

DAYTON TOWN COUNCIL MINUTES
September 9, 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 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 and Pledge of Allegiance was led by Mayor Lee.

Mayor Lee stated that the Deputy Clerk for the Circuit Court of Rockingham County was here to officially swear in Justin Trout as the Town of Dayton Chief of Police.

Mayor Lee proclaimed the week of September 17 through September 23 as constitution week 2019 and read the following:

WHEREAS: It is the privilege and duty of the American people to commemorate the two hundred and thirty-first anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Sam Lee, by virtue of the authority vested in me as Mayor of the Town of Dayton do hereby proclaim the week of September 17 through 23 as Constitution Week and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

APPROVAL OF MINUTES FOR THE AUGUST 12, 2019 COUNCIL MEETING

A motion to approve the minutes was made by Councilman Jackson and was seconded by Councilwoman Worthy 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 §1-48.1 CUTTING OF GRASS AND WEEDS OF THE TOWN CODE

Town Counsel Jason Ham advised Council as to the necessity of this amendment. A motion was made by Councilman Collier and seconded by Councilman Jackson to amend §1-48.1 of the Town Code—Cutting of Grass and Weeds to read as follows:

§ 1-48.1. Cutting of grass and weeds.

- (a) The owners of all property shall cut the grass, weeds and/or other foreign growth on the property whenever any significant portion of the grass, weeds and/or other foreign growth on the property exceed eight inches in height from their base to their most extended growth.
- (b) Upon the failure of the property owner to cut the grass, weeds, and/or other foreign growth as specified in paragraph (a) of this section, the town (through its agents or employees) may cut all of the grass, weeds, and/or other foreign growth on the property at the owner's expense, after written notice as provided in this paragraph. The notice shall be mailed to the owner at the address shown in the town's tax records, and it shall state that the town will cut the grass, weeds, and/or foreign growth unless the property owner does so within seven days from the date the notice is mailed. One written notice per growing season to the owner of record of the subject property shall be considered reasonable notice.
- (c) If the town, through its agents or employees, cuts the grass, weeds, and/or other foreign growth pursuant to paragraph (b) of this section, the costs and expenses in doing so shall be charged to the property owner.
- (d) In addition to liability for the town's costs of cutting grass, weeds, and/or other foreign growth pursuant to paragraph (c) of this section, any person violating this ordinance shall be subject to a civil penalty of \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation is \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.
- (e) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided by Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.
- (f) If three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, the fourth violation shall be a class three misdemeanor.
- (g) This ordinance does not apply to land zoned for or in active farming operation. The term "active farming operation" shall mean any operation devoted to the bona fide production of crops, or animals, or fowl, including but not limited to the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery and floral products; and the production and harvest of products from silviculture activity.

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 – APPOINTMENT ACTION

Manager Lawrence provided a staff report as to the vacancies on the Economic Development Authority. A motion was made by Councilman Ohgren and seconded by Councilman Collier to re-appoint Zachary Fletchall to the EDA to a term to expire July 10, 2023; re-appoint Sam Lee to a term to expire July 10, 2023 as Todd Collier previously resigned his position on the EDA

enabling Sam Lee to remain on the Authority; and to appoint L. J. Purcell to fill Greg Riddle's unexpired term through July 10, 2021 as Greg Riddle is no longer eligible to serve on the EDA. Councilman Oghren asked if this would give us a full Authority and Manager Lawrence advised that it would still leave one vacancy. 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.

MANAGER'S REPORT

Manager 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

No report.

FINANCE

Chairman Daly reported that the committee met on September 4, 2019 to discuss guidelines that were passed in March. They are working on providing a monthly report to Council and this report can be customized as Council requests. They will continue to meet quarterly to discuss the budget in detail. They reviewed the Muddler and the current state code regarding charitable giving. The department heads continue to meet monthly to review the budget in an effort to help

them better understand and improve next year's budget process. The investment portfolios and CD's were also reviewed and there was discussion as to instituting an investment committee that will be further discussed at the Council retreat.

INFASTRUCTURE

No report.

PARKS & COMMUNITY DEVELOPMENT

Chairman Collier reported that the Committee met last week and their discussions were previously highlighted in the Manager's Report and the Marketing and Events Report.

PERSONNEL

Chairman Ohgren reported that the committee met on September 5, 2019 and discussed the Police Lieutenant hiring process.

