

DAYTON TOWN COUNCIL MINUTES
June 10, 2019

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

COUNCIL MEMBERS AYE: Tara Worthy.

ABSENT (kac)

ALSO PRESENT: Jason Ham, Town Attorney; Joseph S. Paxton, Interim Town Superintendent; Timothy V. Arrington, Treasurer; Daniel Hanlon, Chief of Police; Justin Trout, Lieutenant; and Kimberley Clark, Recorder.

CALL TO ORDER: Mayor Lee called the meeting to order at 7:00 p.m. Mayor Lee welcomed everyone.

APPROVAL OF MINUTES FOR REGULAR MEETING OF MAY 13, 2019 AND SPECIAL MEETING OF MAY 29, 2019

A motion by Councilman Ohgren was seconded by Councilman Collier and carried by a roll call vote of 6 to 0, with one councilman absent, the voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – ABSENT; the Council approved the minutes for the Regular Meeting of May 13, 2019 and Special Meeting of May 29, 2019.

A resolution of recognition was read by Interim Town Superintendent Paxton for retiring Police Chief Daniel Hanlon, for his service to the Town of Dayton.

A motion by Councilman Fletchall was seconded by Councilman Cary and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – ABSENT; to recognizing Police Chief Daniel Hanlon, for his service to the Town of Dayton, as follows:

WHEREAS, Daniel “Danny” Hanlon has had career of service to this community and our nation, beginning with volunteering as an EMT with the Bridgewater Volunteer Fire Department at the age of 16; and

WHEREAS, in 1989, after deciding that the fire and rescue service was not his calling, Mr. Hanlon enlisted in the US Marines, rising to the rank of sergeant, while serving in Kuwait during Operation Desert Storm/Desert Shield; and

WHEREAS, upon his return to the Valley, Mr. Hanlon joined the Rockingham County Sheriff’s Department from 1998 until 2001, serving briefly in the jail, before being promoted to road deputy, where he was a member of the Department’s SWAT team; and

WHEREAS, on February 19, 2001, Mr. Hanlon accepted a position as a police officer with the Town of Dayton, later being promoted to Sergeant, and then Lieutenant, before being appointed Chief on January 1, 2015; and

WHEREAS, during his tenure as Chief, Mr. Hanlon promoted an ethic of service first within the department, emphasizing not just enforcing the laws and promoting a safe community, but also being an active participant in helping others on a daily basis; and

WHEREAS, Mr. Hanlon's philosophy of sacrifice and service is exemplified by the department's work since 2010 with *Operation Care* to assist seniors, shut-ins and the business community; expanding since 2015 to include helping those in Dayton who have had *run-ins* with police; reaching out to them to become positive members of this community; and

WHEREAS, Mr. Hanlon will retire as Chief on June 15, 2019, ending 18 years of service to Dayton and 21 years of law enforcement service for the greater Rockingham County community.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Dayton does hereby applaud and recognize Mr. Hanlon for his service to the Dayton community, and thanks him for his untiring commitment to making Dayton a better place to live, work and raise a family; and

BE IT FURTHER RESOLVED that the Council wishes him well in his retirement from law enforcement, and hopes that as he starts this new chapter in his life that every day will hold wonderful experiences and opportunities.

Mayor Lee then recognized Lt. Justin Trout to make a presentation to Chief Hanlon on behalf of the Dayton Police Department. Chief Hanlon's wife, Greta, was thanked for her support. Included in the shadow box presented to Chief Hanlon was the flag that was flown over the Town Municipal Building the day Chief Hanlon announced his retirement, his Sergeant, Lieutenant and Chief badges, the eagles worn as Chief, Lt. bars, Rockingham County patch, and Sheriff's hatpin, along with the police officer's prayer in center.

Lt. Trout introduced Travis J. Hooker as Dayton's newest law enforcement officer.

Interim Town Superintendent Paxton reminded everyone of the reception for Chief Hanlon scheduled for Friday, June 14th, 1:00 – 3:00 p.m.

