

DAYTON TOWN COUNCIL MINUTES
January 14, 2019

Swearing in of Council, EDA, and Planning Commission Members: Cary Jackson, Robert Ohgren, Cheryl Lyons, and Diane Roll.

COUNCIL MEMBERS PRESENT: Mayor Sam Lee, Todd Collier, Jeff Daly, Zachary Fletchall, Cary Jackson, Robert Ohgren, and Tara Worthy

COUNCIL MEMBERS ABSENT: None.

ALSO PRESENT: Jason J. Ham, Town Attorney; Bobby Popowicz, Town Superintendent; Danny Hanlon, Chief of Police; Lee Early, Town Treasurer; Planning Commission Chairman Colby Miller; Planning Commission member Gary Bowman; Planning Commission member Susan Smith; Planning Commission member Hunter Barnett; and Kim Clark, Recorder.

CALL TO ORDER: Mayor Lee called the meeting to order at 7:06 p.m. Mayor Lee welcomed everyone and led the Invocation and Pledge of Allegiance.

ADOPTION OF AGENDA:

On motion by Councilman Collier, seconded by Councilman Ohgren, and passed by unanimous consent, Council adopted the agenda as presented.

JOINT PUBLIC HEARING WITH PLANNING COMMISSION:

PC MEMBERS PRESENT: Chairman Colby Miller, Gary Bowman, Hunter Barnett and Susan Smith.

CALL TO ORDER: Chairman Colby Miller called the public hearing to order at 7:09 p.m. on behalf of the planning commission, and Mayor Lee called the public hearing to order at 7:09 p.m. on behalf of the Town Council.

SUBDIVISION FOR TAX MAP #107-(A)-L130A; 2323 SILVER LAKE ROAD AND REZONING THE NEWLY CREATED PARCEL FROM M1 TO R1

Chairman Miller announced the purpose of the public hearing was to receive a proposal to subdivide the property located at parcel #107-(A)-L130A; 2323 Silver Lake Rd, and to rezone the newly created parcel from M1 to R1. He welcomed those in attendance and opened the floor for questions or comments. Cheryl Lyons, the applicant, spoke regarding the proposed use for the property. Councilman Fletchall said he had received a phone call from Mr. Fred Shank, a neighbor to the property, who expressed concern of having a residency beside of an existing industrial business. Ms. Lyons said she had spoken with Mr. Shank and Mr. Jacobson previously and reiterated that her house would provide a buffer for the Jacobson's residence from the

business. Mayor Lee questioned the visibility of the driveway. Ms. Lyons stated that VDOT had approved the proposed entrance to be used by the two resulting properties. Chairman Miller and Mayor Lee closed the public hearing at 7:23 p.m.

Chairman Miller stated that he supported the proposed subdivision and rezoning and asked a member to bring forth a motion to recommend to Council approval of the request.

On motion by Commissioner Bowman, seconded by Commissioner Barnett, the Planning Commission approved by roll call vote a recommendation to Council approve the proposed subdivision of parcel 107-(A)-L130A and rezoning the newly created parcel from M1 to R1. The motion was passed by roll call vote. Those in favor: Susan Smith, Gary Bowman, Colby Miller, and Hunter Barnett. There was no opposed.

PUBLIC HEARING – VACATION OF PUBLIC RIGHT OF WAYS AND OTHER PUBLIC INTEREST FORMER DAYTON LEARNING CENTER .

Mayor Lee opened the public hearing and asked Town Attorney Ham to explain the request. Town Attorney Ham reported that Rockingham County has a contract to sell the former Dayton Learning Center to Blue Ridge Christian School. He noted that there are a number of right of way and property ownership issues which need to be cleared up to allow the transaction to be completed. Jody Meyerhoffer questioned which right-of-way(s) were in question. Mr. Ham noted that the right-of-way adjacent to the Dayton Cemetery would not be vacated, and that the Town is negotiating with the County to deed that parcel to the Town of Dayton.

Mr. Lee closed the public hearing. No further action was taken.

SUPERINTENDENT'S REPORT:

Report attached to minutes.

- Mike Betts was introduced as the new Events and Marketing Coordinator.
- There are three Airbnb businesses currently operating in Dayton; staff will study the applicable ordinance and tax issues related to these properties and report back to Council.
- A bobcat could be purchased and used by the Public Works Department for street cleaning at a cost of \$42,000.

TREASURER'S REPORT:

Mr. Early provided a financial update.

POLICE REPORT:

Chief Hanlon gave the monthly activity report.

