

**TOWN OF DAYTON
SPECIAL CALLED TOWN COUNCIL
VIRTUAL MEETING MINUTES
VIA ZOOM MEETING PLATFORM
February 8, 2021**

COUNCIL MEMBERS PRESENT: Mayor Cary Jackson, Dale Rodgers, Tara Worthy, Bradford Dyjak, Heidi Hoover, Robert Seward and Emily Estes.

COUNCIL MEMBERS ABSENT: None.

ALSO PRESENT: Angela Lawrence, Town Manager, and Christa Hall, Clerk of Council and Community Development Coordinator.

CALL TO ORDER: Mayor Jackson called the meeting to order at 5:15 p.m. and welcomed everyone. He explained that we were meeting virtually due to the Governor's order restricting public gatherings due to COVID-19. Town Clerk Hall called the roll.

CLOSED SESSION: Councilperson Dyjak made a motion to convene into closed session in accordance with Section 2.2-3711(A)(8) of the Virginia State Code to discuss, consider or interview prospective candidates for appointment to the Planning Commission and the Economic Development Authority. The motion was seconded by Councilperson Hoover and passed unanimously. The Council recessed the open meeting at 5:16 p.m.

OPEN SESSION: A motion to adjourn the closed session was made by Councilperson Rodgers, and seconded by Councilperson Dyjak, and passed unanimously. The open session reconvened at 5:58 p.m.

CERTIFICATION: Mayor Jackson read the certification with respect to the just-concluded closed session, and to the best of each member's knowledge that (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. Town Clerk Hall took a roll call with each Councilmember so certifying.

ADJOURNMENT: With there being no further business to come before the Council at its Special Called Meeting, Councilperson Rodgers made a motion to adjourn, Councilperson Seward seconded the motion; motion passed unanimously.

The meeting adjourned at 6:00 p.m.

**TOWN OF DAYTON
REGULAR COUNCIL MEETING
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VIA ZOOM MEETING PLATFORM
February 8, 2021**

COUNCIL MEMBERS PRESENT: Mayor Cary Jackson, Dale Rodgers, Tara Worthy, Bradford Dyjak, Heidi Hoover, Robert Seward, and Emily Estes.

COUNCIL MEMBERS ABSENT: None.

ALSO PRESENT: Angela Lawrence, Town Manager; Jordan Bowman, Town Attorney; Justin Trout, Police Chief; Susan Smith, Town Treasurer; and Christa Hall, Clerk of Council and Community Development Coordinator.

CALL TO ORDER: Mayor Jackson called the meeting to order at 6:00 p.m. and welcomed everyone. He explained that we were meeting virtually due to the Governor's order restricting public gatherings due to COVID-19. Town Clerk Hall called the roll. Mayor Jackson led the Invocation and the Pledge of Allegiance.

APPROVAL OF MINUTES FOR THE REGULAR COUNCIL MEETING OF JANUARY 11, 2021 AND THE COUNCIL TRAINING SESSION OF JANUARY 25, 2021:

Councilperson Dyjak made a motion to approve the minutes as written for the Regular Council Meeting of January 11, 2021 and the Council Training Session of January 25, 2021; the motion was seconded by Councilperson Hoover and approved by a roll call vote of 7 to 0, the voting recorded as follows: RODGERS—AYE; WORTHY – AYE; DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; JACKSON—AYE.

ACTION ITEM: CONSIDERATION OF AN ORDINANCE AMENDING AND REENACTING TITLE 7 OF THE TOWN CODE OF ORDINANCES, REGARDING REFUSE:

Mayor Jackson asked Manager Lawrence to provide a staff report. Manager Lawrence explained that pursuant to Council's wishes, staff and the Town Attorney reviewed the Town Refuse Code and it was determined that a complete revision was required as many portions of the current Code were inaccurate and out of date. Councilperson Estes made a motion to approve the Ordinance Amending and Reenacting Title 7 of the Town Code of Ordinances, Regarding Refuse, as written. The motion was seconded by Councilperson Hoover. Mayor Jackson asked if Council had any questions or if there was any discussion. After hearing none, the Motion was approved by a roll call vote of 7 to 0, the voting recorded as follows: RODGERS—AYE; WORTHY – AYE; DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; JACKSON—AYE. The Ordinance reads as follows:

