

DAYTON TOWN COUNCIL MINUTES

February 09, 2009

COUNCIL MEMBERS PRESENT: Mayor LJ Purcell, Donna H. McCormick, Donna W. Bodkin, Steven J. Dean, Lisa R. Halterman, Charles T. Long, Gregory L. Trissel and Carolyn H. Ware.

COUNCIL MEMBERS ABSENT: None.

ALSO PRESENT: J. Jay Litten, Attorney; Rick Chandler, Town Superintendent; Chief Donald Conley; Ron Stover, Treasurer; D-NR and The Shenandoah Journal reporters; many local citizens and Pamela Shoemaker, Recorder.

CALL TO ORDER:

Mayor Purcell called the meeting to order at 7:00 p.m. and welcomed guests. The Pledge of Allegiance was led by Mayor Purcell and the Invocation was led by Rick Chandler.

MINUTES:

Mayor Purcell asked for comments on and approval of the minutes from the December 31, 2008 called Council meeting. Lisa Halterman questioned the time that the meeting began and if the meeting had been posted. Donna Bodkin asked why the Mayor was not signing checks and stated that she disagrees with the signing of the bills being discussed as a personnel issue. Mr. Chandler stated that there was no policy as to who signed checks. However, when asked, the auditors had stated that the manager and treasurer should be signing checks, since it was an administrative function. Lisa Halterman said the agenda stated the meeting was not to begin until 4:15 p.m. but the meeting began at 4:02 p.m. Mr. Chandler stated the meeting began at 4:10 p.m. Donna McCormick stated that she did not see the rush to have the meeting at the last minute and questioned if the meeting needed to be posted in two places. Mrs. McCormick inquired about Mr. Chandler's contract with the town. Greg Trissel stated that he was not present for the vote to approve the contract between Mr. Chandler and the Town. After much discussion Charles Long suggested they amend the time on the minutes from 4:10 p.m. to 4:02 p.m. A motion to approve the amended December called minutes by Charles Long was seconded by Steve Dean and passed unanimously by Council. Those in favor: Purcell, Ware, Dean, Long and Trissel. Those opposed: McCormick, Bodkin and Halterman. Abstentions: none.

MOVED TO APPROVE THE AMENDED MINUTES FROM THE DECEMBER 31, 2008 CALLED COUNCIL MEETING.

Mayor Purcell asked for comments on and approval of the minutes from the January 12, 2009 Council meeting. Donna Bodkin stated that the minutes should be changed from several local citizens were present to many local citizens were present. A motion to approve the amended January minutes by Charles Long was seconded by Greg Trissel

and passed unanimously by Council. Those in favor: Purcell, McCormick, Bodkin, Dean, Halterman, Long, Trissel and Ware. Those opposed: none. Abstentions: none.

**MOVED TO APPROVE THE AMENDED MINUTES FROM THE
JANUARY 12, 2009 COUNCIL MEETING.**

SPECIAL PRESENTATION: Officer David Moran spoke about the SRO position at the Dayton Learning Center. Officer Moran stated that a lot of the students who attend the Learning Center cannot attend regular school. These students may have mental health issues, weapons charges, assault and battery charges, drug violations, truancy violations, as well as belonging to gangs. Principal Mary Hawkins thanked the police department and Lt. Hanlon for writing the grant that enabled them to have Officer Moran as their Resource Officer. Ms. Hawkins stated that this school year has been one of the smoothest years at staying on task and getting things done because of Officer Moran's presence.

POLICE REPORT: Chief Conley

Chief Conley read the police report. Chief Conley stated that the police department has raised \$3,000.00 for the UVA Children's Hospital. Chief Conley also stated that there is a scam going around where well dressed college students are going door to door saying that they are giving away dish detergent for a college project. They try to force their way inside the house so they can look around.

STAFF REPORT: Rick Chandler

- The Sewer Authority Project continues to be on schedule. Work on the raw sewage pump station is a little behind, but the contractor is working to bring that back up to schedule this month.
- We have narrowed the selection to three firms to be interviewed for the next phase of the TEA-21 Project. Per Mr. VanLeer, VDOT representative, that phase will be conducted on February 18, 2009 here at the Town municipal building.
- January Sewer Authority report – average flows were 10 MGD and year to date average flow were 9.50 MGD. All permit requirements were met for the month of January including phosphorus levels which were down slightly.
- Fiscal year 2009-2010 budget - I have started the process of reviewing and gathering information for establishing a preliminary budget for review with the Finance committee and would like to meet with them possibly the first week of March.
- Per citizen's requests, we have ordered new street signs for Stonecroft Drive, and have initiated a request for a new street light at the intersection of Stonecroft and Mason.
- I have contacted two consulting firms, Springstead, Inc. and Coffman and Canolles concerning feasibility study.
- I have received benefit information from three municipalities.