CONSIDERATION - AN ORDINANCE TO AMEND AND REORDAIN CERTAIN SECTIONS OF THE TOWN CODE TO REINCORPORATE APPLICABLE SECTIONS OF THE CODE OF VIRGINIA, AS MAY HAVE BEEN AMENDED AT THE LAST GENERAL ASSEMBLY SESSION.

Town Attorney Ham noted that this ordinance is adopted by Council on an annual basis to ensure that the Town's code incorporates changes to the traffic laws approved by the 2019 General Assembly and signed into law by the Governor.

A motion by Councilman Collier was seconded by Councilman Daly and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – ABSENT; to approve the following ordinance to amend and reordain certain sections of the Town Code to reincorporate applicable sections of the Code of Virginia, as may have been amended at the last General Assembly.

WHEREAS, this Council wishes to reincorporate certain sections of the Code of Virginia in order to ensure that any amendments to the incorporated statutes have been incorporated into the Town Code.

WHEREAS, this Council wishes to adopt any future changes to the incorporated statutes.

NOW, THEREFORE, be it ordained by the Council of the Town of Dayton, Virginia, that:

1. Section 2-6 of the Town Code is amended and readopted as follows:

§ 2-6. Adoption of State Law. All of the provisions of Title 46.2, and of Article 9 of Chapter 11 of Title 16.1 (§ 16.1-278 *et seq.*), and of Article 2 of Chapter 7 of Title 18.2 (§ 18.2-266 *et seq.*) of the Code of Virginia, 1950, as amended, other than those provisions thereof which plainly have no application within the Town, are incorporated by reference into this Chapter. Reference therein to “highways of the state” shall be deemed to include streets, highways, public parking lots and alleys within the Town. The mention of specific state law provisions does not preclude the incorporation of unmentioned provisions. Nevertheless, to the extent that § 15.2-1429 of the Code of Virginia prohibits the Town from incorporating those provisions of § 18.2-270 which provide for penalties greater than those for a class one misdemeanor, such provisions are not incorporated. (See Code of Virginia, § 46.2-1313).

2. Section 6-9 of the Town Code is readopted.

3. All other state statutes and regulations incorporated into the ordinances of the Town are reincorporated, and all Town Code provisions incorporating the state provisions are readopted. This reincorporation extends to statutes which have been amended and to state statutes which have been repealed and recodified.

4. All future amendments and recodifications of statutes and regulations incorporated into the ordinances of the Town are also incorporated in accordance with § 1-220 of the Code of Virginia.

5. All Town ordinances incorporating or referring to state statutes or regulations are readopted and, if necessary, the ordinances are amended to reflect any amendments to or recodifications of the statutes or regulations.

6. This ordinance shall take effect on “the first day of July,” 2019, within the meaning of Article 4, Section 13 of the Virginia Constitution.

CONSIDERATION – AN ORDINANCE TO ADOPT SECTION 1-54.1; ASSESSMENT FOR ELECTRONIC SUMMONS SYSTEM.

A motion by Councilman Daly was seconded by Councilman Collier and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – ABSENT; to approve the following ordinance to adopt Section 1-54.1, Assessment for Electronic Summons System.

WHEREAS, this Council desires to enact a fee to defray costs related to implementing and maintaining an electronic summons system within the police department as permitted under Section 17.1-279.1 of the Code of Virginia.

NOW, THEREFORE, be it ordained by the Council of the Town of Dayton, Virginia, that Title 1 of the Town Code be amended to add a new Section 1-54.1, Assessment for electronic summons system, which is hereby adopted as follows:

§ 1-54.1 Assessment for electronic summons system.

There is hereby imposed and assessed by the town, in accordance with Section 17.1-279.1 of the Code of Virginia, 1950, as amended, an additional sum of five dollars (\$5.00) as part of the costs in each criminal and traffic case prosecuted on a town warrant or summons in either the circuit court, general district court, or juvenile and domestic relations district court. The assessment shall be collected by the clerk of the court in which the warrant or summons is filed and remitted to the town treasurer. Such funds shall be held by the town and used to defray the hardware, software and other equipment costs associated with implementation and maintenance of the electronic summons system.

This ordinance will take effect on July 1, 2019.

CONSIDERATION - APPOINTMENT ACTIONS AND AUTHORIZATIONS FOR TRANSITION.

