

DAYTON TOWN COUNCIL MINUTES
March 11, 2019

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

COUNCIL MEMBERS ABSENT: Todd Collier and Jeff Daly

ALSO PRESENT: Jason J. Ham, Town Attorney; Joseph S. Paxton, Interim Town Superintendent; Daniel Hanlon, Chief of Police; Lee Early, Town Treasurer; and Kimberley Clark, Recorder.

CALL TO ORDER: Mayor Lee called the meeting to order at 7:03 p.m. Mayor Lee welcomed everyone and led the Invocation and Pledge of Allegiance.

Mayor Lee announced that the meeting packet agenda/information are available on the Dayton website. Interim Town Superintendent Paxton thanked Kim Clark, along with Mike Betts for getting the information posted onto the website.

Mayor Lee introduced special guest, Cathy Copeland. Ms. Copeland is a candidate running for the Delegate for Virginia's 26th District seat. Election primary is June 11, 2019.

Chief Hanlon introduced Lt. Justin Trout, who began employment with the Town of Dayton Police Department three weeks ago. Lt. Trout previously worked for 13 years for the Virginia Beach Police Department.

APPROVAL OF MINUTES FOR REGULAR MEETING OF FEBRUARY 11, 2019 AND SPECIAL MEETING OF FEBRUARY 19, 2019

Mayor Lee asked for comments pertaining to the minutes for Regular Meeting of February 11, 2019 and Special Meeting of February 19, 2019. Interim Town Superintendent Paxton entered one corrections on the February 19, 2019 minutes: At the Closed Session section, Todd Collier is referred to as "councilwoman" Collier; corrected to Councilman. With nothing further, a motion by Councilman Jackson was seconded by Councilman Fletchall and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council approved the minutes for the regular Council Meeting of February 11, 2019 and the Special Meeting of February 19, 2019, as corrected.

APPROVAL OF DEPARTMENT OF HISTORIC RESOURCES DESIGNATION OF SILVER LAKE HISTORIC DISTRICT – INTERIM TOWN SUPERINTENDENT PAXTON

Interim Town Superintendent Paxton offered comments pertaining to the Council's endorsement of the creation of the Silver Lake Historic District. He stated that there is no downside to the Town; there are tax advantages and possibly some restrictions to the resident(s) whose properties are in the District. Mr. Ham suggested that Cheryl Lyons, possibly the only resident of the District, have her opinion heard. Mrs. Lyons spoke in favor of the creation of the District. A motion by Councilman Jackson was seconded by Councilman Fletchall and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; to approve the endorsement of the Department of Historic Resources designation of Silver Lake Historic District, subject to similar action by Rockingham County.

Interim Town Superintendent Paxton will advise Rockingham County of the recent vote.

APPROVAL OF EMPLOYEE HEALTH INSURANCE RENEWAL – INTERIM TOWN SUPERINTENDENT PAXTON

Interim Town Superintendent Paxton reported the Town's employee health insurance plan will be renewed for the coming year, with no change in rates or plan design. With no further comments, a motion by Councilman Fletchall was seconded by Councilman Ohgren and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; to approve the employee health insurance renewal for the coming year 2019-2020 with the Local Choice Program.

SUPERINTENDENT'S REPORT

Report attached to minutes.

- **APPROVAL OF JOB DESCRIPTIONS**

Staff modified the job descriptions to incorporate duties from the supplemental task lists prepared in December. The Personnel Committee has reviewed the revised descriptions. There were no significant changes. Approval is necessary since there are changes to clarify which positions are exempt and non-exempt. The descriptions were also reviewed by the Town Attorney to assure compliance with the Federal Fair Labor Standards Action (FLSA).

- Upon recommendation of the Personnel Committee, a motion by Councilman Ohgren was seconded by Councilwoman Worthy and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; to approve revised job descriptions.

- **APPOINTMENTS**

- **APPROVAL OF INTERIM TOWN SUPERINTENDENT TO BE THE CLERK/RECORDER AND THE ADMINISTRATIVE ASSISTANT BE AUTHORIZED AS DEPUTY CLERK.**

Action is requested to appoint the Interim Town Superintendent as clerk/recorder for the Town to be consistent with typical duties for chief administrative officer (Town Superintendent) of the locality. This action will facilitate signing legal documents for the locality. Interim Town Superintendent Paxton also recommended that the Administrative Assistant be appointed as Deputy Clerk. Mrs. Clark will continue to take minutes for the meetings and assist in preparing the agenda.

- **APPROVAL OF FREEDOM OF INFORMATION ACT OFFICER**

Action is requested for the Council to appoint the Interim Town Superintendent to be one of two Freedom of Information Act officers for the Town. Treasurer Lee Early also currently serves in that capacity.

- **APPROVAL OF CHIEF HANLON, WITH LT. TROUT AS ALTERNATE TO THE STEERING COMMITTEE OF THE CENTRAL SHENANDOAH VALLEY ALL-HAZARDS MITIGATION PLAN.**

A request has come from the Central Shenandoah Planning District Commission for the Town to appoint one person and an alternate to the Central Shenandoah Valley All-Hazards Mitigation Plan Steering Committee. As this plan pertains to emergency response for the region, staff recommends appointing Chief Hanlon, with Lt. Trout as his alternate to the Steering Committee.

- A motion by Councilman Ohgren was seconded by Councilman Jackson and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; to approve Interim Town Superintendent as the Clerk/Recorder and the Administrative Assistant be the Deputy Clerk; to approve Interim Town Superintendent as a Freedom of Information Act officer for the Town; and to approve the appointment of Chief Hanlon, as the primary, with Lt. Trout as the alternate, to the Steering Committee of the Central Shenandoah Valley All-Hazards Mitigation Plan.

