

**DAYTON TOWN COUNCIL  
SPECIAL CALLED VIRTUAL MEETING MINUTES  
VIA ZOOM MEETING PLATFORM  
April 6, 2020**

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

**COUNCIL MEMBERS ABSENT:** Todd Collier

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

**CALL TO ORDER:** Mayor Lee called the meeting to order at 6:02 p.m. and welcomed everyone. The Invocation and the Pledge of Allegiance were led by Mayor Lee. Mayor Lee explained that due to the Governor's stay at home order during the COVID-19 pandemic, the Council will meet virtually through the Zoom meeting platform. He further explained the process and a guideline for how the Council will proceed until such restrictions are lifted.

**ORDINANCE ASSURING CONTINUITY IN THE GOVERNMENT OF TH TOWN OF DAYTON, VIRGINIA:**

Mayor Lee turned the meeting over to Manager Lawrence who turned it over to Attorney Ham to explain the need for this ordinance and how it will work. After discussion, a motion to approve the ordinance as written was made by Councilman Ohgren and seconded by Councilman Jackson and approved by a roll call vote of 6 to 0, the voting recorded as follows: DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; LEE – AYE; WORTHY – AYE; COLLIER – ABSENT.

**ORDINANCE ASSURING CONTINUITY IN THE  
GOVERNMENT OF THE TOWN OF DAYTON, VIRGINIA**

**WHEREAS**, the Town Council of the Town of Dayton, Virginia considers the safety and welfare of the residents of the Town to be of utmost importance; and

**WHEREAS**, the World Health Organization declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, the President of the United States has declared a national state of emergency to exist throughout the Country as a result of the spread of the COVID-19 disease; and

**WHEREAS**, the Governor of Virginia has declared a state of emergency to exist throughout the Commonwealth of Virginia as a result of the spread of the COVID-19 disease; and

**WHEREAS**, the Board of Supervisors of Rockingham County, Virginia has declared that a local emergency and disaster exists in Rockingham County and the Towns therein; and

**WHEREAS**, the Governor of Virginia and the State Health Commissioner have jointly declared a public health emergency to exist throughout the Commonwealth of Virginia as a result of the spread of the COVID-19 disease; and

**WHEREAS**, on March 23, 2020, Governor Northam announced a ban on “all public and private in person gatherings of 10 or more individuals” statewide; and

**WHEREAS**, due to the spread of the COVID-19 disease, the Town of Dayton is facing a disaster and a condition of extreme peril to the lives and safety of the residents and visitors of the Town; and

**WHEREAS**, as a result of this disaster and extreme peril, this Ordinance Assuring Continuity in the Government of the Town of Dayton, Virginia is necessary to permit the full powers of the government to deal effectively with the condition of the disaster and peril; and

**WHEREAS**, allowing the Town to limit in-person attendance will allow our constituents to protect themselves and one another, while maintaining informed and active citizenship and will let the Town operate in an efficient and safe manner while the Town mitigates the effects of this public health crisis and disaster.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, VIRGINIA AS FOLLOWS:**

1. A disaster exists in the Town of Dayton, Virginia.
2. The infectious nature of COVID-19 may very soon make it unsafe to assemble a quorum of this Town Council in a single location, or to assemble members of the public in a single location, making it difficult or impossible for this Town Council and the Town’s other boards and committees to conduct meetings in accordance with normal practices and procedures.
3. In accordance with Section 15.2-1413 of the Code of Virginia, 1950, as amended, notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure continuity of government during the pendency of the emergency and disaster created by COVID-19.
  - a. That any process, procedure, or matter which requires the physical presence of the public in a building that the Town Superintendent/Manager or Mayor, either of whom may act, has declared or in the future declares to be closed to the public is hereby suspended.
  - b. Meetings of the Town Council and other Town boards and committees may be held through electronic communication means without a quorum of members physically present in a single location, provided that notice of such meetings is still given in accordance with applicable laws.

c. Such meetings may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of the Town Council, or other board or committee members, so long as alternative arrangements for public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.

d. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter. Public comments may also be solicited and, if so solicited, received, via electronic and/or telephonic means if possible and practical. All such comments will be provided to the members of the body and made a part of the record of such meeting.

4. The Town Superintendent/Manager or Mayor, either of whom may act, are hereby authorized to take any other actions that are reasonable and necessary to effectuate the terms of this Ordinance.

5. This Ordinance shall expire six months after the disaster. Normal governmental authority and procedures shall resume upon the expiration of this Ordinance.

#### **ACTION ITEM—APPOINTMENT:**

Attorney Ham discussed the purpose and need to appoint a Coordinator of Emergency Management for the Town and recommended that Manager Lawrence fill this role. A motion to appoint Angela A. Lawrence as Coordinator of Emergency Management was made by Councilman Jackson and seconded by Councilman Fletchall and approved by a roll call vote of 6 to 0, the voting recorded as follows: DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; LEE – AYE; WORTHY – AYE; COLLIER – ABSENT.