MAYOR AND COUNCIL

Mayor Lee read a thank you note from Jim Dove thanking the Town Council and Staff for all their work at Dove Park. He advised that every weekday morning, he plans to tour the Town on foot or bike and seek out things in an informal manner that need to be dealt with. Manager Lawrence advised that the curbs will be scraped and painted and damaged signs will be repaired and/or replaced prior to Dayton Days. Councilman Collier issued a thank you to the Koogler family thanking them for the use of their field, providing parking for Town events and the beautiful sunflowers.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

- Emily Estes addressed the Council with a concern about a local business improperly using and accessing Town electricity. Mayor Lee thanked her for her concern and advised that the Town would look into the matter and address it appropriately.
- Rhonda Johnson addressed the Council stating that she was the one who had requested that Council institute a "Tell me Something Good" portion in the Council meetings. She stated that the local Girl Scout Troop #1111 recently recognized and thanked the Police Department by delivering cookies to them. She also asked that the Town continue to host the Dayton

Muddler stating that it is for a worthwhile cause, the Boulder Crest Retreat. She also thanked Chief Trout and the Dayton Police Department for their presence in the schools.

- Linda Wine addressed the Council stating that years ago the Town and VDOT had discussed ways to improve the intersection at Mason Street and Route 42 and had been unable to take any action. She would like for the Town to re-visit this matter. Manager Lawrence stated that we would look into it. Chief Trout advised that he was not aware of any recent accidents at that intersection but he would research the history.

CLOSED SESSION

A motion was made to go into closed session by Councilman Fletchall and seconded by Councilman Jackson 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 7:36 p.m. for a closed meeting in accordance with Section 2.2-3711(A)(8) to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by our attorney. The subject matter of the meeting is nuisance properties and legal remedies.

Return to open session 7:56 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 Mayor Lee, seconded by Councilman Fletchall 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

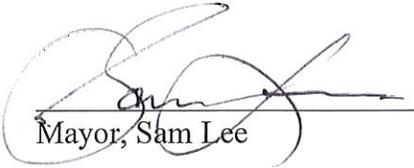
A motion to authorize the Town Manager and Town Attorney to begin taking action against certain nuisance properties in Town with said action to include but not be limited to filing necessary lawsuits and any other enforcement actions that are necessary was made by Councilman Collier and seconded by Councilman Daly 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 Daly made a motion to adjourn, and Councilman Oghren seconded the motion; motion passed unanimously.

The meeting adjourned at 8:12 p.m.

Respectfully Submitted,



Mayor, Sam Lee



Deputy Clerk, Christa Hall

Personnel

1. Town Superintendent/Manager: I have completed two months in the position. I continue to familiarize 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, including a presentation to Bridgewater Rotary Club, meetings with Dayton Market Merchants Association, Shenandoah Bicycle Coalition, attendance at Ruritan Club picnic, town events and meetings, regional town managers' meetings, MPO and HRRSA meetings.
2. Police Lieutenant Position: has been advertised. The deadline for applications is September 15th. Candidates will have 30 days to study for the test. Testing and interviews are expected to be completed by early November.
3. An administrative staff meeting was held with all administrative personnel and the police chief with a goal to make the office a more efficient and effective workplace. Monthly department heads meetings continued.

Grants

We were notified that the wayfinding signage grant that was submitted to USDA about two years ago was approved. We have a six month time period to complete the grant. The total project cost is \$50,000, with a \$25,000 town match.

Public Works, Roads, Facilities

1. The SCADA system upgrade study is in progress. We expect to be able to report back regarding completion at next month's meeting.
2. Adam and I toured the county's water plant with the engineering consultant. The plant upgrade study continues. We should have a recommendation by the November council meeting.
3. We met with another company regarding well #4 and are waiting for proposals.
4. The bridge opened. There are some concerns regarding putting a stop sign at the intersection due to the proximity of the adjacent house. We are monitoring the intersection for the time being.
5. The sidewalk extension at Dayton West is underway. The Town has excavated most of it and is working with VDOT regarding connection to the roadway.
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 the same for the Mill Street project.

Other

1. I received 3 proposals for the Council Retreat Facilitation. I will finalize the date and logistics with council through email.
2. The Chief and I met with DCJS regarding accreditation. That process is underway.
3. We have requested a training for all administrative staff regarding our financial and billing software.