

**DAYTON TOWN COUNCIL MINUTES**  
**April 8, 2019**

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

**COUNCIL MEMBERS ABSENT:** Todd Collier

**ALSO PRESENT:** Jordan Bowman, for Town Attorney; Joseph S. Paxton, Interim Town Superintendent; Daniel Hanlon, Chief of Police; and Kimberley Clark, Recorder.

**CALL TO ORDER:** Mayor Lee called the meeting to order at 7:00 p.m. Mayor Lee welcomed everyone and led the Invocation and Pledge of Allegiance.

A resolution of recognition was read by Interim Town Superintendent Paxton for Jean D. O'Brien, proprietor.

A motion by Councilman Cary was seconded by Councilman Daly and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; to recognizing Jean D. O'Brien for her Service to the Town of Dayton, as follows:

***WHEREAS***, Jean D. O'Brien opened a children's clothing and shoe store in 1980 in Dayton's "Triangle", at the corner of College and Main Street, operating as *Kids Korner*; and

***WHEREAS***, five years later, Mrs. O'Brien and her late husband, William G. O'Brien, purchased the current location at 213 Main Street, a location where her business has remained for the past 34 years; and

***WHEREAS***, during that time, the O'Brien family renovated and improved a historic property adding two apartments and space for two businesses, and greatly improving and beautifying the property along Main Street in the downtown business area; and

***WHEREAS***, in 2004, Mrs. O'Brien "downsized" her business and continued as *Goody 2 Shoes*, the premier children's shoe store in the Harrisonburg metropolitan area; and

***WHEREAS***, in addition to her work developing a thriving small business in Dayton, Mrs. O'Brien, working with others in the local business community, was instrumental in establishing *Dayton Days*, the largest town festival in Rockingham County, which will celebrate its 40<sup>th</sup> anniversary this October; and

***WHEREAS***, Mrs. O'Brien will "retire" this month after almost 40 years in the children's apparel business.

***NOW, THEREFORE BE IT RESOLVED***, that the Town Council of the Town of Dayton does hereby applaud and recognize Mrs. O'Brien for her service to the Dayton community, and thanks her for her commitment to making Dayton a better place to work, live and raise a family; and

***BE IT FURTHER RESOLVED*** that the Council does wish her well in retirement and hopes that she will remain an important member of our business community.

Mayor Lee presented Mrs. O'Brien with a certificate.

### **APPROVAL OF MINUTES FOR REGULAR MEETING OF MARCH 11, 2019**

Mayor Lee asked for comments pertaining to the minutes for Regular Meeting of March 11, 2019. Hearing none, a motion by Councilman was seconded by Councilwoman Worthy and carried by a roll call vote of 5 to 0, voting recorded as follows: LEE – AYE; DALY – Abstained; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council approved the minutes for the regular Council Meeting of March 11, 2019.

Bonnie Riedesel, Executive Director, of the Central Shenandoah Planning District Commission (CSPDC) gave an overview of the localities served, mission, and services provided by the CSPDC including planning services, technical assistance, grant writing services, and project development. Rockingham County pays the Town dues. Ms. Riedesel reported on regional projects that Dayton has been a part of including The Upper Shenandoah Water Supply Plan, Chesapeake Bay Watershed Improvement Project, the Hazard Mitigation Plan, and the 2017 completion of the Dayton Community Strong Plan. Ms. Riedesel also discussed the CSPDC's On-call Consultant Program that offers the Town access to six engineering firms through a joint procurement agreement with the Town. Additionally, there is a GIS and utility mapping service that the agency can provide to the Town, including a proposal to purchase the ESRI software needed to collect, map, and maintain data of the Town's utility infrastructure (water/sewer lines, manholes, fire hydrants, etc.). The proposal to purchase the software, set-up the system and provide technical assistance and training would be approximately \$5,000 - \$6,000. Grants to cover this cost are difficult to obtain; and often they would be regional, requiring 50/50 matching. This program is not initially survey quality grade. Presently the Town's mapping is on paper only. In comparison, an outside contractor would charge approximately \$50,000.

### **APPROVAL OF PLANNING COMMISSION RECOMMENDATION OF SIGN ORDINANCE – PLANNING COMMISSION CHAIR MILLER**

Planning Commission Committee member, Councilman Fletchall, spoke in the absence of Chairman Miller, who offered comments pertaining to the Council's approval of the Planning Commission's recommendation to amend the sign ordinance. Mr. Bowman offered explanation that the proposed ordinance brings the Town in alignment with present court rulings (existing lawful signs would be "grand-fathered" in). A motion by Councilman Fletchall was seconded by Councilman Jackson and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE;

OHGREN – AYE; WORTHY – AYE; the Council approved the sign ordinance as recommended by the Planning Commission.

