

DAYTON TOWN COUNCIL MINUTES
August 12, 2019

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

ALSO PRESENT: Jason Ham, Town Attorney; Angela Lawrence, Town Superintendent; Timothy Arrington, Treasurer; Justin Trout, Chief of Police; and Christa Hall, Deputy Clerk.

CALL TO ORDER: Mayor Lee called the meeting to order at 6:02 p.m. and welcomed everyone. The Invocation and Pledge of Allegiance was led by Mayor Lee. Mayor Lee made the announcement that we will plan to do the official swearing in ceremony for Chief Trout at next month's meeting so that Chief's family will be able to attend.

APPROVAL OF MINUTES FOR SPECIAL MEETING OF MAY 13, 2019 AND REGULAR AND SPECIAL MEETINGS OF JULY 8, 2019

A motion to approve the minutes was made by Councilman Jackson and was seconded by Councilman Daly and carried unanimously by a roll call vote of 7 to 0, the voting recorded as follows: LEE – AYE; COLLIER – AYE; DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE.

ACTION ITEM FOR CONSIDERATION – AN ORDINANCE TO AMEND §2-50 ENFORCEMENT OF PART 4 OF CHAPTER 2 OF THE TOWN CODE

Superintendent Lawrence provided a staff report as to an ordinance amendment to amend §2-50 Enforcement of Part 4 of Chapter 2 of the Dayton Code. The police department has revised their parking tickets that they are using but our Town Code does not currently reflect the fees as shown on the parking tickets. A motion was made by Councilman Collier and seconded by Councilman Jackson to amend §2-50 Enforcement of Part 4 of Chapter 2 of the Town Code to read as follows:

§ 2-50. Enforcement of Part 4 of Chapter 2.

- (a) The Chief of Police or other official shall cause the appropriate complaints, warrants, or summons to be issued for delinquent parking citations.
- (b) Unless otherwise provided below, the fines for violations of Part 4 shall be twenty-five dollars (\$25.00), or fifty dollars (\$50.00) if the fine is not paid in full within 10 days.
- (c) The fines for violations of Part 4 shall be as follows:

		FINE IF PAID WITHIN 10 DAYS	FINE IF PAID AFTER 10 DAYS
(1)	Parking in a no parking zone.	\$ 20.00	\$ 40.00
(2)	Parking in a tow away zone	\$ 20.00	\$ 40.00
(3)	Blocking a private or public driveway	\$ 20.00	\$ 40.00

(4)	Parking on a yellow line	\$ 20.00	\$ 40.00
(5)	Parking within 15 feet of a fire hydrant	\$ 35.00	\$ 70.00
(6)	Parking on the wrong side of the street	\$ 20.00	\$ 40.00
(7)	Parking in a loading zone	\$ 20.00	\$ 40.00
(8)	Parking on a sidewalk	\$ 35.00	\$ 70.00
(9)	Overtime parking	\$ 20.00	\$ 40.00
(10)	Parking a vehicle with no state tags	\$ 25.00	\$ 50.00
(11)	Double Parking	\$ 20.00	\$ 40.00
(12)	Violation of official sign	\$ 20.00	\$ 40.00
(13)	Blocking traffic	\$ 20.00	\$ 40.00
(14)	Blocking an emergency entrance	\$ 35.00	\$ 70.00
(15)	Parking in a handicapped zone	\$ 100.00	\$ 200.00
(16)	Parking in a fire lane	\$ 30.00	\$ 60.00

- (d) In any prosecution charging a violation of an ordinance in Part 4, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant, was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. (See Code of Virginia, § 46.2-1220).

The motion carried unanimously by a roll call vote of 7 to 0, the voting recorded as follows: LEE – AYE; COLLIER – AYE; DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE.

ACTION ITEM FOR CONSIDERATION – THE TOWN’S PURCHASE OF BB&T PROPERTY

Superintendent Lawrence provided a staff report stating that prior to her arrival, Council met with Interim Superintendent Joe Paxton regarding the purchase of the BB&T parking lots on Dingleline Lane and they approved Mr. Paxton to negotiate a deal. He along with Town Attorney Ham worked diligently with BB&T to draft the contract that is being presented to Council with a purchase price of \$58,200. Mr. Ham’s understanding is that Council is not comfortable with this contract and he agrees that it is not the best deal but it was the best deal that he could get the Town. It does not have a clear description of the property and Interim Superintendent Paxton did not feel that title insurance was necessary since it was a fairly inexpensive property that will have asphalt on it. However, after further thought, if the Town proceeds with the purchase, Mr. Ham would recommend obtaining title insurance on the property in order to have a third party verify exactly what is being purchased. Town Attorney Ham stated that it is always useful to own property within the Town, however, the decision to purchase or not lies with Council and is 100% up to them. Superintendent Lawrence brought up that this was originally discussed during last budget year and is not included in the current budget. Therefore, if the Council decides to proceed with the purchase, we will need to advertise and hold a public hearing in order to do a budget amendment. Mr. Ham advised that the cost for title insurance was only about \$250 but the required exam would be complicated and costly. So, moving forward, if Council decides to proceed, Mr. Ham recommends that they approve a project budget of about \$60,000. Councilman Daly pointed out that this negotiation started in March and we originally asked to have an answer and agreement prior to April 8th so we could discuss further and that did not happen. We finally got the contract terms back on June 4th, which was past our budget cycle so this was not part of our budget talks and right now we are

