

**TOWN OF DAYTON
REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS, DAYTON TOWN HALL
April 12, 2021**

COUNCIL MEMBERS PRESENT: Mayor Cary Jackson, Dale Rodgers, 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; Christa Hall, Clerk of Council and Community Development Coordinator; and Susan Mathias.

CALL TO ORDER: Mayor Jackson called the meeting to order at 6:00 p.m. and welcomed everyone. Town Clerk Hall called the roll. Mayor Jackson led the Invocation and the Pledge of Allegiance.

APPOINTMENT TO FILL TOWN COUNCIL VACANCY:

Councilperson Rodgers made a motion to appoint Susan Newcomb Mathias to the Dayton Town Council, effective immediately, to temporarily fill the vacancy created by Tara Worthy's resignation, for a term to continue until her successor is elected at the November 2, 2021 special election to fill the remainder of Ms. Worthy's term, and that successor has been duly qualified; the motion was seconded by Councilperson Estes and approved by a roll call vote of 6 to 0, the voting recorded as follows: RODGERS—AYE; DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; JACKSON—AYE. Mayor Jackson welcomed Mr. Chaz Haywood, Clerk of the Circuit Court of Rockingham County and asked him to administer the Oath of Office to Ms. Mathias. Ms. Mathias was officially sworn in as a member of the Dayton Town Council and took her seat on the dais for the remainder of the meeting. Mayor Jackson thanked Clerk Haywood for joining us tonight and welcomed Ms. Mathias to the Council.

APPROVAL OF MINUTES:

Councilperson Seward made a motion to approve the minutes as written for the Regular Council Meeting of March 8, 2021 and the Special Called Meetings of March 29, 2021 and April 5, 2021; the motion was seconded by Councilperson Dyjak and approved by a roll call vote of 7 to 0, the voting recorded as follows: RODGERS—AYE; DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; MATHIAS—AYE; JACKSON—AYE.

ACTION ITEM: APPOINTMENT OF TOWN ATTORNEY:

Mayor Jackson asked Manager Lawrence to provide a staff report. Manager Lawrence explained that Mr. Jordan Bowman and the law firm have been representing the Town of Dayton since August, 2020 and pursuant to the Town Charter, Council is to appoint a Town Attorney. Councilperson Rodgers made a motion to appoint Jordan Bowman and the law firm of Litten & Sipe, LLP as the Town Attorney. 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; DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; MATHIAS—AYE; JACKSON—AYE.

ACTION ITEM: APPOINTMENT OF TOWN ZONING ADMINISTRATOR:

Mayor Jackson asked Manager Lawrence to provide a staff report. Manager Lawrence explained that Christa Hall has served as the Town's Zoning Official since November of 2019 and that pursuant to the Town's Zoning Code, the Council must appoint a Zoning Administrator by formal resolution. Councilperson Dyjak made a motion to appoint Christa C. Hall as Zoning Administrator for the Town of Dayton. The motion was seconded by Councilperson Estes. 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; DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; MATHIAS—AYE; JACKSON—AYE.

MANAGER'S REPORT

Town Manager Angela Lawrence provided a written report, which is attached. Manager Lawrence added that the Personnel Committee met on March 31st to follow up on the matters discussed at the March meeting. The first was whether or not to extend benefits from the Families First Act that expired December 31, 2020 and it was decided not to extend them as all staff has had opportunities to get vaccinated. It was also decided not to make getting a vaccination a condition of employment but instead to consider a financial incentive, such as a bonus or additional merit increase to get the vaccine. This will be further discussed at the budget work session. Finally, they recommended to change the policy related to FMLA to continue to offer the benefits but clarify that our employees are not covered under FMLA. We are a covered agency, but our employees are not because we have fewer than 50 employees. This will formally come to council at the May meeting. She also provided an update to the camera and sound system for the Council Chambers stating that we are pricing the installation of a camera that will be able to see the entire dais and longer gooseneck microphones to pick up everyone's voices and a new soundboard. This new equipment will allow us to transmit the meeting online to the public for viewing and to make the meetings more accessible to everyone. Finally, she provided some legislative updates regarding the new laws pertaining to the legalization of possessing and growing marijuana beginning in July of 2021, with retail sales being allowed in January of 2024. The important thing to note is that if we want to pass a referendum to not allow retail sales in

Dayton, it will need to be filed by December 31, 2022. If the County were to file such a referendum, then the Town will follow suit with them and not need to take any additional action. She also highlighted the American Rescue Act stating that the General Assembly will need to further discuss and appropriate the funds designated for this plan. The funds should go out to larger localities on May 11 and our funds will go through the State of Virginia. We will continue to monitor and gather information as additional guidance comes out on this. Finally, she provided an update on the Marcus Alert system. Councilperson Dyjak thanked Ms. Lawrence for providing the legislative updates to Council.