**APPROVAL OF RESOLUTION TO AUTHORIZE INTERIM TOWN SUPERINTENDENT TO EXECUTE USDA GRANT DOCUMENTS ON BEHALF OF THE TOWN – INTERIM TOWN SUPERINTENDENT PAXTON**

Action requested that Interim Town Superintendent Paxton receive authorization to execute USDA grant documents on behalf of the Town. The USDA grant is a supplemental grant for police department funding for radios, heat tickets, and computer equipment. With no further comments, on motion by Councilman Ohgren was seconded by Councilwoman Worthy and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council approved the authorization of Interim Town Superintendent Paxton be authorized to execute USDA grant documents on behalf of the Town as follows:

**RESOLUTION OF GOVERNING BODY OF  
TOWN OF DAYTON**

The Governing Body of the Town of Dayton, consisting of seven (7) members, in a duly called meeting held on the 8th day of April, 2019, at which a quorum was present **RESOLVED** as follows:

**BE IT HEREBY RESOLVED** that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) for the police equipment project to serve the community, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

**BE IT FURTHER RESOLVED** that the Town Superintendent of the Town of Dayton, Virginia be authorized to execute on behalf of Town Council the above-referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.

**APPROVAL OF PROCUREMENT POLICY – FINANCE COMMITTEE**

Finance Committee Chairman Daly offered comments on the Procurement Policy pertaining to the Council’s endorsement of the Finance Committee’s recommendation of a new procurement policy, to allow the Town to be more agile. Examples of changes made: adjustments in verbiage and dollar amounts of sealed bids, competitive negotiations, and processes for procurements. Towns under 3,500 residents are not required to follow state procurement regulations but the Town is approving this policy to provide structure to the Town’s purchasing. Items purchased costing more than \$100,000 will be required to go before Council for approval. Budgeted items above \$50,000 require three bids and must be approved by the Finance Committee (amount is

half of what state law allows). Budgeted items between \$10,000-\$50,000 require getting three bids, but do not require Finance Committee approval. Less than \$10,000 require two bids. If a purchase is less than \$500, an item can be purchased without requiring written bids. With no further comments, a motion by Councilman Fletchall was seconded by Councilman Daly and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council approved the procurement policy as presented by the Finance Committee.

### **APPROVAL OF FINANCIAL POLICY GUIDELINES – FINANCE COMMITTEE**

Finance Committee Chairman Daly offered comments pertaining to the Council’s endorsement of the Finance Committee’s recommendation for financial policy guidelines. Councilman Daily highlighted parameters of reserve accounts and that an Investment Committee (Finance Committee, Mayor, and Town Manager) will be created. Item #8 was amended to read: “The Town will account for funds donated for a specific purpose in such a manner so as to ensure that funds are used for the intended purpose. In considering accepting donations, Council should assess the merits of the program as if it were funded with local tax dollars. Care is to be taken not to create unintended, or on-going costs, or both by accepting the donation”. Item #5 was amended to read: “The Town will yearly review fees and user charges for the water & sewer operation to maintain fees at a level to cover both the direct and indirect cost of the service. Indirect costs include annual depreciation and amortization of capital assets”. With no further comments, a motion by Councilman Jackson was seconded by Councilwoman Worthy and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council approved the financial policy guidelines as presented by the Finance Committee, with #5 and #8 amended.

### **APPROVAL OF TOWN OF DAYTON EMPLOYEE HANDBOOK – PERSONNEL COMMITTEE**

Finance Committee Chairman Ohgren offered comments pertaining to the Council’s endorsement of the Personnel Committee’s recommendation for a revised Town of Dayton Employee Handbook. Further explanation was given by Interim Town Superintendent Paxton regarding the inclement weather policy. With no further comments, a motion by Councilman Ohgren was seconded by Councilman Daly and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council approved the new Town of Dayton Employee Handbook as presented by the Personnel Committee, with grammatical changes to be made.

### **SUPERINTENDENT’S REPORT**

Report attached to minutes.

