

October 10, 2023

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:

Kenneth Jennings, Mayor

Barbara Laprade, Cynthia Johnson, Scott Fisher and Conner Francis, Council Members

Mike Crews, Public Works Director

Bobbie Waller, Clerk/Treasurer

Robert Kolich, Chief of Police

Absent: Mark Wilkes, Vice Mayor, Joseph David, Council Member and Russell Thurston, Town Manager

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

Upon motion by Cynthia Johnson, seconded by Conner Francis, and unanimously carried, Council approved the agenda for the October 10, 2023, regular meeting of the Brookneal Town Council.

PUBLIC HEARING FOR THE PROPOSED NEW ORDINANCES AND AMENDMENTS TO TITLE IX, CHAPTER 90 (ANIMALS) OF THE TOWN OF BROOKNEAL CODE

Mayor Jennings called to order the public hearing at 7:03 p.m. for the proposed new ordinances and amendments to Title IX, Chapter 90 (Animals) of the Town of Brookneal Code. No one spoke in favor or in opposition, therefore, Mayor Jennings closed the public hearing at 7:04 p.m.

MINUTES

Upon motion by Conner Francis, seconded by Cynthia Johnson, and unanimously carried, Council approved the minutes for the September 12, 2023 Town Council meeting, and the August 23, 2023 and October 4, 2023 Physical Development Committee meetings.

TREASURER’S REPORT

Mayor Jennings asked that the October 2023 treasurer’s report be filed for audit.

PRESENTATION AND APPROVAL OF INVOICES

Be it resolved that motion was made by Conner Francis, seconded by Joseph David, and unanimously carried, authorizing the payment of the invoices for the period of September 13, 2023, through October 10, 2023, in the amount of \$12,259.54.

PRESENTATION OF A RESOLUTION OF APPRECIATION TO DR. BILL JONES

RESOLUTION OF APPRECIATION IN THE HONOR OF WILLIAM "BILL" JONES, MD.

WHEREAS: The Town Council, and citizens of Brookneal desire to recognize the service of a man called by God to devote his life to the medical profession; and

WHEREAS: Doctor Bill Jones attended college at the University of Richmond as well as the Medical College of Virginia, also in Richmond, but returned to his rural roots here in Central Virginia and began his medical career in Brookneal which spanned a total of Forty years from 1983 to 2023; and

WHEREAS: Dr. Jones partnered together with Dr. John Campbell and Dr. Donald Carwile to form Brookneal Family Medical Practice here in the Town of Brookneal, where they collectively cared for the citizens of Brookneal, the surrounding Counties and Cities, and thousands more too countless to mention; and

WHEREAS: Doctor Jones skillfully applied his many gifts and talents including self-discipline, focus, study, leadership, discretion, understanding, kindness, love, comfort, compassion and of course his jolly sense of humor;

NOW THEREFORE, I Kenneth Jennings, by virtue of the authority vested in me as the Mayor of the Town of Brookneal, do hereby affirm that Tuesday October 10, 2023 shall be recognized as a day of appreciation in the honor of:

Doctor Bill Jones, for his outstanding service to the people of Brookneal and the surrounding territories for Forty-Years.

I have set my hand and caused the Seal of the Town of Brookneal to be affixed this 10th day of October of the year of our Lord Two Thousand Twenty-Three.

Signed: _____, Mayor, Town of Brookneal

APPROVAL/DISAPPROVAL OF THE SUPPORT AGREEMENT PURSUANT TO THE FINANCING AGREEMENT FOR THE BROOKNEAL-CAMPBELL COUNTY AIRPORT PROJECT

Councilperson Francis told the Council that after further conversation with Councilperson David who is on the Airport Authority, that he believes this agreement is only going to help the community. He said that this financing agreement is going towards building 10 hangers at the

airport, and the 10 hangers have already been spoken for. He said that having 10 hangers at the Airport will make the airport eligible for federal funding.

Mr. Claude Dixon of the Campbell County Economic Development office was present at the meeting to answer any questions concerning this support agreement. He told the Council that the 10 hangers are a means to attract based aircraft; this is aircraft registered to the airport. He said right now there are only 2 airplanes registered to the Brookneal Campbell County Airport. He said the federal funding will be used for property management and to secure future operations and viability of the airport.