*Appointment Actions and Authorizations for Transition
June 10, 2019*

Interim Superintendent Paxton presented the following list of appointments for consideration by Council to assist in the orderly transition with the employment of the new Superintendent, Treasurer, and Administrative Assistant, and the appointment of Justin Trout as Interim Police Chief to replace Chief Hanlon.

Effective June 15, 2019

Appoint Interim Chief Trout as the Town's member to the Steering Committee for the Central Shenandoah All-Hazards Mitigation Plan.

Effective July 1, 2019

Appoint Christa C. Hall as Deputy Clerk to the Town Council.

Appoint Christa C. Hall as a Freedom of Information Officer for the Town.

Effective July 8, 2019

Harrisonburg-Rockingham Regional Sewer Authority

Appoint Angela A. Lawrence as alternate member to the Sewer Authority to fill the vacant position previously held by Lee Early (Russell Bailey is member).

Harrisonburg-Rockingham Metropolitan Planning Organization

Appoint Angela A. Lawrence as member to the Policy Board, with Susan D. Smith as alternate (Ms. Smith is currently the member and will continue to serve as member to the Technical Advisory Committee)

Other Authorizations and Appointments

Authorize Angela A. Lawrence and Timothy V. Arrington to be an approved signatories for disbursements on behalf of the Town.

Authorize Angela A. Lawrence and Timothy V. Arrington to approve investments on behalf of the Town.

Appoint Angela A. Lawrence as Clerk to the Town Council.

Appoint Angela A. Lawrence as a Freedom of Information Officer for the Town.

Appoint Angela A. Lawrence as alternate to the Steering Committee for the Central Shenandoah All-Hazards Mitigation Plan.

Authorize Angela A. Lawrence Town Superintendent to execute USDA grant documents on behalf of the Town as follows:

RESOLUTION OF GOVERNING BODY OF

TOWN OF DAYTON

The Governing Body of the Town of Dayton, consisting of seven (7) members, in a duly called meeting held on the 10th day of June, 2019, at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) for the police equipment project to serve the community, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that, effective July 8, 2019, Angela A. Lawrence, Town Superintendent of the Town of Dayton, Virginia be authorized to execute on behalf of Town Council the above-referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.

A motion by Councilman Jackson was seconded by Councilman Daly and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – ABSENT; to approve appointment actions and authorizations for transition, including the resolution.

Interim Superintendent Paxton discussed several other vacancies on Boards and Commissions of the Town that need the attention of Council:

Planning Commission

The appointment of Susan D. Smith expires on June 30, 2019. Since Ms. Smith serves as staff to the Commission, staff recommends that Council fill this position with a town resident.

Economic Development Authority

The appointments of Zachary Fletchall and Sam Lee expire on July 10, 2019. Only one of the Council members can be reappointed. State code limits the number of elected officials on the Authority to three, and there are currently four on the Authority since the election of Mayor Lee in 2018.

Zoning Appeals Board

The appointment of Aaron T. Barnett expires on June 30, 2019.

DISCUSSION – PROPOSED CHARTER CHANGES

There was explanation given by Interim Town Superintendent Paxton and Town Attorney Jason Ham regarding the Town Charter Amendment being more consistent with state law.

Summary of Charter Amendments

Chapter 2 - Powers is revised and updated to provide a more comprehensive definition of the powers that may be exercised by the Town through its Council. It is important for Council and the management team that these powers be located in one place rather than having to refer back and forth through the state code. Also, many of these powers are elective in state code, meaning the Council needs to take specific action to initiate the use of these powers. More specifically these changes are:

1. Section 2.1 (c) provides that all references in the town code, ordinances, resolution, etc. referring to “town superintendent” shall now mean “town manager” reflecting the change proposed in Chapter 4, which is made to be consistent with state law.

