell	Aye		

RESOLUTION FOR VDOT REGARDING VA DEPT. OF CORRECTIONS OFFENDER LABOR
TO ASSIST WITH ROAD MAINTENANCE WITHIN
CORPORATE TOWN LIMITS OF BROOKNEAL

WHEREAS, The Virginia Department of Transportation (VDOT) is responsible for road maintenance within the corporate limits of the Town of Brookneal; and

WHEREAS, VDOT when necessary in partnership with the Virginia Department of Corrections will make use of offender labor for road maintenance; and

WHEREAS, no additional charges, fees, costs or levies will be assessed to the Town of Brookneal for these services; and

WHEREAS, VDOT and the Virginia Department of Corrections are responsible for all aspects related to the use of offender labor including transportation, supervision, guidance, meals, supplies; and

WHEREAS, the Town of Brookneal in no way shall be responsible or liable for any actions related to the use of Virginia Department of Corrections offender labor within our town limits; and

WHEREAS, the Brookneal Town Council and the citizens of Brookneal do recognize and acknowledge the benefits to our town resulting from the use of offender labor for road maintenance activities;

NOW, THEREFORE BE IT RESOLVED BY THE BROOKNEAL TOWN COUNCIL that we acknowledge and affirm, the Virginia Department of Transportation is authorized to use offender labor in partnership with the Virginia Department of Corrections for the purpose of road maintenance within the corporate limits of the Town of Brookneal.

Adopted the ___ day of _____, 2016.

Mrs. Phyllis Campbell, Mayor
Town of Brookneal

Attested:

Mrs. Bobbie Waller, Clerk

REQUEST FOR TRANSFERS OF APPROPRIATION

Upon motion by Joseph David, seconded by Robert Jean, and unanimously carried, the Council voted to approve the follow request for transfers of appropriation:

REQUEST FOR TRANSFERS OF APPROPRIATION

To: Brookneal Town Council

Date: September 13, 2016

The following **Appropriation Transfers** are requested for **FY2017**:

<u>Category---Expense</u>	<u>INCREASE</u>	<u>New Total</u>	<u>Balance in Account</u>
Temp. Employee—01-4102-1004	\$1,834.10	\$ 4,623.54	\$ 0.00
<u>Category—Expense</u>	<u>DECREASE</u>	<u>New Total</u>	<u>Balance in Account</u>
Streets--Salaries—01-4102-1001	\$1,834.10	\$19,005.90	\$16,882.52

To cover the cost of temporary employees for August 2016.

<u>Category---Expense</u>	<u>INCREASE</u>	<u>New Total</u>	<u>Balance in Account</u>
Sanitation--Repairs&Maint.—01-4203-5407	\$4,812.77	\$ 7,812.77	\$ 0.00
<u>Category—Expense</u>	<u>DECREASE</u>	<u>New Total</u>	<u>Balance in Account</u>
Police—Health Insurance--01-3101-2005	\$4,812.77	\$ 9,784.33	\$ 8,680.38

To cover the cost of repairs to the sanitation vehicle in August 2016.

Respectfully requested by:

Treasurer

Date

COMMITTEE RECOMMENDATIONS

Physical Development Committee chairperson James Nowlin said that he had a situation with a dusk to dawn light request, and he said that he was going to talk with the lady that called and let her know what the decision was. He said he would talk to the Council about this in more detail at the October meeting.

ITEMS FROM TOWN COUNCIL

Councilperson David spoke about the “anonymous letter” that each Councilperson received in the mail concerning an article in the News and Advance about a property owner in Amherst. He said he would like it if a citizen has a problem or complaint to call a councilperson, email them, or stop them on the street and talk to them so that they can respond to the citizen instead of sending an anonymous letter with only a copy of a newspaper article with no idea of what the citizen wants done.

ADJOURNMENT

Upon motion by James Nowlin, seconded by Robert Jean, and unanimously carried, Mayor Campbell announced that the September 13, 2016, Council meeting was adjourned.

Bobbie A. Waller
Clerk/Treasurer

Phyllis Campbell
Mayor