Upon motion by Conner Francis, seconded by Scott Fisher, and unanimously carried, the Council approved the following support agreement pursuant to the financing agreement for the Brookneal Campbell County Airport.

SUPPORT AGREEMENT PURSUANT TO THE FINANCING AGREEMENT

THIS SUPPORT AGREEMENT is made as of the 10th day of October, 2023 by and among the **TOWN COUNCIL OF THE TOWN OF BROOKNEAL, VIRGINIA** (the “Brookneal Town Council”), acting as the governing body of the Town of Brookneal, Virginia (“Brookneal”), the **BROOKNEAL-CAMPBELL COUNTY AIRPORT AUTHORITY** (the “Borrower”), and the **VIRGINIA RESOURCES AUTHORITY** (the “Authority”), as Administrator of the **VIRGINIA AIRPORTS REVOLVING FUND** (the “Fund”) and as purchaser of the Local Bond, as hereinafter defined, pursuant to a Financing Agreement dated as of the date hereof (the “Financing Agreement”), between the Authority and the Borrower.

RECITALS:

WHEREAS, the Borrower was created by the Brookneal Town Council, (the “Member Jurisdiction”) pursuant to Section 5.1-31, et seq., of the Code of Virginia of 1950, as amended, and owns and operates the Airport; and

WHEREAS, the Borrower has determined that it is in its best interest to issue and sell an airport revenue bond in an original aggregate principal amount not to exceed \$700,000.00 (the “Local Bond”) to the Authority, as Administrator of the Fund, pursuant to the terms of the Financing Agreement in order to finance the Project; and

WHEREAS, the Brookneal Town Council adopted on October 10, 2023 a resolution authorizing, among other things, the execution of an agreement providing for a non-binding obligation of the Brookneal Town Council to consider certain appropriations in support of the Local Bond and the Project.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. Unless otherwise defined, each capitalized term used in this Support Agreement shall have the meaning given it in the Financing Agreement.

Each of the Member Jurisdiction' obligations is limited to its Proportional Share of debt service on the Local Bond and the amounts to be included in each Member Jurisdiction's submitted budget pursuant to paragraphs 6 and 7 below shall not be increased to offset a non-appropriation of any of the other Member Jurisdiction.

2. The Borrower shall use its best efforts to issue the Local Bond, to use the proceeds thereof to pay the costs of the Project, and to construct and place the Project in operation at the earliest practical date.

3. No later than March 15 of each year, beginning March 15, 2024, the Borrower shall notify the Member Jurisdiction of (a) the amount (the "Annual Deficiency Amount") by which the Borrower reasonably expects the Revenues to be insufficient to pay (i) the debt service obligations under the Financing Agreement, the Local Bond and any other indebtedness secured by or payable from the Revenues, including the Existing Parity Bonds set forth on Exhibit F to the Financing Agreement, (ii) the Operation and Maintenance Expense, and (iii) the Additional Payments in full as and when due during the Member Jurisdiction' fiscal year beginning the following July 1 and (b) the corresponding Proportional Share of each Member Jurisdiction.

4. The Town Manager of the Town of Brookneal, Virginia (the "Brookneal Manager"), each shall include the respective Annual Deficiency Amount for his or her Member Jurisdiction in the respective budget submitted to the Member Jurisdiction for the following fiscal year as an amount to be appropriated to or on behalf of the Borrower. The Brookneal Manager shall deliver to the Authority within ten (10) days after the adoption of the respective Member Jurisdiction's budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the respective Member Jurisdiction has appropriated to or on behalf of the Borrower an amount equal to the Annual Deficiency Amount.

5. If at any time Revenues shall be insufficient to make any of the payments referred to in paragraph 5 hereof, the Borrower shall notify the Brookneal Manager of the amount of such insufficiency and the Brookneal Manager shall request a supplemental appropriation from the Member Jurisdiction in the amount necessary to make such payment.

6. The Brookneal Manager shall present each request for appropriation pursuant to paragraph 7 above to his or her Member Jurisdiction, and the respective Member Jurisdiction shall consider such request at such Member Jurisdiction's next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meetings, the Brookneal Manager shall notify the Authority as to whether the amount so requested was appropriated. If the Member Jurisdiction shall fail to make any such appropriation, the Brookneal Manager shall add the amount of such requested appropriation reported to that Member Jurisdiction for the next fiscal year.

