

## DAYTON TOWN COUNCIL MINUTES

March 9, 2020

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

**COUNCIL MEMBERS ABSENT:** 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. The Invocation and the Pledge of Allegiance were led by Mayor Lee.

### **APPROVAL OF MINUTES FOR THE FEBRUARY 10, 2020 COUNCIL MEETING AND THE FEBRUARY 19, 2020 BUDGET WORK SESSION:**

A motion to approve the minutes from the February 10, 2020 Council Meeting and the minutes from the February 19, 2020 Budget Work Session was made by Councilman Ohgren and was seconded by Councilman Jackson and approved by a roll call vote of 5 to 0, the voting recorded as follows: DALY – AYE; COLLIER – ABSTAIN; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; LEE – AYE; WORTHY – ABSENT.

### **ACTION ITEM—APPOINTMENTS:**

A motion to appoint Christa C. Hall as Alternate Member to the Harrisonburg-Rockingham Metropolitan Planning Organization Policy Board and as Member to the Technical Advisory Committee, with Angela A. Lawrence as Alternate Member was made by Councilman Collier and seconded by Councilman Ohgren and approved by a roll call vote of 6 to 0, the voting recorded as follows: DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; LEE – AYE; WORTHY – ABSENT.

### **MANAGER'S REPORT**

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

Manager Lawrence advised that the Town now has improved WiFi available in the Town Hall and provided an update on the status of the Town Charter stating that the House bill has been signed by the Governor and expects that the Senate bill will soon follow, and will take effect on July 1, 2020.

Manager Lawrence advised that she hopes to receive the preliminary engineering report for the water plant upgrade later this week and we are still waiting on the bid package from the engineer for the Mill Street Project.

Manager Lawrence also advised Council that the Town has received notice from the State Department of Taxation notifying us that BB&T has amended their returns from 2012-2014 and even though we are no longer receiving income from them as they have moved out of Town, we now owe a refund of at least \$18,000. Town Staff and Counsel will investigate this further.

### **TREASURER'S REPORT**

Treasurer Susan Smith provided a written report. Councilman Daly asked the status of unpaid business licenses. Staff will advise Council of any licenses that have not been renewed. Treasurer Smith advised that we are now requiring that licenses be visually displayed at the place of business. Manager Lawrence advised of a new procedure that we will be implementing to ensure that proper zoning is verified prior to issuing a new business license.

### **POLICE REPORT**

Chief Justin Trout provided a written report. There was further discussion and explanation of how the partnership with Harrisonburg for the Muddler will work this year. This year's beneficiaries will be a community policing fund for the Town of Dayton, the Harrisonburg Police Foundation and the Bridgewater Fire Department.

### **PUBLIC WORKS**

Russell Bailey provided a written report. Manager Lawrence updated the Council that Lukas Cooper passed his Class 4 Waterworks Operator exam.

### **ZONING**

Christa Hall provided a written report and advised that there are additional nuisance properties in Town in need of enforcement.

### **EVENTS AND MARKETING**

Mike Betts provided a written report.

### **COUNCIL COMMITTEES**

Mayor Lee announced changes to the Council Committees based on Staff and Council recommendations.

### **ECONOMIC & COMMUNITY DEVELOPMENT**

Committee Member Collier advised that the Committee met on February 26<sup>th</sup> and discussed the budget process for the upcoming year. They will be reviewing the Economic Development Plan and how the Town can help local businesses and create Economic Development for the Town.

**FINANCE**

No report.

**INFASTRUCTURE**

Chairman Fletchall stated that the Committee met on March 6<sup>th</sup> to discuss preparations for the upcoming budget for both capital improvements and operational expenses.

**PARKS, RECRATION & BEAUTIFICATION**

Chairman Collier advised that the Committee met on February 26<sup>th</sup> and discussed the coming year's budget which will include mostly maintenance items and planting flowerbeds throughout Town. He continued that he looks forward to the completion of the Greenway fencing project, which is part of the current budget year.

**PERSONNEL**

No report.

**POLICE**

Chairman Jackson advised that they met today and discussed the upcoming budget and stated that they determined there will not be funding for a sixth officer. Councilman Ohgren stated that he is impressed with Chief Trout's ability to research and apply for grants.

**MAYOR AND COUNCIL**

Councilman Jackson acknowledged and welcomed all the high school students in attendance.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**PUBLIC COMMENT**

Linda Wine addressed Council to inquire about the beneficiaries for the Muddler and Chief Trout answered and explained the process for this year.