2. Financial powers

1. Authority to tax property in accordance with state and federal law
2. Authority to impose and enforce water, sewer, trash and light fees

3. Contractual powers

1. Acquire and dispose property
2. Issue debt (includes capital leases)
3. Gifts – specifies that the town may accept or reject gifts

4. Operational powers

1. Right to organize government
2. Establish financial processes and expend funds
3. Construct and maintain public facilities
4. Authority to conduct events

5. Utilities & Public Improvements

1. Authority to own and operate water works systems
2. Regulate streets, alleys, parks and playgrounds
3. Authority to franchise utilities
4. Collect and dispose sewage, garbage, and other refuse

6. Nuisance abatement and removal

7. Police powers – more clearly delineates police powers and authority

8. Other powers

1. Removal of unsafe buildings
2. Fees for use of public buildings

Chapter 3 – Elected Officers. Section 3.6 related to vacancies is revised to refer Council to state law in the event of the necessity to file a vacancy. The current charter is not explicit that Council must follow state law, and there are specific steps that must be followed for filing a vacancy.

Section 3.7 Meetings of Council. Establishes an annual organizational meeting to be held each year after January 1, and that Council will set date and time of meeting for the year at that meeting.

The procedure for a special meeting is revised to be consistent with state law. This change allows two or more council members to request a special meeting, allows council to consider items not previously announced at the special meeting if all council members are present and agree to consider that item. Provides that Council may establish rules of procedure for its meetings that are consistent with state law (not necessarily Roberts Rules of Order, which can be very complicated and are in some cases inconsistent with state law).

Chapter 4 – Appointed Officers. Changes the title of Town Superintendent to Town Manager and Recorder to Clerk to be consistent with state law. Specifies the duties for Town Manager, which are consistent with state law. Includes language that the Police Chief and Treasurer, like the other town department heads, are appointed by Town Manager.

The items in the document that are backlit are those where no change has been proposed. A public hearing is recommended to be conducted as part of the July 8 meeting to receive public input.

Staff has contacted Senator Obenshain and Delegate Wilt to request that they patron the bill to amend the Charter. Both have indicated that they would do that, subject to review of the text. A copy of the draft Charter has been sent to them this week.

There was discussion among Council regarding the two-year election cycle for the Mayor. There was a consensus not to change the Mayor to a four-year cycle. Councilman Ohgren expressed concern over section 3.7c which allows Council to take action on items that are not in the original intent of a special meeting if all members are present. He felt this would hurt the transparency of Council. There was a consensus to remove that provision. With this change Council reached a consensus to have the public hearing for the draft Charter amendment at its July 8th meeting.

SUPERINTENDENT'S REPORT

- Items listed below were brought before Council for review and consideration to declare surplus. (The weapons will be used for trade on a purchase to replace and update the Town's pistols.) The Town will acquire the new weapons with state of the art sighting equipment for approximately \$2,500 (total cost is \$9,024.22).

2007 Ford Crown Victoria – VIN 2FAFP71W37X149375, unknown mileage

2006 Dodge Charger – VIN 2B3KA43H86H505109, 111,106 miles

Rotary Air Compressor – well maintained. Service records available.

Variable Speed Drive – 40 HP, Variable Torque, 460 volt, 3 phase, variable frequency drive. Brand new. Still in crate.

Electric motor - Lincoln electric Ultimate-E1 – 125 HP, 3 phase, 460 volt motor. Used. Good condition.

Billy Goat Vacuum Machine – never used. Needs carb cleaned

Mesh, fold-up signs

WEAPON INVENTORY

MODEL NUMBER	SERIAL NUMBER
Glock 34	YET550
Glock 34	YET551
Glock 34	YET552
Glock 34	YET553
Glock 34	YET554
Glock 34	YET555
Glock 34	YET556
Glock 34	YET557
Glock 34	YET558
Glock 34	BCUS760

Glock 22	CDT614US
Glock 22	GVX392
Glock 22	GVX391
Glock 22	DCU083US
Glock 22	LCS696
Glock 22	LCS698
Glock 22	SH490
Glock 22	GVX388
Glock 22	LCS699
Glock 22	GVX390
Glock 22	LCS697

Glock 17	UZW446
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Benelli Shotgun	M229653
Benelli Shotgun	M417742
Benelli Shotgun	M229602
Remington 870 shotgun	X198897M

➤ A motion by Councilman Collier was seconded by Councilman Ohgren and carried by a roll call vote of 6 to 0, with one councilman abstaining, the voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – ABSENT; the Council approved the surplus property list.

