

**DAYTON TOWN COUNCIL MINUTES**  
**October 15, 2019**

**COUNCIL MEMBERS PRESENT:** Mayor Sam Lee, Todd Collier, ~~Jeff Daly~~<sup>CH</sup>, Zachary Fletchall, Cary Jackson, Robert Ohgren, and Tara Worthy.

**COUNCIL MEMBERS ABSENT:** Jeff Daly

**ALSO PRESENT:** Jordan Bowman, Town Attorney; Angela Lawrence, Town Manager; Timothy Arrington, Treasurer; Justin Trout, Chief of Police; and Christa Hall, Deputy Clerk.

**CALL TO ORDER:** Mayor Lee called the meeting to order at 6:00 p.m. and welcomed everyone. The Invocation was led by Councilman Collier. The Pledge of Allegiance was led by Mayor Lee.

**MOTION TO AMEND THE AGENDA**

A motion to amend the agenda to add the appointment of an acting treasurer under new business was made by Councilman Collier and was seconded by Councilman Ohgren and carried unanimously by a roll call vote of 6 to 0, the voting recorded as follows: COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; LEE – AYE; DALY – ABSENT.

**APPROVAL OF MINUTES FOR THE SEPTEMBER 9, 2019 COUNCIL MEETING**

A motion to approve the minutes was made by Councilman Jackson and was seconded by Councilman Ohgren and carried unanimously by a roll call vote of 6 to 0, the voting recorded as follows: COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; LEE – AYE; DALY – ABSENT.

**MANAGER'S REPORT**

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

Manager Lawrence discussed her written report verbally in detail and further explained that she had been instructed by Council to investigate the storage building which belongs to a private business that is located in the Fuzzy Duck Lot. The building was allowed to be placed in the parking lot by a former Town Superintendent. At that time, the Zoning Administrator advised that the building did not meet the Town's zoning regulations for private use and it was located on a Town-owned lot. Therefore, we can do a zoning violation letter to ask that the building be removed. If Council should decide that they want to allow the building to remain, Manger Lawrence asked the Town Attorney, Jordan Bowman, to explain the process that decision would require. Attorney Bowman stated that the Board of Zoning Appeals has the authority to decide on issues relating to physical requirements but in this case, it pertains to the use of the lot and would be at the discretion of Council. Therefore, if Council would like to explore the option of

the building remaining there, we would need to look at a zoning text amendment to allow an accessory structure on a lot without a primary structure and that amendment would go before Planning Commission and then to Council and would require a conditional use permit.

Councilman Collier stated that this structure was allowed to be placed by a former Town Superintendent and was not brought to Council and for two years, we've been allowing a business, who is important to the community, to use Town property in an improper way. Councilman Ohgren added that we've allowed a free lease of Town property and Town Counsel Bowman clarified that it is a free license, thereby the Town takes the position that it is revocable.

Councilman Collier made a motion that the Council authorize Manager Lawrence to approach the business owner in question and ask for the removal of the structure. Councilwoman Worthy seconded the motion. Mayor Lee opened it up to Council for further discussion. After Council discussion, Councilman Collier amended his motion to provide for the removal of the structure by January 15, 2020. Councilman Ohgren seconded the motion and the motion passed unanimously by a roll call vote of 6 to 0, the voting recorded as follows: COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; LEE – AYE; DALY – ABSENT.

**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 DEVOLPMENT**

No report.

## **FINANCE**

No report.

## **INFASTRUCTURE**

Chairman Fletchall reported that the committee met to discuss the needed improvements at the water treatment plant and received several different options from the engineer of what direction they need to be headed in. Chairman Fletchall feels that it would be beneficial to ask the engineer to make a presentation of these options to the entire Council prior to the next Council Meeting so that we can vote on how to proceed. Manager Lawrence will contact the engineer to try to schedule a Council Workshop Meeting on October 29, 2019.

## **PARKS & COMMUNITY DEVELOPMENT**

Chairman Collier stated that his report was summed up in the Events and Marketing report but wanted to add that Dayton Days went well. The committee met to have an after action report on the event and discussed some ways to fine tune the event for future years. He advised that the sign at Dove Park had been moved back three feet to improve visibility and we need to purchase some paint to touch up the sign.

## **PERSONNEL**

Chairman Ohgren reported that they will be conducting interviews for the lieutenant's position in November.

## **MAYOR AND COUNCIL**

Mayor Lee advised that he will be establishing a new Public Safety/Police Committee and he will provide details on the Committee and the Chairman to staff this week. Mayor Lee also stated that we are in a really good place with our Police Department and things are moving along great. Councilman Jackson asked how the Passport program was going and staff advised that approximately two dozen entries had been received to date and the first prize drawing will be held on Friday. He also mentioned the article in the Daily News-Record that discussed the employment turnover. Councilman Jackson wanted to state that he felt that the Town had added some great people in recent months and that we are definitely moving in the right direction with a great team in place. Manager Lawrence added to that by stating that we have a staff that works very well together. Mayor Lee also made note of the Town's transparency within the Council, staff and the community. Councilman Ohgren wanted to acknowledge that yesterday was Columbus Day and acknowledge the land and lives that were taken from the indigenous people in the founding of our country and especially in Virginia.

## **UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

A motion was made by Councilman Ohgren to appoint Susan Smith as the Acting Treasurer effective October 26, 2019 until the position is filled. Councilman Jackson seconded the motion and it was passed unanimously by a roll call vote of 6 to 0, the voting recorded as follows: COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; LEE – AYE; DALY – ABSENT.

**PUBLIC COMMENT**

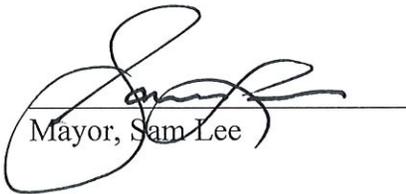
None.