COMMITTEE REPORTS:

Sewer Authority: Rick Chandler

- Was reviewed under the staff report.

Finance: Donna McCormick

- No report, but would like to schedule meeting to go over benefit package information received from other municipalities.

Facilities: Steve Dean

- The Ashby Street Waterline is 600 feet from completion. The first section has passed the “bac-T” tests and the second section should be finished within two weeks, per our contractor.
- Rt. 257 Sewer Improvement project is finally moving along and should be finished in one month. I would like to meet with Mr. Chandler, Mr. Hill, the contractor and Councilman Long as soon as possible to discuss a resolution to finishing the project.

UNFINISHED BUSINESS:

There being no unfinished business, the meeting continued.

NEW BUSINESS:

Mayor Purcell asked if there was any new business to be discussed. Charles Long stated that several of the Council members did not know what committees they were on until tonight. Mr. Long stated that there had not been any discussion with them about the committees and it was very important for the Mayor and the Council to communicate effectively. Mr. Long also stated that he is working with the police department to start the “Operations Care Program” which will assist the Town citizens who needs someone to check in on them. More information can be found in the Dayton Discovery.

Lisa Halterman made a motion that the Town should return the drive through hours back to 8:00 a.m. to 4:30 p.m. and have all office staff, excluding the police officers, work 8:00 a.m. to 4:30 p.m. Donna McCormick seconded the motion. After much discussion the Council voted and the motion failed. Those in favor: McCormick, Bodkin and Halterman. Those opposed: Purcell, Ware, Dean, Long and Trissel. Abstentions: none.

Carolyn Ware stated that she has had Town citizens calling her about budget losses, etc., she explained that to date, no committees were in place to discuss these issues. A motion that a new Mayor has committees in place as of January 01 was made by Carolyn Ware and seconded by Donna Bodkin. Jay Litten stated that there was already a charter in place and there was no need for Council to take action. Carolyn Ware withdrew her motion and Donna Bodkin withdrew her second to the motion.

OPEN FORUM:

Mayor Purcell asked for public comments or questions.

John Braithwaite stated that he was there representing the Dayton Merchants Association which was working to promote commerce and tourism in Dayton. Mr. Braithwaite stated that the Merchants Association was working on new projects such as putting up new

updated signs in Dayton and initiating a website for the Town of Dayton with as many links to the area businesses and information as possible. Mr. Braithwaite thanked the Town Council for their generous donation.

Jane Braithwaite stated that she was speaking on behalf of the Dayton Neighborhood Watch and thanked the Town Council for their generous \$1,000.00 donation. Mrs. Braithwaite stated that the Neighborhood Watch was against the Council cutting any of the police officers and they had a petition with at least 200 signatures stating their opposition. Mrs. Braithwaite stated that the citizens wanted to have 24/7 coverage from the police officers. Mrs. Braithwaite asked for a public hearing to be held before any decision is made so that there can be public comment. Mrs. Braithwaite also stated her personal support for keeping all of the police officers.

Aaron Swindle stated that he is the president of the Dayton Neighborhood Watch and he does not want the number of police officers cut. Mr. Swindle stated that he is disappointed that the Town eliminated the landscaping position. Mr. Swindle also stated that the Town runs like a clock and is well organized with everything from the snow removal to the trash removal.

Paige Will thanked everyone for their service. Mr. Will stated that Dayton has been a good place to live since he moved there in 1962 and that Mr. Chandler and his staff have been very helpful in many ways. Mr. Will also stated that the Dayton police have excellent speed control and he thanked the Chief and his staff for all that they do. Mr. Will suggested that the speed limit from Bridgewater to Harrisonburg be changed to a 45 mph.

Fay Bentz thanked the Council, the police department and staff for the services they provide in Dayton and for keeping taxes low. Mrs. Bentz stated that she appreciated the 24/7 police coverage and it is very reassuring for her as she gets older.

Bruce Powers stated that he has lived in Dayton for almost four years now. Mr. Powers stated that he feels safer knowing the police officers are here 24/7. Mr. Powers stated that he was shocked about the petition and the possibility of reducing the police force.

Judy Way stated that she disagrees with a feasibility study because it would be too costly and the Town has an excellent superintendent, managers, staff and police department. Mrs. Way suggested they find other ways to keep the budget low like putting a freeze on large expenditures, new hires and pay raises. Mrs. Way also stated that the Town needs to encourage new businesses, continue to keep the taxes low, no property taxes and continue with the annexation plans. Mrs. Way suggested the Mayor and Council lower their salaries if they want to help with the budget since theirs are the highest in the county.