7. The Member Jurisdiction hereby undertakes a non-binding obligation to appropriate the Annual Deficiency Amount as may be requested from time to time pursuant to paragraphs 6 and 7 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Member Jurisdiction, while recognizing that they are not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states their intent to make such appropriations in future fiscal years, and hereby recommends that future Councils do likewise.

8. The Member Jurisdiction acknowledges that (i) the Authority would not purchase the Local Bond without the security and credit enhancement provided by this Agreement, and (ii) the Authority is treating this Agreement as a “local obligation” within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended (the “Virginia Code”), which in the event of a nonpayment by a Member Jurisdiction hereunder authorizes the Authority to file an affidavit with the Governor that such nonpayment by such Member Jurisdiction has occurred pursuant to Section 62.1-216.1 of the Virginia Code. In purchasing the Local Bond, the Authority is further relying on Section 62.1-216.1 of the Virginia Code, providing that if the Governor is satisfied that the nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the respective Member Jurisdiction of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the Member Jurisdiction for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to the Authority, so as to cure, or cure insofar as possible, such nonpayment.

9. Nothing herein contained is or shall be deemed to be a lending of the credit of the Member Jurisdiction to the Borrower, the Authority or to any holder of the Local Bond or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of any Member Jurisdiction, nor shall anything herein contained legally bind or obligate the Member Jurisdiction to appropriate funds for the purposes described herein.

10. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (i) if to Brookneal, to Russell B. Thurston, Town Manager, PO Box 450, Brookneal, Virginia 24528, (ii) if to the Borrower, to the Brookneal-Campbell County Airport Authority, c/o Nina Rezai, Economic Development Director, P.O. Box 100, Rustburg, Virginia 24588 and (v) if to the Authority, to 1111 East Main Street, Suite 1920, Richmond, Virginia, 23219, Attention: Executive Director. Any party may designate any other address for notices or requests by giving notice.

11. It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia.

12. This Agreement shall remain in full force and effect until the Local Bond and all other amounts payable by the Borrower under the Financing Agreement have been paid in full.

13. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

TOWN OF BROOKNEAL, VIRGINIA

By:

Russell B. Thurston, Town Manager

**BROOKNEAL-CAMPBELL COUNTY AIRPORT
AUTHORITY**

By:

Anton W. Cihak II, Chairman of the Board

**VIRGINIA RESOURCES AUTHORITY, as Administrator
of the Virginia Airports Revolving Fund**

By:

Shawn B. Crumlish, Executive Director

PUBLIC COMMENT

Mr. Charles Fout, of 205 Charlotte Street, appeared before Council to request use of the Brookneal Community Building for a Christian ministry that teaches Judo. He said that he would also need a space to store his equipment between classes. He said he is insured and background checked. Mayor Jennings told Mr. Fout that since the community building is public property and reserved and used by many people, storage of his equipment there may be a problem. Conner Francis suggested checking with the elementary school to see if they may have a space for him.

POLICE REPORT

Chief Robert Kolich, presented the police report for September 2023. He said of the 170 calls for service, 147 calls were answered by the Brookneal Police Department and 23 by Campbell County Sheriff's office. Chief Kolich also told the Council that Greg Wilson is requesting Brookneal to be a sponsoring agency for him so that he can keep his certification with DCJS; he is already a certified police officer who works for B&W. He said in order to sponsor him, the BPD would need to bring him in as an auxiliary officer, and the department could use him for special events. Chief Kolich said that Mr. Wilson will pay all costs associated with this; there would be no costs for Brookneal. Consensus among the Council was that everyone was in favor of sponsoring Mr. Wilson.

PUBLIC WORKS REPORT

Public Works Director Mike Crews said that potable water was turned on at the old Dan River facility occupied by the Monroes as Essential Recycling on 9/28/23. He said the maintenance men will be doing street repairs related to water leaks. He said VDOT is doing some maintenance on Radio Road.

FALL CLEAN UP

Fall Clean up will be held October 23 through November 3, 2023.