**CLOSED SESSION**

A motion was made to convene into closed session under section 2.2-3711(A)7 of the Code of Virginia to consult with legal counsel and be briefed by staff members or consultants about the actual litigation of the Town of Dayton Virginia v. Judy Shipe, where such consultation or briefing in open meeting would adversely affect the local government’s negotiating or litigating posture by Councilman Fletchall and seconded by Councilman Ohgren and carried by a roll call vote of 6 to 0, voting recorded as follows: DALY—AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; LEE – AYE; WORTHY – ABSENT; the Council recessed the meeting at 6:50 p.m.

**OPEN SESSION**

Return to open session at 7:08 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:

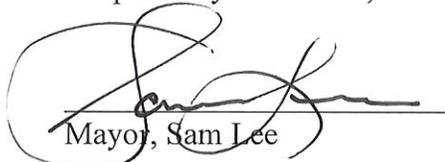
On motion by Councilman Collier, seconded by Councilman Daly and carried by a roll call vote of 6 to 0, voting recorded as follows: DALY—AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; LEE – AYE; WORTHY – ABSENT; Council returned to regular session and certified that with respect to 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.

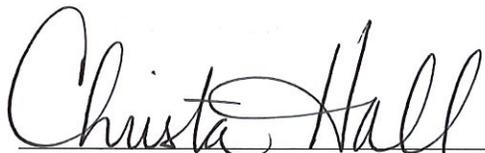
**ADJOURNMENT**

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

The meeting adjourned at 7:10 p.m.

Respectfully Submitted,

  
Mayor, Sam Lee

  
Clerk, Christa Hall

**Personnel**

1. New positions approved at last month's meeting have been implemented.
2. Interviews for the part-time Administrative Assistant position will take place the week of March 9. We have scheduled 3 interviews. The position is open until filled.
3. Christa attended the first portion of the Certified Planning Commissioner's Program in Harrisonburg. She is now reading and taking exams on-line. She scored 100% on her first exam.

**Public Works, Roads, Facilities**

1. **The SCADA System:** The original scope of work is substantially complete. There is still a small issue with the well communication system. SLM is working on that now.
2. **Water Plant Upgrade:**
  - a. We are waiting on Preliminary Engineering Report. An update will be provided at the meeting.
3. **Mill Street Project:**
  - a. The engineer has promised the bid package to me by March 5. If that happens, we should be able to have the Invitation to Bid (ITB) open for 30 days and select a contractor in April.
  - b. VDOT approval has not come back yet, but we can move forward with the ITB and the easements.
  - c. Verizon has spoken to the property owner from whom they need an easement for the pole. The property owner has agreed, but Verizon is still working on getting the easement finalized. The poles should be moved prior to award of the contractor bid.
4. **Greenway Fence Project:** Staff is still seeking proposals for a steel fence as recommended by Council.
5. **MPO TAC:** Susan attended the February TAC meeting – John Wayland Hwy buggy lane project was awarded to A&J. The construction on this project is due to begin mid-March with a projected completion date of May 2020.

**Economic Development**

1. **Economic Development Authority** plans to meet as scheduled on April 1<sup>st</sup> at 5:30 p.m. to review purpose set by Council at the February meeting. The Chair has been provided a transcript of the discussion, and offered the tape recording as well.
2. **Business Community Conversation/Destination Dayton!:** Meetings have been postponed until April 9<sup>th</sup>.
3. **Business Newsletter:** Staff is preparing a 1 page business newsletter to mail to each business by the end of March.
4. **Sign Grant:** We have applied for an extension. The new deadline will be June 30, 2020.

**Nuisance Properties**

1. The court date for the Motion for Judgement related to the property at Ashby & Thompson is scheduled for March 10.

2. A notice of civil penalty has been sent to the other property owner (Mason St.). He has contacted me, but no progress has been made to date. We continue to discuss the sale of the property and right-of-way issues with the prospective builder, seller (ROW land) and property owner.

#### **Budget Process**

1. Committees are meeting with the Town Manager and Staff to determine priorities for the budget. Staff is in the process for putting together the budget. A budget work session is set for Monday, April 6, 6 PM to review recommendations. The Council will review the draft budget and approve its advertisement at its May 11<sup>th</sup> meeting, with the plan to approve it at the June meeting.

#### **Other**

- During the budget cycle, Council will be asked to consider a revision to the Itinerant Merchant Fee and a short-term rental ordinance along with a lodging tax.
- I attended the VLGMA conference and pre-conference workshop. It was very helpful.
- Christa and I attended VML Legislative Day in Richmond.
- I attended a Water/Wastewater Funding Training which included a variety of funding agencies.
- I attended a meeting related to the BRITE transit system.

#### **Items for Consideration**

None

Respectfully submitted,  
*Angela A. Lawrence*