

**DAYTON TOWN COUNCIL
MEETING MINUTES
July 13, 2020**

COUNCIL MEMBERS PRESENT: Mayor Sam Lee, Jeff Daly, Bradford Dyjak, Cary Jackson, Robert Ohgren, Dale Rodgers, and Tara Worthy.

ALSO PRESENT: Jason Ham, Town Attorney; Angela Lawrence, Town Manager; Susan Smith, Town Treasurer; Justin Trout, Chief of Police; and Christa Hall, Clerk, Safety & Zoning Official.

CALL TO ORDER: Mayor Lee called the meeting to order at 6:00 p.m. and welcomed everyone. Clerk, Christa Hall, took a Roll Call and determined an appropriate quorum to proceed. The Invocation and the Pledge of Allegiance were led by Mayor Lee.

PRESENTATION OF PUBLIC SERVICE AWARD

Mayor Lee presented Chief Justin Trout with an Eastern District of Virginia Public Service Award for his assistance with an investigation which led to the prosecution of five individuals involved in a large multi-state heroin case while serving as a SWAT Master Police Officer in Virginia Beach.

APPROVAL OF MINUTES FOR THE REGULAR MEETING OF JUNE 8, 2020

A motion to approve the minutes from the regular meeting of June 8, 2020 was made by Councilman Jackson and seconded by Councilman Dyjak and approved by a roll call vote of 6 to 0, the voting recorded as follows: DALY—AYE; DYJAK—AYE; JACKSON—AYE; OHGREN—AYE; RODGERS—AYE; LEE—AYE; WORTHY—ABSTAIN.

ACTION ITEM: RESOLUTION IN MEMORY OF ZACHARY W. FLETCHALL

A motion to adopt a resolution in memory of Zachary W. Fletchall was made by Councilman Rodgers and seconded by Councilman Jackson and approved by a roll call vote of 7 to 0, the voting recorded as follows: DALY—AYE; DYJAK—AYE; JACKSON—AYE; OHGREN—AYE; RODGERS—AYE; WORTHY—AYE; LEE—AYE. Said Resolution is attached and made a part hereof.

ACTION ITEM: RESOLUTION IN MEMORY OF L. TODD COLLIER

A motion to adopt a resolution in memory of L. Todd Collier was made by Councilman Dyjak and seconded by Councilman Daly and approved by a roll call vote of 7 to 0, the voting recorded as follows: DALY—AYE; DYJAK—AYE; JACKSON—AYE; OHGREN—AYE; RODGERS—AYE; WORTHY—AYE; LEE—AYE. Said Resolution is attached and made a part hereof.

ACTION ITEM: APPOINTMENT TO PLANNING COMMISSION

Gary Bowman resigned from the Planning Commission effective July 1, 2020, creating a vacancy, expiring June 30, 2021. Planning Commission Chairman, Hunter Barnett, recommended Bradley Randolph. Councilman Jackson made a motion to appoint Bradley Randolph to the Planning Commission to fill the unexpired term expiring June 30, 2021. The motion was seconded by Councilman Daly and passed by a roll call vote of 7 to 0, the voting recorded as follows: DALY—AYE; DYJAK—AYE; JACKSON—AYE; OHGREN—AYE; RODGERS—AYE; WORTHY—AYE; LEE—AYE.

MANAGER'S REPORT

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

CONSIDERATION: ACCEPTANCE OF CARES ACT FUNDING

Manager Angela Lawrence provided a staff report explaining the Town has been offered to receive \$84,383.71 for CARES Act funding from Rockingham County. As these funds were not included in our budget, she is requesting Council authorization to accept these funds which will be used in accordance with the requirements by December 30, 2020 and will require a budget amendment.

Councilman Ohgren made a motion to approve the acceptance of \$84,383.71 for CARES Act funding which was not budgeted and authorize the Town Manager to submit certification and request to the County. Councilman Rodgers seconded the motion and the motion passed by a roll call vote of 7 to 0, the voting recorded as follows: DALY—AYE; DYJAK—AYE; JACKSON—AYE; OHGREN—AYE; RODGERS—AYE; WORTHY—AYE; LEE—AYE.

CONSIDERATION: WATER BILL PENALTIES AND DISCONNECTION

Manager Angela Lawrence provided a staff report explaining that the Ordinance that Council previously passed to eliminate water bill penalties and disconnections would need to be terminated at Council's discretion in order to begin accessing penalties again. After a lengthy Council discussion, it was decided that the Ordinance will remain in effect and will be discussed again at the August Council Meeting.

CONSIDERATION: SHORT-TERM RENTAL ORDINANCE

Manager Angela Lawrence provided a staff report recommending a change to the Town Code to include short-term rentals in the Town. This ordinance will need to go to Planning Commission for review and recommendation to the Town Council and will be tentatively set for a Joint Public Hearing with Council and Planning Commission on August 10, 2020 at 5:30 p.m.