**ADJOURNMENT**

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

The meeting adjourned at 7:13 p.m.

Respectfully Submitted,

  
Mayor, Sam Lee

  
Deputy Clerk, Christa Hall

**Personnel**

1. Tim Arrington has resigned from the position of Treasurer effective October 25<sup>th</sup>. Susan Smith has been appointed Acting Treasurer. Staff is discussing division of duties and restructuring. A plan will be reviewed by Personnel Committee in the coming month and shared with Council at the November meeting. We are fortunate to have a very strong administrative staff at this time and are confident that we can get through the interim period well.
2. Police Lieutenant Position: Three candidates have been chosen and will be tested and interviewed mid-November.
3. I attended the Virginia Municipal League Conference October 6-8. It was very helpful.

**Public Works, Roads, Facilities**

1. **The SCADA System:** upgrade implementation is in progress and should be completed by the end of October. We have added a component due to issues related to the feed pumps not being able to communicate with the system. The additional cost is estimated to be \$12,000-\$15,000. The pumps not communicating with the system has caused problems twice in the past month which resulted in us needing to purchase water from the County.
2. **Water Plant Upgrade:** We toured the water plant in Broadway and met with the consultants who managed a design-build process there. I met with the engineer who is ready to meet with the infrastructure committee to discuss options. I am hoping that can be done prior to the Council meeting. If so, Council will be given additional information so that we can determine which option we would like to pursue.
3. **Well #4:** We have received two proposals for repairs and maintenance of Well #4. Options will be discussed with the Infrastructure Committee and presented to Council at the meeting.
4. **High Service Pump:** Parts have been ordered and the proposal approved. We are awaiting an install date.
5. **Dayton West:** The sidewalk extension at Dayton West is underway. The Town has excavated much of it and some has been poured. We are awaiting final determination from VDOT as to how we should connect at Willow West. I met with the developer at Dayton West. He was informed by Mr. Paxton in July that no C.O.s were to be issued until the sidewalks were installed. We ran into problems with that, so in August, I informed him that we would not be issuing building permits until all sidewalks for occupied houses were completed. There are seven that are still not completed. He was not pleased with our decision. I am working with the Town Attorney regarding several issues related to the sidewalks.
6. **Easements and Property Transfers:** The Town Attorney received the plat and is drafting a deed for the transfer of the small piece of property at Cook's Creek.
7. **Mill Street Project:** I have calls into the engineer and Verizon to secure the utility relocation dates so that we can put the remainder of the project out to bid. I am also awaiting the plats so that we can secure 2 easements. *I spoke to our engineer on 10/14/2019. He has contacted Verizon and sent me the contact information. He needs to meet with one additional landowner regarding an access easement and storm drain. I have set that meeting for next week.*

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8. **Engineering Contract:** I am preparing a request for proposals for general engineering services. Our current contract with Brunk & Hylton Engineering runs through December 31, 2019.

### Economic Development

**Business Community Conversation:** I facilitated a business meeting. There were 14 participants, in addition to the newspaper reporter and staff. Roles for the Town and Businesses were discussed and an exercise to gain feedback on what is working well, what needs improvement, and how the Town and businesses can best work together. Another meeting is scheduled for early November.

**Passport Program:** I initiated a Passport program to encourage shoppers to go to a variety of shops and restaurants in Town. Those that complete the card and turn it in to Town Hall, will be eligible for prizes (received by Massanutten as a perk for the advertising we do through them). The program runs through November 15<sup>th</sup> at which time we will evaluate.

### Other

1. Council Retreat will be held on December 11, 2019, 1:30 PM. Location to be determined. Council will receive preparation materials in advance of the retreat.
2. With the resignation of the Treasurer, we have postponed the training regarding the financial software system. We expect the training to happen by the end of the year. They will travel to Dayton for a 2-3 day training.
3. We still have one vacancy on the Economic Development Authority.
4. I continue to research Food Truck and Itinerant Merchants ordinances and will have a proposal at the November Council meeting.
5. I continue to research the short-term rental and lodging tax issue and will have a proposed ordinance at the Council's November meeting. At the meeting, I would like the Council to discuss a lodging tax rate to be considered. Meals tax is 5%.
6. *The company that I had been working with regarding the possibility of getting new key cards for Town buildings has merged with another company and staff has changed. They will be meeting with me soon. We had 2 proposals previously that were cost prohibited at this time.*

### Consideration

*An inquiry was made at the September Council meeting regarding a private business using the Town's electrical service in the Fuzzy Duck lot. The business was cooking a special meal for the 1200+ Dayton Cargill employees and needed additional power for a food truck. It was also determined, based on a conversation between a current Council member and a former Town Superintendent, that in previous years she was told she could use the electrical service and that when she offered to pay, she was told she didn't need to pay. Upon further investigation, it was determined that the normal electric bill (minimum charge) for that lot is \$6.59. September's bill for that lot was \$8.79. The owner of the food truck agreed to pay \$2.20.*

*Council members also asked me to investigate the storage building that is parked on Town property in Fuzzy Duck lot regarding zoning and private use. The building is parked in a space that is not useable as a parking space. The owner was granted permission from the previous Town Superintendent to put the*

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*building there, at no cost. The building does not meet zoning requirements as an accessory building is only allowed on a lot with a primary building. If the Council feels it is appropriate to allow the building to stay in that location, with a fee, the Town would need to file an appeal with the Board of Zoning Appeals, as the Town owns the lot. If the Town Council would like to pursue that, they would also need to set a fee. Previously, the Thomas House paid \$60 per parking space per month when they rented from the Town.*

Respectfully submitted,

Angela A. Lawrence