- Interim Town Superintendent Paxton welcomed Tim Arrington as the Town’s new Treasurer.
- Interim Town Superintendent Paxton requested Council to authorize the following adjustments to the budget and appropriations for the year ending June 30, 2019. These adjustments are necessary to reflect how salaries and expenses were charged during the year as opposed to where they were budgeted. There is also additional costs for legal fees and outside accounting that was incurred due to changeover in staffing. Paxton noted that the total General Fund budget does not change for the current year.

General Fund

Expenditures

General Government	\$ 817,728	\$ 100,000	\$ 917,728
Public Safety	\$ 728,147	\$ (125,000)	\$ 603,147
Public Works	\$ 457,784	\$ (100,000)	\$ 357,784
Parks, Recreation & Cultural	\$ 186,026	\$ 250,000	\$ 436,026
Community Development	\$ 225,602	\$ (125,000)	\$ 100,602
Sub-total - Operations	<u>\$ 2,415,287</u>	<u>\$ 0</u>	<u>\$ 2,415,287</u>
Debt Service	\$ 20,300	\$ -	\$ 20,300
Total Expenditures	<u><u>\$ 2,435,587</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 2,435,587</u></u>

- A motion by Councilman Daly was seconded by Councilman Jackson and carried by a roll call vote of 6 to 0, with one councilman abstaining, the voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – ABSENT; the Council approved the budget adjustments for FY 2018-19.
- There was a general discussion at the last Council meeting about changing the start time for future Council meetings from 7:00 p.m. to 6:00 p.m. Action is required by Council to change the meeting time. Town Attorney Ham noted that Council will need an organizational meeting, according to state law, at the first meeting after July 1. There was some discussion about holding such meeting on July 1, 2, or 3 but it was the consensus of Council that since this meeting would only last several minutes that it be delayed until just prior to the July 8 regular meeting. A special meeting could be called by the Mayor at 5:45 p.m., and the new time for meetings approved at that time.
- Mr. Paxton noted that the Town has renewed its contract with Brown Edwards to complete the audit for the current year. It is important with the new staff that this contract be renewed since the auditors have institutional knowledge of town operations. The fee for the coming year is \$23,600, which is \$100 less than was billed this year.
- Mr. Paxton discussed a recent issue with a pool at an apartment complex that had also led to complaints about noise. Staff noted that the Town has a noise ordinance to address that aspect of the complaint, and Council did not have an interest in developing a pool ordinance at this time.

TREASURER’S REPORT

Interim Town Superintendent Paxton and Treasurer Arrington are working diligently in developing consistency of budget items in advance of the start of the new budget year.

POLICE REPORT

Chief Hanlon gave the monthly activity report and offered thanks for the opportunity to work in Dayton.

PUBLIC WORKS

Russell Bailey provided a written report.

- Lukas Cooper needs around 200 hours and is working at our plant right now to achieve certification and will be attending the Va. Tech. school in August.
- Town flags were put up by 3:00 on D-Day.
- Councilman Jackson thanked Public Works for how good parks look.
- Mapping project starting soon: 1st phase will be hydrants.
- Town is looking into extending sidewalks from Dayton West to Westview.
- The bridge at Cooks Creek is to be mobilized next week, with completion in 4-5 weeks.
- Interim Town Superintendent Paxton has requested VDOT evaluate installing a stop sign at Eberly and Silver Lake on the southbound side of Silver Lake and inquiring about getting traffic island at Bowman and College removed.
- Harrisonburg loaned the Town speed limit sign testing equipment to use for College St.
- Lt. Trout is assisting Public Works is getting the Rockingham Jail trustees to assist with cleaning up the fence line on Rt. 42.

ZONING

Susan Smith provided a written report.

EVENTS AND MARKETING

Mike Betts provided a written report.

- Mr. Betts participated in running in the Torch Run.
- Mr. Betts noted that the Town is effectively sold out for vendor spaces for Dayton Days, with 8-9% still on hold from repeat vendors.
- Attendance for the Town's 1st movie was average-to-low.