**AN ORDINANCE AMENDING AND REENACTING
TITLE 7 OF THE TOWN CODE OF ORDINANCES,
REGARDING REFUSE**

WHEREAS, the Town of Dayton, Virginia (the "Town") operates a local waste disposal service pursuant to Section 2.5(d) of the Town's Charter and pursuant to Virginia Code § 15.2-928 consisting of (i) weekly refuse collection by an independent contractor and (ii) monthly pickup of bulk trash items by the Town; and

WHEREAS, the Town has an interest in the appearance and the general safety, health, and welfare of the Town, and is authorized to compel the abatement and removal of nuisances; and

WHEREAS, the Town has determined that outside storage of junk, trash, rubbish, garbage, and other similar items is a nuisance; and

WHEREAS, the Town further desires to update Title 7 of the Town Code of Ordinances to reflect current refuse collection practices; and

WHEREAS, the Town desires to set forth with particularity the conditions under which the outside placement or storage of bulk trash constitutes a nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Dayton, Virginia, that Title 7 of the Town Code of Ordinances is hereby amended and re-enacted in its entirety to read as follows:

§ 7-1. Definitions. For the purposes of this Title, the following terms, phrases, words, and their derivations shall have the meaning given by this section. When not inconsistent with the context in which used, words that are used in the present tense include the future, if used in the plural number they include the singular, and if used in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- (a) "Ashes" are the residue from the burning of wood, coal, or other combustible materials.
- (b) "Curbside" shall mean a location near the property line, easily accessible to the Town or the Town's contractor, and adjacent to the public right-of-way, but which location shall not be in the street or on the sidewalk in a manner so as to interfere with vehicular or pedestrian traffic.
- (c) "Garbage" is animal and vegetable waste capable of rotting or decaying and which results from the handling, preparation, cooking, or consumption of food.
- (d) "Person" means in addition to any person, also a firm, partnership, association, corporation, or organization of any kind.
- (e) "Refuse" is all solid wastes (except body wastes) whether capable of rotting or decaying or not, including but not limited to garbage, rubbish, ashes, soot cleanings, dead animals, feathers, abandoned automobiles, and solid market and industrial wastes.
- (f) "Rubbish" is solid wastes (excluding ashes) not capable of decaying or rotting, and consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.
- (g) "Manager" or "Town Manager" means the Manager for the Town of Dayton, Virginia, his or her designee, or such other person as may be appointed by the Town Council from time to time to fulfill the duties of the Town Manager hereunder.
- (h) "Town" means the Town of Dayton, Virginia.

§ 7-2. Refuse Collection.

- (a) The Town may engage a private contractor to collect refuse from residences within the Town. The contractor will collect such refuse as is provided in its contract with the Town.
- (b) The Town may operate a recycling center or contract for recycling services.
- (c) From time to time, the Town Manager may schedule the collection of refuse that is qualitatively or quantitatively beyond what the contractor will collect, within limits to be set by the Town Manager. Collection under this paragraph 7-2(c) is referred to in this Title as "Bulk Collection".

§ 7-3. Type of Refuse Collected. The Town, or the Town's contractor, will collect garbage, rubbish, and acceptable categories of refuse from residences within the Town; provided that the Manager shall have a right to determine what refuse is acceptable depending upon the quantity and type of refuse, and the obligations of the Town's contractor under Section 7-2(a). The Town may also decline to accept what the Manager considers to be an unreasonable accumulation of garbage and rubbish during a collection period without imposing a charge calculated to cover the actual costs of the collection of the excess material. The Town may, but shall not be obligated to, collect commercial refuse for a fee to be negotiated according to the type of waste and quantity thereof.

§ 7-4. Refuse not Acceptable for Disposal. Without limitation, the following categories of refuse shall not be acceptable for disposal:

- (a) Dangerous materials or substances such as poisons, acids, caustics, infected materials and explosives.
- (b) Materials resulting from the construction or demolition of buildings and structures or from the clearance of vacant or improved property in preparation for construction or occupancy. The Manager may, but shall not be obligated to, accept this refuse upon negotiating a fee for the collection for the same with the user.
- (c) All large and bulky materials, such as motor vehicles or parts of motor vehicles, tree trunks and stumps that may require special preparation and processing for disposal.
- (d) Any materials which create an unusually bad odor such as manure or rotten and unhatched eggs.
- (e) The bodies of dead animals.
- (f) Hot ashes.
- (g) Liquids.