MOTION TO REPEAL AND REPLACE TITLE IX, CHAPTER 90 (ANIMALS) OF THE TOWN CODE TO ADD REFERENCE TO ADOPT CAMPBELL COUNTY CODE CONCERNING ANIMAL CONTROL PURSUANT TO VA. CODE 15.2-1427

Upon motion by Cynthia Johnson, seconded by Conner Francis, and unanimously carried, the Council voted to repeal Title IX, Chapter 90 (Animals) of the Town Code of Brookneal. A roll call vote was taken as follows:

| | | | |
|----------------|-----|-------------|-----|
| Ms. Johnson | Aye | Ms. Laprade | Aye |
| Mr. Fisher | Aye | Mr. Francis | Aye |
| Mayor Jennings | Aye | | |

Upon motion by Cynthia Johnson, seconded by Conner Francis, and unanimously carried, the Council voted to replace Title IX, Chapter 90 (Animals) of the Town Code to add reference to adopt Campbell County code concerning animal control pursuant to VA Code 15.2-1427. A roll call vote was taken as follows:

| | | | |
|----------------|-----|-------------|-----|
| Ms. Johnson | Aye | Ms. Laprade | Aye |
| Mr. Fisher | Aye | Mr. Francis | Aye |
| Mayor Jennings | Aye | | |

CHAPTER 90: ANIMALS

General Provisions

- 90.01 Definitions
- 90.02 Dogs; running at large prohibited
- 90.03 Adoption of County Animal Control Law and Designation of County Animal Control Officer to Enforce Animal Control Laws Within the Town Limits

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

(A) For purposes of this chapter, the definitions set forth in VA Code§ 3.1-796.66 shall apply unless the context clearly indicates or requires a different meaning.

(B) In addition to those definitions set forth in VA Code§ 3.1-796.66, the following definitions shall also apply unless the context clearly indicates or requires a different meaning.

DANGEROUS DOG. A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.
(VA Code§ 3.1-796.93:1)

VICIOUS DOG. A canine or canine crossbreed that has:

- (1) Killed a person;

(2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or

(3) Continued to exhibit the behavior which resulted in a previous finding by a court or an animal control officer that it is a dangerous dog, provided that its owner has been given notice of that finding.

(VA Code§ 3.1-796.93:1)

§ 90.02 DOGS; RUNNING AT LARGE PROHIBITED.

(A) For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

(B) Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section, which violation shall be punishable as a Class 1 misdemeanor.

(C) The imposition of any penalty under this section shall not prohibit the locality from seeking equitable relief in any court of competent jurisdiction, to enjoin the violation of any provision of this code or other ordinance of the locality.

(D) Each day any violation of this section shall continue shall constitute a separate offense, except where otherwise provided.

(VA Code§ 3.1-796.93)

§ 90.03 ADOPTION OF COUNTY ANIMAL CONTROL LAW AND DESIGNATION OF COUNTY ANIMAL CONTROL OFFICER TO ENFORCE ANIMAL CONTROL LAWS WITHIN THE TOWN LIMITS.

The provisions of Chapter 4 of the Campbell County Code of 1988: Animals and Fowl, shall be adopted in whole by reference pursuant to the terms of VA Code § 3.2-6543(A).

Pursuant to that certain Memorandum of Understanding adopted and ratified by the Town Council and the Board of Supervisors of Campbell County in October of 2023, the Campbell County Animal Control Officer and his or her Deputies shall be authorized to provide animal control services and enforce animal control laws of the Commonwealth, County, and Town within the boundaries of the Town of Brookneal commencing upon the effective date of November 1, 2023, and continuing for so long as said Memorandum of Understanding remains in effect.

The Campbell County Animal Control Officer and deputy Animal Control Officers shall have the same powers, rights, benefits, privileges, and immunities in the Town limits as they have in the County at large, including their investigative, enforcement, and seizure powers provided by State and County Code.

REQUEST FOR TRANSFERS OF APPROPRIATION

Upon motion by Cynthia Johnson, seconded by Conner Francis, and unanimously carried, the Council voted to approve the following request for transfers of appropriation.