right at \$38,000 surplus in our budget so to add something like this now would not seem to be prudent, especially something that is not currently needed. We can still utilize the parking area now, as is. We need to be focusing our time and funds on infrastructure and resolving issues with that. Councilman Daly further stated that he doesn't feel this is something that needs to be dealt with now and feels that maybe we could look at it again during next fiscal year's budget planning. His feeling is that we missed the window of negotiation on this for the current budget cycle. Council Collier asked what the contract sale price was based on. Councilman Daly advised that we were currently paying \$400 per year for rent on the property and accordingly, we have paid \$2800 over the last seven years. They took the current property value and subtracted the \$2800 that we had paid in order to arrive at the sales price. Councilman Daly suggested that Treasurer Arrington look into whether or not we are continuing to pay the \$400 per year rent. There was also some discussion as to the fine print in the contract as written about what happens with the parking lots when the actual property sells. We may want to get more clarity on this and maybe look into the option of continuing some type of parking lot rental agreement with the new owners. Mayor Lee verified with Mr. Ham that he is not comfortable with the contract as written and is also not comfortable proceeding without title insurance. Mr. Ham will go back to BB&T and let them know that Council is not comfortable proceeding at this time and that we can revisit the contract negotiations with them during our budget talks for the next fiscal year.

After a lengthy discussion, a motion to table this matter was made by Councilman Collier and properly seconded by Councilman Daly. The motion carried unanimously by a roll call vote of 7 to 0, the voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE.

ACTION ITEM FOR CONSIDERATION – APPOINTMENT ACTION

A motion was made by Councilman Fletchall and seconded by Councilman Ohgren to appoint Angela A. Lawrence as member of the Harrisonburg Rockingham Regional Sewer Authority with Russell Bailey as alternate, with both terms expiring July 14, 2022. The motion carried unanimously by a roll call vote of 7 to 0, the voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE.

SUPERINTENDENT'S REPORT

Superintendent Angela Lawrence provided a written report, which is attached.

TREASURER'S REPORT

Treasurer Tim Arrington provided a written report.

POLICE REPORT

Chief Justin Trout provided a written report.

PUBLIC WORKS

Russell Bailey provided a written report.

ZONING

Susan Smith provided a written report.

EVENTS AND MARKETING

Mike Betts provided a written report.

ANNEXATION

No report.

ECONOMIC DEVELOPMENT

Councilman Jackson attended a VML meeting about Economic Development and discussing how to bring new business into town. Councilman Ohgren asked where the Town was on the topic of allowing short-term rentals. Superintendent Lawrence is looking into what the County and other towns are currently doing and what type of taxing they are imposing. There was some discussion about the need to update and increase the Town's water system in order to accommodate more business within the Town.

FINANCE

No committee meeting. The committee will meet with Superintendent Lawrence and Treasurer Arrington.

INFRASTRUCTURE

No committee meeting.

PARKS & COMMUNITY DEVELOPMENT

Councilman Collier reported that the Cardboard Boat Races had been re-advertised and moved to August 17th in an attempt to get more participation. We only had one team register so the decision was made to cancel the event before spending any additional funds for prizes and awards. He suggested finding a volunteer group to head up next year's event.

PERSONNEL

No report.

MAYOR AND COUNCIL

Councilman Jackson commented on the Muddler stating that it was a great day with great weather. However, Councilwoman Worthy advised that she and other business owners did not see any increase in business that day as a result of the Muddler. Councilman Daly mentioned that the Town has been involved in lots of work with new policies making the Town more efficient and improving the work environment and that he is pleased with the direction the Town is going in and can't wait to see how things continue to move forward. Mayor Lee echoed Councilman Daly's thoughts and added that he has heard lots of positive comments about the police department and the new office team and he is glad to be of part of it.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

- A concern was brought up about the intersection of Main Street and Eberly Road where the corn is growing and that it is difficult to see at this intersection. Mayor Lee responded that for now the best option would be to cautiously proceed at this intersection or go to the intersection with a traffic light instead.
- Another intersection of concern that was mentioned was at Thompson Street and Ashby Street. There are bushes growing out into the right of way. Mayor Lee stated that he would look into this.
- A citizen spoke up and asked that the Town not give up on the boat races and re-visit this event again next year in July.