- Chief Hanlon reported that there are two bids for a new cruiser. The Town is waiting on the third, which is from the firm issued the state contract.
- Hiring of a new lieutenant: one applicant dropped out and another took the required national exam this week. Results will be sent to the testing company and will await their feedback.
- As result of current staff vacancies there are a number of days when the Town does not have 24-hour police coverage. The Town uses part-time officers to fill the shifts where possible.

SEWER AUTHORITY: Town Superintendent Popowicz
No meeting this month; no report.

PLANNING COMMISSION: Chairman Colby Miller
Reported that the Planning Commission recommended unanimously that Council approved the proposed subdivision and rezoning for tax map #107-(A)-L130A; 2323 Silver Lake Rd..

FINANCE COMMITTEE: Councilman Daly
No report.

PERSONNEL COMMITTEE: Councilman Fletchall
The Personnel Committee did not meet.

- An Events and Marketing Coordinator was hired.
- Employees were given performance evaluations to review and fill out.
- Councilman Jackson and Mayor Lee thanked the Committee for the time they are putting in.

ECONOMIC DEVELOPMENT: Councilwoman Worthy

- 183 persons attended the Town Christmas party, with each child receiving a gift.
- Councilwoman Worthy thanked Susan Smith and Kim Clark for all of their help with the party.

PARKS & COMMUNITY DEVELOPMENT: Councilman Collier

- At a meeting on December 21, 2018, a plat was reviewed: easement at the old fruit stand at the Greenway. The Committee is recommending proceeding to acquire an easement and to use the fruit stand as an education center.
- The Greenway Sub-Committee will meet at Friday, January 18, noon, at the Mill, to look at maps of the Town and to discuss the future of the fruit stand.
- Councilman Collier plans to discuss with the Historical Society collaborating on two of the panels on the Story Wall.
- Yellow tape has been put up in areas of Cooks Creek Park. As the Town works toward a more permanent solution to mulching problem. However, there must be 3-4 consecutive days, 45 degrees or warmer, to deliver the poured mulch. As a result, this project will not be completed until later this spring.
- The furniture has arrived for Cooks Creek Park and the Greenway.

ANNEXATION: Councilman Daly
No Report.

GRANTS: Jacob Collier, Grants Writer
End of the year report was given.

- \$286,000 applied for; approved for \$40,000; received \$26,000.

Not related to grants, Councilman Collier inquired about the electronic speed signs. Chief Hanlon reported that Public Works Supervisor Russell Baily is reviewing the installation instructions of the electronic speed signs and will speak with the manufacturer prior to installation. The signs are designed to be moved, but need to be appended to a permanent structure to avoid theft.

MUDDLER: Chief Hanlon

- Mr. Hanlon, Mr. Betts, Tiffany Hanlon, and Superintendent Popowicz met recently.
- Donations will become a part of the sign-up, with prizes given for the top donations received.
- There will be new obstacles this year.
- A 4-minute and 6-minute version of the Muddler video is complete and on-line.

ACTION MATTERS:

- Approval of Bills.
On motion by Councilman Collier, seconded by Councilwoman Worthy, Council approved by roll call vote the accounts payable listing totaling \$299,142.58. Those in favor: Lee, Collier, Daly, Fletchall, Jackson, Ohgren, and Worthy voting Aye. There was no one opposed.
- There was a discussion regarding an invoice in the amount of \$39,000 from Verizon and if Council should establish a cap within the procurement policy for those contracts where a not to exceed cost is not provided. No decision was made.
- Subdivision Of Tax Map #107-(A)-L130a; 2323 Silver Lake Road And Rezoning the Newly Created Parcel From M1 To R1

On motion by Councilman Collier, seconded by Councilman Jackson, Council approved by roll call vote the subdivision of parcel 107-(A)-L130A and the rezoning of the newly created parcel from M1 to R1. Those in favor: Lee, Collier, Daly, Fletchall, Jackson, Ohgren, and Worthy. There was no one opposed.

PRESENTATIONS: Conrad Eye

- Mayor Lee and Vice Mayor Daly presented Conrad Eye with a certificate of distinguished service for 27 years of service and dedication upon his recent retirement from the Town of Dayton.

CONSENT AGENDA: Minutes of December 10, 2018 Council Meeting.