§ 7-5. Placement of Refuse. Refuse shall be placed curbside in a manner so as not to interfere with vehicular or pedestrian traffic.

§ 7-6. Time of Placement. Refuse shall be placed for collection no earlier than 5:00 p.m. on the afternoon preceding the collection day and must be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

§ 7-7. Regulations Concerning Containers.

- (a) Except for Bulk Collection or as otherwise specifically provided herein, all refuse must be placed for collection in containers of a type and size approved by the Town, maintained in good condition and free from holes. The Town may require the use of containers provided by the Town or by the Town's contractor. The Town will not be responsible for collection of materials that are not placed in approved containers.
- (b) The Town may impose a limit on the weight of refuse placed in containers or on the number of containers per residence.

§ 7-8. Allowing Refuse to be Scattered. No person shall leave or deposit refuse in such a location and in such amount that it may be carried by the elements upon any street, sideway, alley, or other public place, or into any occupied premises within the Town. The owners and occupants of real property shall be responsible for the proper maintenance of dumpsters, recycle containers, grease dumpsters, and similar storage bins. Except for the placement of items allowable for Bulk Collection and within the time limitation specified in Section 7-15, no refuse or other similar materials shall be allowed to accumulate in the immediate area of any such bin. Because refuse and other similar materials around dumpsters can attract unwelcome animals, harbor germs, interfere with traffic, and obstruct parking, the violation of this section shall be a *per se* violation of § 1-48 of the Town Code and shall trigger the civil penalties established therein.

§ 7-9. Town Manager to Promulgate Rules and Regulations. The Town Manager is empowered to adopt and put into force such rules and regulations governing refuse collection and refuse disposal as the Town Manager may deem necessary, provided that such rules and regulations are consistent with this Title 7 and impose no criminal penalties.

§ 7-10. Scheduled Collections. The collection dates for refuse collection, Bulk Collection, and recycling collection, if any, shall be fixed from time to time by the Town Manager.

§ 7-11. Rates and Charges. The rates charged for the collection of refuse shall be fixed from time to time by the Town Council. Such fees shall be mandatory for all residents in the Town, irrespective of the actual use of the services provided. Businesses that utilize a refuse collection service other than the Town's service shall be exempt from the Town's fee. The Town may bill refuse, water, and sewer services together, and may allocate payments received to refuse services first and water and sewer services last. If a fee for refuse service is not paid when due, penalties and interest shall be imposed pursuant to Section 1-40 of the Town Code.

§ 7-12. Collection of Refuse Produced Outside of the Town Limits. The refuse collection program is operated by the Town for the disposal of refuse produced within the Town's corporate limits. No person shall deposit any refuse produced outside the Town at any point within the Town for collection and disposal, without first obtaining the express permission of the Town Manager. Violation of this section shall constitute a class 3 misdemeanor.

§ 7-13. Bulk Collection – Yard Waste. The Town Manager may schedule and require separate collection of yard waste such as weeds, brush, or trimmings. Such yard waste collection service may, at the discretion of the Town Manager, be limited to certain seasons. The Town Manager may impose requirements on the size and weight of yard waste, and may require that yard waste be placed in biodegradable bags.

§ 7-14. Bulk Collection – All Other Items. The collection of refuse under Section 7-2(c), such as heavy items, large amounts of brush, appliances, furniture, or mattresses, may take place at such time or times as designated by the Town Manager, who may impose limitations on the items that the Town will collect.

§ 7-15. Time of Placement for Bulk Collection. Refuse for Bulk Collection shall not be placed curbside except for the 48 hours before the start of collection.

§ 7-16. Civil Penalty for Certain Violations

Because the outdoor placement of refuse can cause a fire risk, obstruct streets or sidewalks, pose a danger to transportation, or provide harborage for rats or other vermin, a violation of Sections 7-5, 7-6, 7-7(a), 7-8, and 7-15, section shall be a *per se* violation of § 1-48 of the Town Code and shall trigger the civil penalties established therein.