CLOSED SESSION

A motion was made to go into closed session by Councilman Fletchall and seconded by Councilman Collier and carried by a roll call vote of 7 to 0, voting recorded as follows: LEE – AYE; COLLIER – AYE; DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council recessed the meeting at 7:34 p.m. for a closed meeting in accordance with Section 2.2-3711(A) to discuss prospective candidates for appointment to planning commission, board of zoning appeals, and/or economic development.

Return to open session 7:55 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 Collier and carried by a roll call vote of 7 to 0, voting recorded as follows: LEE – AYE; DALY – 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.

OPEN SESSION

A motion was made by Councilman Collier and seconded by Councilman Jackson to appoint Heidi Hoover to fill the current vacant term expiring June 30, 2023 on the Planning Commission and carried by a roll call vote of 7 to 0, voting recorded as follows: LEE – AYE; COLLIER – AYE; DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE.

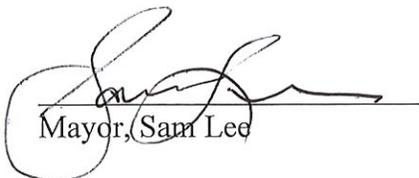
A motion was made by Councilman Ohgren and seconded by Councilman Fletchall to recommend Lauren Rawley to the Circuit Court to fill the current vacant term expiring June 30, 2024 on the Board of Zoning Appeals and carried by a roll call vote of 7 to 0, voting recorded as follows: LEE – AYE; COLLIER – AYE; DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE.

ADJOURNMENT

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

The meeting adjourned at 8:02 p.m.

Respectfully Submitted,


Mayor, Sam Lee


Deputy Clerk, Christa Hall

Personnel

1. Town Superintendent/Manager: I have completed one month in the position. Much of my time has been spent familiarizing myself with staff, council members, business owners/managers, town code, town facilities, and policies and procedures. I have attended town events and numerous meetings with partnering and cooperative agencies in the region. I am pleased to be here and excited about what the future holds for Dayton.
2. Police Chief Appointment: I am happy to announce that Justin Trout has been promoted to Chief of Police, no longer interim.
3. Christa Hall, Deputy Clerk received a scholarship of \$589.00 to attend the Virginia Municipal Clerk's Association Academy in October. Christa has become a member and will be working towards her certification.
4. Other staff are reviewing professional development requirements and opportunities in order to better serve the town in their positions.

Police

1. Speed signs: The Town purchased digital speed signs prior to receiving VDOT approval. Only one of three signs was approved. A nearby locality is planning to purchase the signs from us at our cost (\$5,932). I am requesting council approval to surplus these items so that we can sell them to another locality.
2. Grants:
 - a. The police department has received a grant of \$592 through Department of Criminal Justice JAG program. It will be spent on badges and badge cases for the officers.
 - b. The police department received notice of approval for a grant from USDA Rural Development program in the amount of \$24,700 to purchase mobile data terminals. The town match will be approximately \$20,000.

Public Works, Roads, Facilities

1. The SCADA system upgrade project has begun. We have paid a 20% deposit.
2. I met with Russell Jackson regarding the plant upgrade analysis and we are continuing to move forward with that.
3. The bridge is scheduled to be open by August 9, 2019. We will continue to work with VDOT to get a stop sign installed. "New Traffic Pattern" signs are to be installed prior to bridge opening. There is a significant "shoulder" area on the bridge. There is no guard rail due to anticipated debris issues during high water.
4. I am working on getting bids for the safety fence between the greenway parking area and the creek. The town worked with Mr. Rhorer to minimize trespass issues on his property.
5. The sidewalk extension at Dayton West is being planned. The town plans to do the excavation work in house and have the concrete poured by a contractor. The final location has been reviewed.

6. I am still waiting for the plats and surveys for the land transfer of the small parcel of property near the bridge. I am also waiting for same for the Mill Street project. I have talked with the engineer/surveyor again to request that information.

Other

1. I have received two proposals from professional facilitators regarding a half day council planning session/retreat. I need to know availability for all council members for Saturdays in September and October so that we can get it scheduled. I also need to know whether you prefer 9AM – 1PM, 11 AM – 3 PM, or 1 PM – 5 PM.
2. An issue with the unopened ROW/alley between Summit and Ashby has been brought to staff's attention. It is not anticipated to be opened. Large trees have grown up and property owners are inquiring about ownership and responsibility. I recommend we consider abandoning the ROW.
3. The grievance policy that was approved during the personnel policies revision has been recorded at the Circuit Court, as required by State Code.
4. The Charter has been sent to our representatives in General Assembly. We do not anticipate any issues regarding approval during the next session.
5. Staff is discussing a possible change to the ordinance regarding penalties for water, sewer, and refuse due to an issue with the accounting process. I will continue to research and bring back to council.
6. Staff is researching problems and potential solutions regarding the vehicle license fee we collect. It will come to council at a later date.