REQUEST FOR TRANSFERS OF APPROPRIATION

To: Brookneal Town Council

Date: October 9, 2023

The following **Appropriation Transfers** are requested for **FY2024**:

| <u>Category---Revenue</u> | <u>INCREASE</u> | <u>New Total</u> | <u>Balance in Account</u> |
|----------------------------------|-----------------|------------------|---------------------------|
| Misc. Police Grants—01-2404-0300 | \$ 10,000.00 | \$ 10,000.00 | N/A |
| <u>Category---Expense</u> | <u>INCREASE</u> | <u>New Total</u> | <u>Balance in Account</u> |
| Police--Supplies.—01-3101-5401 | \$ 10,000.00 | \$ 14,000.00 | \$ 3,560.72 |

To add the \$10,000 ARPA grant for the police department to the budget

Treasurer

Date

COMMITTEE RECOMMENDATIONS

Councilperson Francis said that in Councilperson David's absence, he asked him to bring up the Brookneal Fire Department water bill situation. He said that they had discussed this in the physical development committee meeting last week, and an agreement was reached. He said per their discussion they recommended that the town donate the 2 minimum amount water bills to the fire department; anything over a minimum bill of \$46 would have to be paid by the fire department. Ms. Waller asked where the money was going to come from to do this, but no one had an answer for this. Ms. Waller asked that since this issue was tabled at the last meeting of the PD committee; was Chairperson Mark Wilkes (who is absent tonight) aware of this being brought up tonight; Ms. Johnson answered by saying that Mr. David wanted it brought to the floor tonight. Mr. Crews noted that the Town gives the fire department a lot of water that is unmetered every month; including filling up the tankers and washing the hoses. He said that an account of that water used to be given to the town, but it is not anymore. He said that they allow a lot of northern Halifax to get water, and the Town is never notified, and the Brookneal citizens are paying for this water. He said that the letter of conditions with the USDA loan was based on the number of connections, and the Town is still under that letter of conditions. Mayor Jennings asked that the building and grounds committee study this issue more, so that the Town knows exactly what it is giving away or paying for. Mayor Jennings also said that the committee needs to find out where the money is coming from for this. Councilperson Laprade also asked that this issue be explored through the proper committee since no progress is being made on this tonight. Councilperson Johnson called for a joint committee meeting on November 14, 2023 at 6 p.m.

PUBLIC COMMENT #2

No one spoke.

ITEMS FROM TOWN COUNCIL

Councilperson Johnson said that Brookneal Fest is October 21, 2023 from 10 am to 3 pm with a car show planned behind the old Wells Fargo building in the area of Alabama Avenue.

Councilperson Fisher said that at the next meeting, he would like to discuss the appropriateness of the special permit application fee of \$500 or if that could be lowered. Ms. Waller said that since there is already a request for a 6 p.m. meeting about the fire department, this issue could be discussed at that meeting as well.

Councilperson Francis said that BEAM food pantry is in desperate need of food supplies. He said that Brookneal Medical is shorthanded, with only 1 physician and 1 PA; he said that Centra has not made any more comments since the April meeting about the shortage of medical care at the Brookneal facility. He said he has spoken to Kemper Beasley, a member of the Centra Board of Trustees, who said he was unaware of the problem, but he is going to check on this. He also asked that the Town focus on obtaining the veteran banners for the town flag poles.

- **MOTION TO ALLOW MAYOR JENNINGS TO APPOINT NEW COMMITTEES IN NOVEMBER**

Mayor Jennings said that when he was installed Mayor in January that there came with that a duty/responsibility of reshuffling committees that the Council members sit on. He said that due to the business of that month, he did not get it done. He asked Council to consider voting and giving him that opportunity back for the month of November. Councilperson Johnson asked what he meant by reshuffling; he said that he would reposition the members on new committees. He said the existing committees would not exist anymore; new committees would be created. Mayor Jennings said he has talked with the Town attorney, and he was advised this was the way to do it. He said sometimes people get stale sitting on the same committee all the time, hearing the same problems. After discussion, Conner Francis made a motion to allow the mayor to correct this issue and reappoint committees in November. The motion received a second from Scott Fisher. The vote passed with Mayor Jennings voting aye to break the tie. The vote was as follows:

Mr. Fisher Aye

Mr. Conner Aye

Ms. Johnson Nay

Ms. Laprade Nay

Mayor Jennings voted Aye to break the tie.

Mayor Jennings also informed the Council that he wanted to have a closed session in the next week. He said he would inform Ms. Waller the code section under which this closed session would take place.

ADJOURNMENT

Upon motion by Conner Francis, seconded by Cynthia Johnson, and unanimously carried, Mayor Jennings announced that the October 10, 2023, Council meeting was adjourned.

Bobbie A. Waller
Clerk/Treasurer

Kenneth Jennings
Mayor