Mayor Lee asked for comments pertaining to minutes of the Council meeting dated December 10, 2018. Hearing none, on motion by Councilman Ohgren, seconded by Councilman Jackson the Council approved the minutes by roll call vote. Those in favor: Lee, Collier, Daly, Fletchall, Jackson, Ohgren, and Worthy. There was no one opposed.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- Professional Services Contracts – legal services, engineering services, and auditing services. Multi-year contracts allow the Town to determine a contractor in advance of specific projects, which often allows the project to proceed more quickly. No action was taken at this time.
- Main Street Affiliate Designation – Susan Smith reported that the Town has been affiliated since 2002.
- Historic Bank Safe - The old Dayton Bank safe was to be placed in a museum, but it has not occurred. It was suggested that the Town contact the Historical Society to consider taking possession or bringing the safe to the Town Municipal Building. Jody Meyerhoffer expressed a concern of taking more items to the Historical Society, due to the lack of space.
- Council Retreat Time and Date – Saturday, March 9, 900 a.m. – 4:00 p.m. proposed.
- Discussion of Card Key System for the Town Municipal Building. Pricing has been received from Precision and Hawk Security. Councilman Jackson advocated for a fob system.

PUBLIC COMMENT:

- Rhonda Johnson thanked the Town for the Christmas decorations and for participating in Wreaths Across America.
- Rhonda Johnson offered information to Bobby Popowicz concerning recycling.
- Rhonda Johnson said that National Law Enforcement Appreciation Day recently and that law enforcement support T-shirts are for sale.
- Michael Moghtader thanked the Council for their work and expressed concern regarding recycling. He mentioned a social app called “next Door” to help exchange ideas, etc. within a 5-mile radius, with neighbors, services, etc., but was unclear of legal ramifications for the Town. He asked if something could be added in the Town Newsletter indicating where recycling could be dropped off.
- Dave Brown, owner of the Blacksmith Shop since 2003, hopes to increase tourist activity. He was advised to speak with Susan Smith and Mike Betts.
- Kelly Hanon expressed concern with not having a 24-7 officer on duty for each day.
- Bob Berser hopes the Town will be creative/proactive with the Thomas House and BB&T, both businesses leaving Dayton.

MAYOR AND COUNCIL COMMENTS:

- Mayor Lee has completed proposed committee recommendations and will follow-up after speaking to Council Members.
- Councilwoman Worthy stated that Town Council and Staff recognized the Dayton Police for National Law Enforcement Day.

TELL ME SOMETHING GOOD

- Mr. Early reported that Ft. Harrison hosted the Wreaths across America event in December. One-hundred, eighty-six graves receives a wreath in Dayton Cemetery.
- Councilman Collier and Councilman Jackson thanked the residents of Dayton for their participation in the Council Meeting.

The Mayor declared a brief recess was held.

CLOSED SESSION

On motion by Councilman Daly, seconded by Councilman Ohgren, Council entered into closed session to discuss the performance and employment of specific local government personnel, as authorized by section 2.2-3711(A)(1) of the state code; to discuss the acquisition of real property for the public purpose, as authorized by section 2.2-3711(A)(3) of the state code – the subject matter is the possible acquisition of real property for an alley; and to discuss the disposition of real property, where discussion in an open meeting would adversely affect the negotiating strategy of the public body, as authorized by section 2.2-3711(a)(3).

I certify that I am the Clerk of Dayton, Virginia, and that the foregoing is a true copy of a motion adopted by the Council of the Town of Dayton, Virginia on this date, upon the following vote:

AYE	NAY	ABSTAIN	NOT PRESENT	MEMBER	MOTION	SECOND
X				Mr. Lee		
X				Mr. Collier		
X				Mr. Daly	X	
X				Mr. Fletchall		
X				Mr. Jackson		
X				Mr. Ohgren		X
X				Ms. Worthy		

Date

Clerk

Enter into closed session at 9:53 p.m.

CERTIFICATION RESOLUTION

On motion by Councilman Collier, seconded by Councilman Ohgren, Council returned to regular session and certified that with respect to the just-concluded closed session, and to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under The Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Council.

AYE	NAY	ABSTAIN	NOT PRESENT	MEMBER	MOTION	SECOND
X				Mr. Lee		
X				Mr. Collier	X	
X				Mr. Daly		
X				Mr. Fletchall		
X				Mr. Jackson		
X				Mr. Ohgren		X
X				Ms. Worthy		

_____ Date

_____ Clerk

Return to regular session at 11:15 p.m.

ADJOURNMENT

With there being no further business to come before Council, Councilman Collier made a motion to adjourn, and seconded by Cary Jackson and the motion passed unanimously.

The meeting adjourned at 11:16 p.m.

Respectfully Submitted;

_____ Mayor

_____ Clerk