ANNEXATION

None.

ECONOMIC DEVELOPMENT

No committee meeting.

- Interim Town Superintendent Paxton to check on parking signs behind Thomas House.

FINANCE

- Councilman Daly is looking forward to good record keeping and consistency in reporting as we move into the future.
- Interim Town Superintendent Paxton reported that the Town will be using the state's accounting model for local governments which allow for easier comparison with neighboring towns.

INFRASTRUCTURE

- Councilman Fletchall reported that the Infrastructure Committee met June 6.
- There is approximately \$30,000 in the budget for sidewalks. The Dayton West project will be expected to use a portion of those funds.
- Pricing phase completed and the Town has secured a contract for the SCADA system update.
- Interim Town Superintendent Paxton met with Royce Hylton with Brunk & Hylton and developed a contract for on-call engineering services with the Town's existing engineering firm.
- Work has begun for a study of the Town's water and sewer systems.
- Drawings completed for backwash system for proposal later in the summer.
- On June 26th, 6:00, there will be a public information walk-around meeting for the public to view the preliminary plans for the Mill Street project. This meeting is to get citizen input before the design plans go to VDOT. The critical path item for the project is the movement of poles by Verizon, which is anticipated by late summer.

PARKS & COMMUNITY DEVELOPMENT

- Councilman Collier reported that Cooks Creek Park was looking really good and the special needs equipment is being used a lot.
- Looking into a safety barrier for the Greenway path along Silver Lake.
- Additional phases of the Greenway are on hold, at this time.

PERSONNEL

None.

MAYOR AND COUNCIL

- This will be Interim Town Superintendent Paxton's last Council meeting and he expressed his appreciation to the Town and honor to serve with Council.
- Mayor Lee expressed his appreciation to Interim Town Superintendent Paxton's work and guidance.
- Councilman Daly noted that Interim Town Superintendent Paxton's short stint will help make the future of the Town a lot better.
- Councilman Collier felt that Interim Town Superintendent Paxton approached his interim job as a permanent position.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

- Jeff Waggy noted that some of the street lights flicker off and on and some are out.
 - Chief Hanlon said that night shift officer often make reports to Dominion Virginia Power. Deputy Clerk/Recorder Clark stated that often residents call in light outages to the Town and she reports them to the appropriate power company.
 - Susan Mathias reminded everyone that there is primary election taking place tomorrow, with polling to take place in Council Chambers. She also requested 5 tables and that chairs are put up in Council Chambers.

CLOSED SESSION

Interim Town Superintendent Paxton requested that Council hold a closed meeting to discuss property acquisition in conjunction with the widening of Silver Lake Road Bridge. A motion by Councilman Ohgren was seconded by Councilman Daly and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; COLLIER – AYE; DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – ABSENT; the Council recessed the meeting at 8:44 p.m. to 8:56 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 of the closed meeting was property related to the VDOT widening of the Main Street/Silver Lake Road Bridge.

Return to open session 8:56 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 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – ABSENT; Council returned to regular session and certified that with respect to the just-concluded closed session, and to

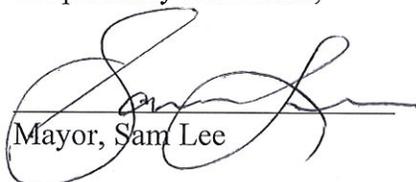
the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under The Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Council.

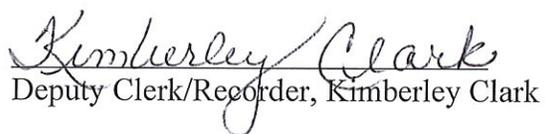
ADJOURNMENT

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

The meeting adjourned at 8:57 p.m.

Respectfully Submitted,


Mayor, Sam Lee


Deputy Clerk/Recorder, Kimberley Clark

AN ORDINANCE READOPTING PORTIONS OF THE STATE CODE

WHEREAS, this Council wishes to reincorporate certain sections of the Code of Virginia in order to ensure that any amendments to the incorporated statutes have been incorporated into the Town Code.

WHEREAS, this Council wishes to adopt any future changes to the incorporated statutes.