#### **ITEMS FOR CONSIDERATION**

Manager Lawrence advised that staff is requesting leniency on penalties and interest for delinquent water/sewer accounts during this challenging economic time or until such time has ended. Staff is also requesting that there be no service disruptions due to non-payment on account if customer request postponement of payment due to COVID-19. Attorney Ham advised of the potential problems and adverse effects that could arise from granting such a request. After a lengthy Council discussion, Councilman Ohgren requested that the Council consider waiving late fees and interest on past due utility and tax accounts and honoring the staff request to not disconnect service due to non-payment. Councilman Daly added that if Council decides to proceed in this fashion, we need to set specific beginning and ending dates and would like to consider using whatever date that the Governor determines as the end of the state of emergency. Council requested that the Treasurer's Department provide more detailed information as to the number of accounts and the financial impact of real estate tax accounts that are not escrowed through mortgage companies. Attorney Ham will research the legalities and bring it back to Council at its regular Council Meeting in April.

Manager Lawrence asked Council to consider approving regular pay for employees forced to stay at home due to COVID-19 if such a recommendation is made to have employees shelter in place. Attorney Ham advised that the U. S. Department of Labor passed the Families First Coronavirus Response Act which requires employers to pay an employee their regular pay for up to two weeks for specified reasons related to the COVID-19 virus. Council will need to further discuss and decide if they want to grant any additional benefits to Town employees affected and/or furloughed due to COVID-19. Manager Lawrence asked that if Council had requests for additional information prior to the Regular Council Meeting, that such requests be submitted to her by Wednesday so that staff can properly prepare prior to the disbursement of the Council Agenda Packets.

### **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 Jackson and seconded by Councilman Fletchall and carried by a roll call vote of 6 to 0, voting recorded as follows: DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; LEE – AYE; WORTHY – AYE; COLLIER – ABSENT; the Council recessed the meeting at 7:01 p.m.

### **OPEN SESSION**

Return to open session at 7:11 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:

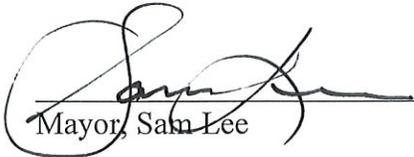
On motion by Councilman Daly, seconded by Councilman Oghren and carried by a roll call vote of 6 to 0, voting recorded as follows: DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; LEE – AYE; WORTHY – AYE; COLLIER – ABSENT; Council returned to regular session and certified that with respect to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

The meeting adjourned at 7:12 p.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Mayor, Sam Lee

  
\_\_\_\_\_  
Clerk, Christa Hall



**ORDINANCE ASSURING CONTINUITY IN THE  
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  - d. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter. Public comments may also be solicited and, if so solicited, received, via electronic and/or telephonic means if possible and practical. All such comments will be provided to the members of the body and made a part of the record of such meeting.
4. The Town Superintendent/Manager or Mayor, either of whom may act, are hereby authorized to take any other actions that are reasonable and necessary to effectuate the terms of this Ordinance.
5. This Ordinance shall expire six months after the disaster. Normal governmental authority and procedures shall resume upon the expiration of this Ordinance.

Ordained this 6<sup>th</sup> day of April, 2020.

**CERTIFICATE**

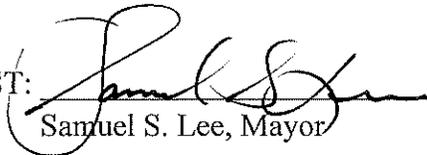
The undersigned Mayor and Clerk of the Town Council of the Town of Dayton, Virginia hereby certify that the foregoing constitutes a true and correct copy of an Ordinance Assuring Continuity in the Government of the Town of Dayton, Virginia adopted by the Town Council at a meeting held on April 6, 2020. A record of the roll-call vote by the Town Council is as follows:

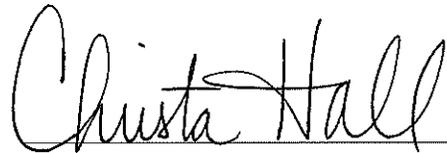
NAME	AYE	NAY	ABSTAIN	ABSENT
Samuel S. Lee, Mayor	X			
Jeffrey S. Daly	X			
L. Todd Collier				X
Zachary Fletchall	X			
Cary Jackson	X			
Robert "RJ" Ohgren	X			
Tara Worthy	X			

Date: April 6, 2020

[SEAL]

ATTEST:

  
Samuel S. Lee, Mayor

  
Christa Hall, Clerk