- Councilman Daly and Councilman Jackson expressed interest in serving on the VML Committee. Form needs to be turned in by April 25<sup>th</sup>.
- Registrar's office requested holding a primary at the Town office on June 11<sup>th</sup>. Council concurred by consensus.
- Monday, April 22<sup>nd</sup>, VDOT will be holding a meeting at BRCC at 4:00 p.m. reviewing all policies and potential projects.
- Over the past two months, there was a review of the accounting function and evaluation of job assignments and position levels. The Town's internal auditors provided recommendations to improve the internal control within this function by better delineating the duties between positions, and providing for checks and balances in day to day operations. With the findings and recommendations received, Interim Town Superintendent Paxton proposed that in lieu of filling the vacant part-time Grant Writer's position, a second Accounting Technician position be established, whose primary responsibilities are purchasing and accounts payable. This person will also assist with the monthly general journal entry duties, collection of daily receipts, reconciling daily deposits, and backing up the accounts receivable and payroll functions. (Additional savings will come in the form of eliminating outside professional accounting fees, once a new Treasurer is hired.) The present Accounting Technician, whose primary responsibility is tax assessment and accounts receivable, will back up accounts payable.
  - A motion by Councilman Daly was seconded by Councilman Fletchall and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council approved the establishment of a second Accounting Technician position.
- Interim Town Superintendent Paxton recommended the authorization of the Town to allow employees that elect to enroll the opportunity to have the premium payments deducted from their paycheck, administered by the Virginia Retirement System (VRS) and underwritten by Genworth Life Insurance Co., for voluntary longer-term care insurance, at no cost to the Town. The enrollment period for this plan would take place later in the fall.
  - A motion by Councilman Jackson was seconded by Councilman Ohgren and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council approved the establishment the optional longer-term care insurance, administered by the Virginia Retirement System (VRS) and underwritten by Genworth Life Insurance Co.
- Interim Town Superintendent Paxton proposed meeting dates to gather with the Finance committee, pertaining to budget. Tentative meeting date Thursday, April 11<sup>th</sup> at noon, with a Special Council Meeting, budget work session, on April 24<sup>th</sup>, 6:00 p.m., in Assembly room of the municipal building, to go through budget and answer questions. Council concurred by consensus, for the April 11<sup>th</sup> and April 24<sup>th</sup> meeting dates.

## **TREASURER'S REPORT**

Report attached to minutes. Interim Town Superintendent Paxton thanked Mr. Lee Early, for preparing this report, prior to his retirement.

- **Approval of Accounts Payable.**

- On behalf of the Finance Committee, on motion by Councilman Fletchall was seconded by Councilman Jackson and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; COLLIER – ABSENT; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council approved the accounts payable listing for the period March 1, 2019 to March 31, 2019 totaling \$255,161.98.

## **POLICE REPORT**

Chief Hanlon gave the monthly activity report.

- Saturday, April 6<sup>th</sup>, at approximately 1:00 a.m., there was a motorcycle crash, leading to the driver's death.
- Background checks of recent applicants eliminated them as possible candidates.
- Reviewing of staffing models of five or six officers taking place.
- The Town is currently budgeted for six officers.
- Progress is still moving forward in removal of items at Mr. Hinton's residence.
- During a recent meeting with VDOT speed limit signs and the faded parking signs on Main Street were addressed. VDOT will be replacing two-"No Parking Here to Corner" and five-"No Parking This Side". None of the "hourly" parking signs, which were put up by the Town, meet code, because the signs have red letters, instead of black. Replacement/need is being looked at by the Economic Development Committee.

## **PUBLIC WORKS**

Russell Bailey provided a written report. Interim Town Superintendent Paxton provided further comment.

- The vacant Grounds and Maintenance Technician, has been filled. The new employee is scheduled to begin work tomorrow and is a former Town of Grottoes employee, who is also a member of Grottoes Volunteer Fire Department.
- Lukas Cooper is scheduled to take his CDL test next weekend and continues to train with Bridgewater, and may train in Harrisonburg.
- Interim Town Superintendent Paxton and Mr. Bailey are having discussions regarding employee(s) for the summer.

## **ZONING**

Susan Smith provided a written report. Interim Town Superintendent Paxton provided further comment.

- Staff met with Rockingham County and the property owners at Willow West and Dayton West last Friday to discuss storm water issues.
- Itinerant merchants' business license fee is being studied.
- Interim Town Superintendent Paxton emailed Mr. Burkholder regarding the completion of sidewalks.

## **EVENTS AND MARKETING**

Mike Betts provided a written report.

## **ANNEXATION**

None.

## **ECONOMIC DEVELOPMENT**

- Meeting tomorrow with Jacob Cooper, Extension Agent, Horticulture, with Rockingham, Augusta, Rockbridge, Highland, and Bath Counties Virginia Cooperative Extension, to discuss the planned planter beautification plan.
- Banners are on order for spring, with Bridgewater agreeing to help install, by use of their bucket trucks.
- Streets will be cleaned one-week prior to Redbud.