NOW, THEREFORE, be it ordained by the Council of the Town of Dayton, Virginia, that:

1. Section 2-6 of the Town Code is amended and readopted as follows:

§ 2-6. Adoption of State Law. All of the provisions of Title 46.2, and of Article 9 of Chapter 11 of Title 16.1 (§ 16.1-278 *et seq.*), and of Article 2 of Chapter 7 of Title 18.2 (§ 18.2-266 *et seq.*) of the Code of Virginia, 1950, as amended, other than those provisions thereof which plainly have no application within the Town, are incorporated by reference into this Chapter. Reference therein to “highways of the state” shall be deemed to include streets, highways, public parking lots and alleys within the Town. The mention of specific state law provisions does not preclude the incorporation of unmentioned provisions. Nevertheless, to the extent that § 15.2-1429 of the Code of Virginia prohibits the Town from incorporating those provisions of § 18.2-270 which provide for penalties greater than those for a class one misdemeanor, such provisions are not incorporated. (See Code of Virginia, § 46.2-1313).

2. Section 6-9 of the Town Code is readopted.
3. All other state statutes and regulations incorporated into the ordinances of the Town are reincorporated, and all Town Code provisions incorporating the state provisions are readopted. This reincorporation extends to statutes which have been amended and to state statutes which have been repealed and recodified.
4. All future amendments and recodifications of statutes and regulations incorporated into the ordinances of the Town are also incorporated in accordance with § 1-220 of the Code of Virginia.
5. All Town ordinances incorporating or referring to state statutes or regulations are readopted and, if necessary, the ordinances are amended to reflect any amendments to or recodifications of the statutes or regulations.

**AN ORDINANCE TO ADOPT SECTION 1-54.1 OF TITLE 1 OF THE TOWN CODE,
ASSESSMENT FOR ELECTRONIC SUMMONS SYSTEM**

WHEREAS, this Council desires to enact a fee to defray costs related to implementing and maintaining an electronic summons system within the police department as permitted under Section 17.1-279.1 of the Code of Virginia.

NOW, THEREFORE, be it ordained by the Council of the Town of Dayton, Virginia, that Title 1 of the Town Code be amended to add a new Section 1-54.1, Assessment for electronic summons system, which is hereby adopted as follows:

§ 1-54.1 Assessment for electronic summons system.

There is hereby imposed and assessed by the town, in accordance with Section 17.1-279.1 of the Code of Virginia, 1950, as amended, an additional sum of five dollars (\$5.00) as part of the costs in each criminal and traffic case prosecuted on a town warrant or summons in either the circuit court, general district court, or juvenile and domestic relations district court. The assessment shall be collected by the clerk of the court in which the warrant or summons is filed and remitted to the town treasurer. Such funds shall be held by the town and used to defray the hardware, software and other equipment costs associated with implementation and maintenance of the electronic summons system.

This ordinance will take effect on July 1, 2019.

Adopted: June 10, 2019

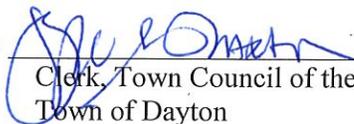
CERTIFICATE

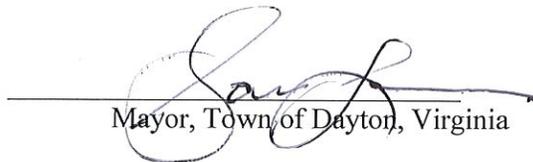
The undersigned Mayor and Clerk of the Town Council of the Town of Dayton, Virginia hereby certify that the foregoing constitutes a true and correct copy of an ordinance adopted by the Town Council at a meeting held on June 10, 2019. A record of the roll-call vote by the Town Council is as follows:

<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Samuel S. Lee, Mayor	✓			
3 Jeffrey S. Daly, Vice-Mayor	✓			
2 L. Todd Collier	✓			
Zachary Fletchall	✓			
Cary Jackson	✓			
Robert "RJ" Ohgren	✓			
Tara R. Worthy				✓

Date: June 10, 2019

ATTEST:


Clerk, Town Council of the
Town of Dayton


Mayor, Town of Dayton, Virginia