ACTION ITEM: APPOINTMENTS TO THE PLANNING COMMISSION AND THE ECONOMIC DEVELOPMENT AUTHORITY:

Councilperson Dyjak made a motion to appoint Lauren Rawley to the Planning Commission to fill the unexpired term ending June 30, 2024 and to also appoint Colton Shifflett to the Planning Commission to fill the unexpired term ending June 30, 2023. The motion was seconded by Councilperson Seward and the Motion was approved by a roll call vote of 7 to 0, the voting recorded as follows: RODGERS—AYE; WORTHY – AYE; DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; JACKSON—AYE.

Councilperson Dyjak made a motion to appoint Neil Weldon to the Economic Development Authority to fill the unexpired term ending July 10, 2021 and also to appoint James Paladino to the Economic Development Authority to fill the unexpired term ending July 10, 2022. The motion was seconded by Councilperson Estes and the Motion was approved by a roll call vote of 7 to 0, the voting recorded as follows: RODGERS—AYE; WORTHY – AYE; DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; JACKSON—AYE.

MANAGER’S REPORT

Town Manager Angela Lawrence provided a written report, which is attached. Manager Lawrence added that the newly hired Economic Development Coordinator, Meggie Roche, was doing a great job and had hit the ground running accomplishing and tackling many projects in her short time with the Town. She asked extended high praise for Adam Meek in his new role as Public Works Supervisor and added that they had been very busy with the recent snow storms and had done a great job with removal. Manager Lawrence added that with the anticipation of an additional snow storm coming that the Town may seek to bring on additional contractors to assist with snow removal so that we are better able to run two 12-hour shifts.

TREASURER’S REPORT

Treasurer Susan Smith provided a written report.

POLICE REPORT

Chief Justin Trout provided a written report.

PUBLIC WORKS REPORT

Public Works Supervisor Adam Meek provided a written report.

WATER DEPARTMENT REPORT

Public Works Supervisor Adam Meek provided a written report.

COMMUNITY DEVELOPMENT REPORT

Community Development Coordinator Christa Hall provided a written report.

ECONOMIC DEVELOPMENT REPORT

Economic Development Coordinator Meggie Roche provided a written report.

ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT

Councilperson Dyjak welcomed Meggie Roche to the team and also extended his pleasure and appreciation with her efforts thus far and that Dayton has a good team in place now. He stated that the Committee met on February 5, 2021 and received a preview of the new website design which looked great. They discussed the goals for the upcoming budget year and reviewed the onboarding plan for Coordinator Roche. He advised Council that Ms. Roche will be making a presentation to the Greater Ashby Business Council.

FINANCE COMMITTEE REPORT

Councilperson Rodgers stated that the Committee met on February 4 and discussed the major ongoing projects. He stated that Manager Lawrence and Treasurer Smith had done a nice job preparing for the meeting and providing a budget analysis for the Committee's review. He feels that Dayton is off to a great start and is excited to begin the budget process in early March.

INFRASTRUCTURE COMMITTEE REPORT

Councilperson Dyjak stated that the Committee met on February 5th and discussed the Water Treatment Plant project, the CIP process, and goals for the upcoming budget year. He extended kudos to Public Works Director Adam Meek for the department's work during the recent snow storms and also mentioned his continued efforts in working on the ESRI mapping project.

PARKS, RECREATION & BEAUTIFICATION COMMITTEE REPORT

Councilperson Rodgers advised that the Committee met on January 29th and he welcomed Councilperson Estes to the Committee and stated that she had a lot of valuable input. They discussed upcoming projects and goals for the future. He stated that Manager Lawrence continues to work on the King Street Extension project and extended his appreciation for her continued efforts in getting the Mill Street Project up and running. He mentioned that the Mill is planning to hold their bicentennial celebration in the fall of 2022 and Cheryl Lyon has asked him to serve on a planning committee, which he has excitedly accepted. He ended his report by stating that they would be meeting again in early March to officially begin the budget planning process.

PERSONNEL COMMITTEE REPORT

No Report.

POLICE COMMITTEE REPORT

Councilperson Hoover stated that the Committee met on February 4th and began discussing the Department's needs for the upcoming budget. They will meet again in March to continue budgetary discussions.