## **FINANCE**

No further report.

## **HARRISONBURG/ROCKINGHAM REGIONAL SEWER AUTHORITY**

Budget approved at last meeting; moving forward with Inflow & Infiltration study.

## **INFRASTRUCTURE**

- Met April 2<sup>nd</sup>, with the following items being discussed:
  - Well #2 remains off line. Sydnor Hydro, Inc. is to begin repairs on a broken shaft. Staff has detected a noise in Well #1, believed to be related to the bearings in pump motor. Sydnor will evaluate this pump while on site to determine the necessary repairs. During this work, the Town is drawing water from the County under the water exchange agreement.
  - Two proposals for a Supervisory Control and Data Acquisition (SCADA) system were reviewed. Due to substantial price differences, Mr. Hylton is reviewing all proposals.
  - Utility mapping will be provided by Central Shenandoah Planning District Commission.

- Utility systems update: Included in the current budget are two projects: upgrading the backwash system at the water treatment plant and maintenance of the sewer line along Mason Street in front of the Municipal Building. Staff is getting bids for both of these projects and expects to have them complete by the end of the summer.
- Two options regarding a recycling proposal to provide recycling within the Town on a limited basis were reviewed. However, due to many concerns, such as limited accepted items, Town responsibilities and cost, it was the consensus of the Committee that until curbside recycling can be reinstated at level that recycles a sufficient number of items and is affordable that the Town not proceed at this time.
- Staff updated the Committee on work to complete the Mill Street project plans, expected by the end of April. A meeting will be scheduled, once the plans are complete, and prior to sending them to VDOT for approval, with those residents impacted by the project to advise them of the plans and give them an opportunity to ask questions.
- Regarding our water system, Interim Town Superintendent Paxton stated that the first step is a comprehensive study, including pricing, then prioritization.

### **PARKS & COMMUNITY DEVELOPMENT**

- Greenway ribbon cutting will be Friday, April 26<sup>th</sup>, at 10:00 a.m. on the Cooks Creek Park entrance to the Greenway.

### **PERSONNEL**

No further report.

### **MAYOR AND COUNCIL**

- Mayor Lee happy of how quickly decisions/actions are taking place and is excited by all the upcoming events.
- Councilman Daly saw VDOT on the one-way bridge. Interim Town Superintendent Paxton reported that VDOT is starting to lay back curve for sight distance.

### **UNFINISHED BUSINESS**

None.

### **NEW BUSINESS**

None.

### **PUBLIC COMMENT**

- Cheryl Lyons reported that there was an article in the newspaper last month, regarding Paige County recycling. Interim Town Superintendent Paxton indicated that he spoke with someone in Paige County, who stated they were using the company, Green Earth. Curbside pick-up would have an additional cost of \$10.75 per household, per month for #2 plastic,

aluminum, newspaper, and cardboard products. Rockingham County is continuing to take #1 plastic (heavier grade plastic) and #2 plastic (milk cartons and hard-dark plastic), however, they must be separated.

- Rhonda Johnson said there are a small supply of police support shirts available.
- Rhonda Johnson feels that Resource Officer Conley is worthy of budgeting his pay, to reinforce positive relationships.
- Rhonda Johnson encouraged Council to continue the urging of recycling and looking for alternatives.

## **CLOSED SESSION**

On behalf of Interim Town Superintendent Paxton, a motion by Councilman Daly was seconded by Councilman Ohgren and carried by a roll call vote of 6 to 0, voting recorded as follows: LEE – AYE; DALY – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; the Council recessed the meeting at 9:24 p.m. to 9:57 p.m., for a closed meeting in accordance with Section 2.2-3711(A)(1) - Discussion of the hiring or appointment of specific public officers, appointees, or employees – the subject matter is the appointment of a specific public official; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by our attorney, as authorized by section 2.2-3711(A)(8) of the state code – the subject of the meeting is the Dayton Muddler.

Return to open session 9:57p.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 Councilwoman Worthy and carried by a roll call vote of 6 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.

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## **ADJOURNMENT**

With there being no further business to come before the Council, Councilman Ohgren made a motion to adjourn, and seconded by Councilman Fletchall and the motion passed unanimously.

The meeting adjourned at 9:59 p.m.

Respectfully Submitted,

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Mayor, Sam Lee

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Deputy Clerk, Kimberley Clark