Councilman Ohgren requested a full list of appointment for Interim Town Superintendent Paxton.

TREASURER'S REPORT

Mr. Early provided a financial update.

On March 1, 2019, the final payment was made to Jim Dove (former Jim's Drive-In property) toward the debt of College Street Park.

- **Approval of Accounts Payable.**

- On motion by Councilman Jackson was seconded by Councilwoman Worthy and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; to approve the accounts payable listing for the period February 1, 2019 to February 28, 2019 totaling \$267,839.39.

POLICE REPORT

Chief Hanlon gave the monthly activity report.

- Evidence in the attempted robbery of the Dayton Mini-Market in February was recovered; there are persons of interest; a search warrant has been sought and received; the state of Virginia Department of Forensics Science lab has a 6-month backlog; interviews continue and leads are being followed.
- Turner Ashby High School government class was welcomed to the meeting and urged to have their voices heard by their state representatives and by voting.
- In regards to installation of the three speed signs: because Dayton does not maintain its own roads, VDOT is in control of when, where, and if speed signs can be installed. Interim Town Superintendent Paxton is hopeful to have an update from VDOT next week.

PUBLIC WORKS

Russell Bailey provided a written report. Interim Town Superintendent Paxton provided further comment.

- Moving forward on a number of different projects, including pricing for automated communication for the water system, which allows us to know off-site, if there is a problem with water tower, etc.
- Pricing received for a street sweeper. Interim Town Superintendent Paxton met with the Town Manager of Bridgewater concerning the possibility of sharing (renting) a device on a regularly scheduled basis from Bridgewater, with discussion of possibly sharing a capital investment between the two Towns, to replace the piece equipment, when needed.

ZONING

Susan Smith provided a written report. Interim Town Superintendent Paxton provided further comment.

- Interim Town Superintendent Paxton inspected Willow West and Dayton West today. Rockingham County is in charge of our erosion center control; the Town will request an inspection, due to all the rain we have had and the new house construction.
- Progress continues on sidewalks, with expected completion this spring.

EVENTS AND MARKETING

Mike Betts provided a written report.

FINANCE

Councilman Jackson reported that the Finance Committee and Interim Town Superintendent Paxton met with Kurt Loomis of Loomis Wealth Management regarding investments of the Town's CDs. All CDs are FDIC insured. Regularly scheduled reviews will begin to take place at least semi-annually. The CDs have staggering maturity dates.

Interim Town Superintendent Paxton announced that there would be a Finance Committee meeting next week, with discussion revolving around the financial policy guideline, investment policy, and the procurement policy.

PERSONNEL

- The Personnel Committee has received a draft of the employee handbook for review.

ECONOMIC DEVELOPMENT

- A complaint regarding trashcans in the downtown area was received.
- Information has been received from a former employee pertaining to flowers that once were planted in Dayton.

PARKS & COMMUNITY DEVELOPMENT

- Interim Town Superintendent Paxton explained that when the Town purchased land from the Dove family (the former setting for Jim's Dive-In), for College Street Park, it was with the understanding that the resulting park would commemorate the family's contributions to the community. The Parks Committee recommends renaming the park to "Dove Park" and have the installation of a main sign designating the park as such, and a historical sign close to the restroom facility that will incorporate a collage of pictures and remembrances of the drive-in and its role in our community.
 - On motion by Councilman Fletchall was seconded by Councilwoman Worthy and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; to approve the renaming of College Street Park to "Dove Park" and authorize the installation of signage designating the park as such, and a historical sign close to the restroom facility that will

incorporate a collage of pictures and remembrances of the drive-in and its role in our community.

ANNEXATION:

No report.

MAYOR AND COUNCIL

- Councilman Fletchall reported that the Planning Commission did not meet last month. The next meeting is scheduled for March 21, 2019, 7:00 p.m., in Council Chambers.
- Prices are being gathered for a study on the Town's water and sewer system, including the water treatment facility, to meet the infrastructure needs of the Town.

UNFINISHED BUSINESS

Councilman Jackson reported that Blue Ridge School has offered to let the Town use a piece of property, on a trial basis, for the collection of non-waxed cardboard only. In return for the use of the property, Blue Ridge School would like a sign stating that the space being provided by Blue Ridge School; details have not been finalized.

NEW BUSINESS

None.

PUBLIC COMMENT

- Linda Wine requested an update on the beautification/hiring of summer personnel for Dayton. Councilman Jackson said that he and Councilwoman Worthy are working on this matter, including pricing from landscaping companies.
- Faye Bentz commented that the sound system in the Council Chambers was very quiet and often faded out completely.

CLOSED SESSION

On behalf of Interim Town Superintendent Paxton, a motion by Councilman Ohgren was seconded by Councilman Fletchall and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council recessed the meeting at 8:09 p.m. to 8:48 p.m., for a closed meeting in accordance with Section 2.2-3711(A)(3)- Discussion of the acquisition of real property for a public purpose, the subject matter is the possible acquisition of real property for public parking; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by the Town Attorney, as authorized by section 2.2-3711(A)(8) of the state code.

Return to open session 8:48 p.m.

CERTIFICATION RESOLUTION

WHEREAS, the Dayton Town Council has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Dayton Town Council that such Closed Meeting was conducted in conformity with Virginia law:

On motion by Councilman Fletchall, seconded by Councilman Jackson and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; 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.

ADJOURNMENT

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

The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Mayor, Sam Lee

Deputy Clerk, Kimberley Clark