TREASURER'S REPORT

Treasurer Susan Smith provided a written report with preliminary year-end numbers. The final report will be included with the August packet. Manager Lawrence added that the auditors were pleased so far and felt that we were better prepared this year.

POLICE REPORT

Chief Justin Trout provided a written report. Councilman Dyjak asked for more details on the Police National Night Out event on August 4th. Chief Trout advised that it will start at 6:00 p.m. that evening and residents will be asked to turn on their porch lights and the officers will do a mobile drive-by event due to COVID restrictions. Chief Trout also advised that he is working with the JMU Psychology Department to develop a study and training for police officers in the state of Virginia. Manager Lawrence added that at a recent visit to the Dayton Market, she received some positive feedback about our Dayton officers.

PUBLIC WORKS REPORT

Russell Bailey provided a written report.

COMMUNITY DEVELOPMENT REPORT

Christa Hall provided a written report.

CONSIDERATION: POSTPONE DAYTON DAYS AUTUMN CELEBRATION

Manager Lawrence provided a memorandum to Council with an overview of how Dayton Days would look this year amongst the COVID pandemic. Christa Hall asked for Council input and comments about whether to proceed or postpone the much loved annual event. Council discussed and stated that it may be time to make the right decision, which would be tough and maybe not the most popular decision to postpone. Council authorized the staff to make the decision.

ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT

Mayor Lee reported that the Committee met on July 7th and that all items discussed had already been previously highlighted.

FINANCE COMMITTEE REPORT

Councilman Daly advised that the Committee met on July 8th and discussed the year-end budget and he reviewed some of the steps that the Treasurer and her staff were taking to make improvements to the accuracy of the monthly reports.

INFRASTRUCTURE COMMITTEE REPORT

Councilman Dyjak reported that the Committee did not meet this month but is planning to meet soon and include VDOT in their next meeting. They are also planning to discuss the CIP for the next five years.

PARKS, RECREATION & BEAUTIFICATION COMMITTEE REPORT

Councilman Rodgers advised that they met on July 7th and discussed the upcoming concerts in Dove Park and made the decision to proceed with the concerts but in an effort to limit social interactions, they decided not to allow alcohol or food concessions at the early concerts this year.

PERSONNEL COMMITTEE REPORT

Councilman Ohgren reported that they met on July 6th and discussed the possibility of increasing the allowed PTO carryover from one year to the next. They will discuss this in further detail and bring a recommendation to Council in August. They are also reviewing the personnel handbook to make sure that the town policies on racism are clearly identified.

POLICE COMMITTEE REPORT

Councilman Jackson reported that the Committee met on July 1, 2020 to continue to review, clarify and make modifications to the police policies, which look to be in order as Chief Trout has done a good job writing the policies. Their next meeting will be on August 7, 2020.

MAYOR AND COUNCIL REPORT

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

None.

CLOSED SESSION

A motion was made to convene into closed session under section 2.2-3711(A)(8) of the Code of Virginia to consult with legal counsel regarding specific legal matters in reference to the Shipe and McDorman properties, which require the provision of legal advice by our attorney by Councilman Jackson and seconded by Councilman Daly and carried by a roll call vote of 7 to 0, voting recorded as follows: DALY—AYE; DYJAK—AYE; JACKSON—AYE; OHGREN—AYE; RODGERS—AYE; WORTHY—AYE; LEE—AYE; the Council recessed the meeting at 8:08 p.m.

OPEN SESSION

Return to open session at 8:24 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:

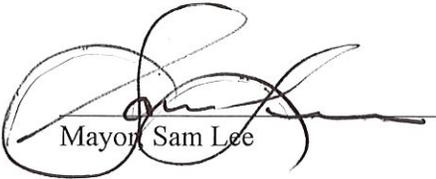
On motion by Councilman Jackson, seconded by Councilman Daly and carried by a roll call vote of 7 to 0, voting recorded as follows: DALY—AYE; DYJAK—AYE; JACKSON—AYE; OHGREN—AYE; RODGERS—AYE; WORTHY—AYE; LEE—AYE; Council returned to regular session and certified that with respect to the just-concluded 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 Dyjak made a motion to adjourn, Councilman Daly seconded the motion; motion passed unanimously.

The meeting adjourned at 8:26 p.m.

Respectfully Submitted,



Mayor Sam Lee



Clerk, Christa Hall

Item 4.a.

Town Manager

Staff Report

June 2020

Personnel

1. With the charter becoming official on July 1, my title is now Town Manager.
2. Staff is updated on a regular basis regarding the COVID-19 situation and workplace safety.
3. Staff was also reminded that we do not tolerate any form of racism toward fellow employees or the public.