Phil Way stated that the Town had \$3 million in the bank but their employees were in fear of losing their jobs because of budget cuts. Mr. Way stated that there were other ways to cut the budget without hurting people.

Cary Jackson questioned the Council's transparency, since they called a meeting on December 31, 2008. Mr. Jackson asked how long Mr. Chandler had been Town Superintendant. Mr. Jackson questioned the need for a contract after 19 years and was there a raise involved with the contract. Mr. Jackson questioned Mr. Long and Mrs. Ware as to why they will not agree to get pricing for the feasibility study. Mr. Jackson questioned the Council emailing each other and Mr. Litten stated that the Council has every right to email another member and, when done properly, it does not constitute a meeting.

John Jacobson stated that the Council had wasted a lot of time arguing over the minutes and said their behavior was very embarrassing. Mr. Jacobson questioned the Mayor about the closed session meeting last month on public safety and asked why the police chief was not in the meeting. Mr. Jacobson stated that he was opposed to a reduction in the police department. Mr. Jacobson asked the Mayor what he had done as Mayor to initiate all of this and asked the Mayor if the Town was financially in good shape. Mr. Jacobson stated that the police officers provide good protection for our families.

Jerry Critcher stated that he loved this Town and it was the closest to Mayberry he could find. Mr. Critcher asked about the vacant Planning Commission position and how that will be filled. Mr. Critcher stated that he gives his support to the police department. Mr. Critcher also stated that the Westview Street sign is missing and needs to be replaced. Mr. Critcher stated that the Council needs to work together to get things accomplished.

David Gallatin stated that he opposed the feasibility study especially if it meant cutting salaries and he opposed cutting the police force. Mr. Gallatin stated that we need to keep customer service.

Betty Lou Huffman stated that she agrees with most of the things said tonight. Mrs. Huffman stated that based on the last election there were things that people were not happy with. Mrs. Huffman stated that the Town needed to be careful with perceptions.

MAYOR AND COUNCIL COMMENTS:

Jay Litten stated that he wanted to clear things up about the closed session from the last Council meeting. Mr. Litten stated that the closed session was his advice. Mr. Litten stated that it was a legal matter between the Town and their attorney and no one else needed to be present.

Carolyn Ware stated that she met with the Mayor and he assigned her to the committees and told her he would like the Town to know what they discussed, but was not sure how to go about it. Mrs. Ware also stated that the Mayor had told her that the Town had a perception that she wasn't doing her job and they did not want her to be finance chairperson. Mrs. Ware stated that there can be no team work as long as disrespect rules.

Mayor Purcell stated that the elections were very clear to him and reflects committee assignments. The Mayor stated that one of his goals in forming committee structure is to

remove the stigma or black eye that the Barrett report has had on this Town. The Mayor also stated that with Mrs. McCormick's status as a CPA along with our new treasurer, Mr. Stover's status as a CPA, it is a win, win situation for the Town.

APPROVAL OF BILLS:

A motion to approve the bills by Donna McCormick was seconded by Steve Dean and passed unanimously by Council. Those in favor: Purcell, McCormick, Bodkin, Dean, Halterman, Long, Trissel and Ware. Those opposed: none. Abstentions: none.

MOVED THAT THE BILLS TO BE PAID TOTALING \$401,526.61 BE APPROVED.

A motion by Donna Bodkin to recess into closed session to consult with legal counsel regarding public safety was seconded by Donna McCormick and passed unanimously by Council. Those in favor: Purcell, McCormick, Bodkin, Dean, Halterman, Long, Trissel and Ware. Those opposed: none. Abstentions: none.

MOVED TO RECESS INTO CLOSED SESSION UNDER SECTION 2.2-3711(A) (7) OF THE STATE CODE.

Recessed to closed session at 9:59 p.m.

Back in regular session at 10:15 p.m.

Motion passed unanimously by call of the roll. Those in favor: Purcell, McCormick, Bodkin, Dean, Halterman, Long, Trissel and Ware. Those opposed: none. Abstentions: none.

MOVED TO ADOPT RESOLUTION CERTIFYING THAT THE CLOSED SESSION WAS HELD IN CONFORMITY WITH VIRGINIA LAW.
(Resolution appended to minutes.)

There being no further business to come before the council, a motion to adjourn by Lisa Halterman was seconded by Charles Long and passed by Council. Those in favor: Purcell, McCormick, Bodkin, Dean, Halterman, Long, Trissel and Ware. Those opposed: none. Abstentions: none.

The meeting adjourned at 10:18 p.m.

Respectfully Submitted,

LJ Purcell, Mayor

Pamela Shoemaker, Recorder