MAYOR AND COUNCIL REPORT

Mayor Jackson asked for any additional Council comments. Councilperson Estes thanked Meggie Roche for her efforts and stated that she is a great addition to the team. Manager Lawrence stated that she had met with the facilitator from last year's retreat and discussed possible dates for a half day retreat this year. She added that the retreat will be held in-person and it is very important that all Council members attend. She will send out a calendar wizard to select a date that will work for all. Mayor Jackson thanked the Public Works Department for their efforts in the snow removal and for keeping our citizens safe. He also thanked Manager Lawrence and Treasurer Smith for taking time to prepare meals for the Public Works staff while they were working. Mayor Jackson stated that Officer Dollar was back at work full-time and he extended a thank you to Officer Robles for filling the void while we had an officer out. Mayor Jackson also congratulated Accounting Technician Kim Clark for completing Cash Management and Banking through the VGFOA. He further stated the importance of our staff completing these trainings for continuing their education and staying current with new information.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

None. Mayor Jackson acknowledged and thanked several citizens for taking their time to join us this evening.

ADJOURNMENT

With there being no further business to come before the Council, Councilperson Estes made a motion to adjourn, Councilperson Rodgers seconded the motion; motion passed unanimously.

The meeting adjourned at 6:32 p.m.

Respectfully Submitted,


Mayor, Cary Jackson


Clerk, Christa Hall

ATTACHMENT TO DTC 2.8.21 REGULAR MEETING MINUTES

Town Manager

Staff Report

January 2021

Personnel

1. Staff continues to be updated on a regular basis regarding the COVID-19 situation and workplace safety. I participated in a zoom meeting with the county and other towns regarding vaccines for essential workers, including continuance of government.
2. Meggie Roche began work as the Economic Development Coordinator on Tuesday, January 19, 2021. She has proven to be a great asset already.
3. Adam Meek began his role as the Public Works Supervisor. He continues to oversee the water plant, until a replacement can be hired. He has transitioned into the role seamlessly and has been eager to learn and take initiative.

Public Works, Roads, Facilities

1) **Water Plant Upgrade:**

Adam, Russell Jackson (engineer) and I met with several people from VDH regarding the water plant upgrade and financial package. The meeting was very comprehensive and informative. We sought additional clarification regarding the procurement process for engineering and equipment.

- a) An RFP was issued and advertised for engineering. The deadline for proposals is February 23rd. Council will be asked to approve a contract at the March 8 meeting.
- b) Once the contract is issued, the engineer will begin final design. Final design is projected to be 50% complete within 2-3 months, at which time we should be able to begin equipment procurement. Equipment delivery will take 6-9 months.
- c) Final design will be 100% complete within another 3 months, at which time specifications and bid packages will be ready. We will receive a .2% reduction on our finance rate if we close within 12 months. Closing will happen at the time that specifications, bids and contracts are complete.
- d) Payments will not be due until 6 months after the project is complete and on-line.

2) **Mill Street Project:**

- a) I continue to administer the project, completing required reports and pay requests. I participated in a training for VDOT's reporting system. Adam continues to conduct daily inspections and serve as the project supervisor.
- b) Construction began on Main Street mid-January.
- c) Several structures have been installed, along with pipe.
- d) Construction will be complete on Main Street on February 18. The next phase will be Mill Street from Main to College.
- e) I will continue to meet with property owners in advance of the project on their respective blocks.
- f) There are continued issues at the corner of Mill and Main. An update will be given at the meeting.

Community & Economic Development

- 1) See respective staff reports.
- 2) An onboarding plan was created and implemented to ensure that Meggie had the information needed to focus on her priority projects. I introduced her to retail and restaurant owners and other key stakeholders and provided background and necessary documents for her projects. Priority projects include: wayfinding signage program, new website, business relationships & newsletter, events including Dayton Days, Redbud, Muddler, and Easter Egg Hunt (or alternative).

Other

- 1) I coordinated committee meetings as well as council training and onboarding. I am working on plans for the council retreat.
- 2) I participated in a BRITE TAC meeting.
- 3) I met with Davenport regarding financial planning proposal.
- 4) I conducted the final inspection on the nuisance property. All conditions required have been met.
- 5) I participated in the initial website design meeting, the initial meeting with a potential designer of the wayfinding sign program, and internal Muddler meeting.

Items for Discussion and/or consideration

None

Respectfully submitted,

Angela A. Lawrence