Public Works, Roads, Facilities

1. **Water Plant Upgrade:**
 - A construction funding application was submitted to VDH on May 15. We expect to know by mid-late August if we are selected.
 - Requests for proposals for private funding were received and reviewed by staff and finance committee with no selection made. Staff is seeking additional information before making a recommendation.
 - Once financing is secured, the first step will be to procure an engineering firm for final design including preparation of an RFP for equipment procurement and construction procurement. I will be preparing an RFP so that we can proceed next month.
2. **Mill Street Project:**
 - VDOT is still awaiting one final specification from the engineer. I am working with VDOT to get them to them directly.
 - We are still awaiting final approval to advertise the Invitation to Bid.
3. **Sewer Line Repair & Lining:** The Mason Street section has been completed. A significant portion of Bowman Road/Cooks Creek has been cleared, inspected and repaired. A portion will not be completed until mid-August (and will be paid for out of 2021 funds as budgeted). We will monitor readings from HRSSA to assess the impact of this portion of the project.
4. **Hydrant Mapping Project:** The project will commence soon.

Economic Development

1. **CARES Act:**
 - The county has created a small business grant program to assist small businesses within Rockingham County and the seven small towns. They will administer that program. Applications will be accepted June 13-24. As a courtesy, I forwarded the information to all businesses licensed and located in Dayton.
 - The Town will receive \$84,383.71 to use for qualifying expenses. The CARES Act provides that payments may be used to cover costs that: 1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); 2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and 3. were incurred

during the period that begins on March 1, 2020 and ends on December 30, 2020. Although the Town may not use the funds to recoup lost revenue, we may use them to recoup fees for supplies purchased and used for COVID and to assist businesses who have experienced losses due to COVID-19. The community and economic development committee will review a proposal in greater detail when more information is available.

- In advance of knowing what the Town would receive or what the County grant program would include, I hosted a zoom meeting for all business owners to share their needs and desires. Grants and a marketing campaign were the suggested uses.
2. **Sign Grant:** Work continues. The deadline has been extended. The committee will review design/plans at their next meeting.
 3. **New retail businesses:** There are two new businesses in the Dayton Market. The Green Hummingbird carries local, domestic, and international women's, men's, and children's clothes and accessories for a variety of ages. Rusty Willow Décor purchased Crafty Hands and will be selling hand-made artisan products. They hope to feature local artists, as well.

Nuisance Properties

1. The Town extended the deadline for payment and property condition improvements on the Ashby Street property to July 10th. More progress has been made. We will address in closed session.
2. The property on Mason Street has been cleared of all debris, but is now in violation of the grass ordinance. He received a letter, but the deadline has passed with no action.
3. Other properties have recently been notified of nuisance violations as well.

Budget Process

1. The CARES Act funding exceeds 1% of our budget and therefore will require a budget amendment. The plan is for the community and economic development committee to meet again soon to discuss options to benefit the business community and then amend the budget. Finance committee will meet prior to the next meeting and recommend a budget amendment for public hearing. If we postpone Dayton Days, we would amend the events budget at the same time.

Other

1. I continue to monitor the COVID-19 situation, review daily updates, attend webinars, adjust procedures as needed, and report to staff and the public. It is time consuming, but important.
2. I assisted in coordination of committee meetings and activities.
3. We are currently in Phase III of Forward Virginia, Safer at Home. We have opened playgrounds, but not park restrooms due to cleaning/sanitation guidance. Shelters are open, but at 50% capacity. We will open restrooms during shelter rentals (they will be cleaned before and after). We are renting the assembly room at 50% capacity (17 people). Revised signs are posted at parks regarding social distancing and safe use.

Items for Consideration

1. CARES Act: Approve acceptance of \$84,383.71 for CARES Act funding which was not budgeted and authorize the Town Manager to submit certification and request to the County. These funds will be used in accordance with the requirements. If not used by December 30, 2020, they must be returned to the county. The budget will be amended.
2. Water Bill Penalties & Disconnection: The temporary ordinance we passed to eliminate water bill penalties and disconnections covered the period through July 10th. We have sent cut-off notices to those who are more than 90 days delinquent and will begin cut offs on July 14th, unless action is taken. We will also begin assessing penalties. The state recently extended the suspension of utility disconnections across the state until August 31. Our water and sewer service is not a utility, but Council may wish to extend our temporary ordinance.
3. Short-term Rental Ordinance: Staff is recommending a change to the Code to include a definition of bed & breakfast and short-term rental, the addition of a short-term rental ordinance, inclusion of short-term rental as a permitted use in R-1, R-2, R-3, B-1, A-1 & A-2. A proposed ordinance will be provided to Council. If Council concurs, the matter will be sent to Planning Commission at its meeting on July 16th meeting.

Respectfully submitted,

Angela A. Lawrence