TREASURER'S REPORT

Treasurer Susan Smith provided a written report and provided an update that there were no new water cut offs for this month and we suffered no adverse effects from the incorrect due date on the previous billing. She further advised that due to a change in Rockingham County's real estate tax billing procedure, staff will be making a recommendation to convert Dayton to billing once per year, as we are currently the only town in the area billing two times per year.

POLICE REPORT

Chief Justin Trout provided a written report.

PUBLIC WORKS REPORT

Public Works Supervisor Adam Meek provided a written report. Manager Lawrence added that our Public Works and Police Department worked together to get a community service group to clean up trash along Route 42 and we will try to get them back again soon, along with the jail inmate program.

WATER DEPARTMENT REPORT

Public Works Supervisor Adam Meek provided a written report. Manager Lawrence added that as she understands it, Cargill will stop running on Saturdays which will reduce the amount of water that we need to purchase from the County.

COMMUNITY DEVELOPMENT REPORT

Community Development Coordinator Christa Hall provided a written report.

ECONOMIC DEVELOPMENT REPORT

Economic Development Coordinator Meggie Roche provided a written report.

TOWN ATTORNEY REPORT

No report.

ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT

Councilperson Dyjak stated that the Committee will be meeting later this week to discuss a Façade Grant application that was just received from the Thomas House Restaurant. Under normal circumstances, the committee would meet, review and bring back to Council for consideration, but due to the timing of this request, Councilperson Dyjak is requesting that Council allow the Committee to review it and if they feel it is appropriate, approve the grant. The scope of the work will be to clean up some of the vines, remove a planter box and make repairs to the steps and the walkway leading off of Main Street. Councilperson Mathias made a motion to conditionally approve the grant for an amount not to exceed 50% (the max) of the total cost (share of \$3,100), but with further review by the committee. The motion was seconded by Councilperson Estes and approved by a roll call vote of 7 to 0, the voting recorded as follows: RODGERS—AYE; DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; MATHIAS—AYE; JACKSON—AYE.

FINANCE COMMITTEE REPORT

Councilperson Rodgers stated that the Committee met prior to the Council meeting to review the budget and discuss the probable upcoming changes to the Real Estate Tax billing procedure.

INFASTRUCTURE COMMITTEE REPORT

Councilperson Dyjak stated that the Committee met and had a good and what will prove to be an expensive discussion about the upcoming budget process. They will be bringing several items for the upcoming budget and CIP for Council's consideration. He also issued a thank you to staff, specifically to Ms. Lawrence, Ms. Smith and Mr. Meek for all their hard work and efforts on the budget process. He stated that the bulk of the work on the CIP will be this year and should be a simpler process moving forward. Finally, he extended congratulations to Ms. Reppe and Mr. Cooper, stating that we have a great team in place. He also provided an update for the bridge replacement project at Meigs Lane and the installation of a fire hydrant at that location, which will include an upgrade for the water and sewer line. That work will done jointly by the bridge contractors and our Public Works Department.

PARKS, RECREATION & BEAUTIFICATION COMMITTEE REPORT

Councilperson Rodgers advised that the Committee did not meet but that Committee Member Estes has an abundance of new ideas that they are working through and he anticipates some great things to come.

PERSONNEL COMMITTEE REPORT

Councilperson Hoover stated that the Committee met and Manager Lawrence had already covered their discussion.

POLICE COMMITTEE REPORT

Councilperson Hoover stated that the Committee did not meet but will have several items for Council's consideration at the Budget Work Session.

MAYOR AND COUNCIL REPORT

Mayor Jackson extended an official welcome to new Councilperson Susan Mathias, Jennifer Reppe in the Water Plant and Tammy Warner in Accounts Payable and offered congratulations to Lukas Cooper for obtaining his Class 3 Waterworks License. He went on to comment on the Easter Bunny parade and the huge turnout the Town had for that event. Mayor Jackson stated the best part of that was all the adults, children and visitors from outside Town that welcomed the Easter Bunny along his path. These are the things that make Dayton special. Events such as these could not happen without the support of the Town Staff. We are fortunate in Dayton that we have talented and creative people to pull these events together. Mayor Jackson asked for any additional Council comments, hearing none.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

Mayor Jackson acknowledged Ms. Cheryl Lyon, who had signed up to speak, and turned the floor over to her. Ms. Lyon stated that she recently drove past the new home being constructed on Mason Street on the lot that had once been a nuisance property in town. She noted that this is a good testament to the citizens who attended numerous meetings over the last several years to voice their concerns over the nuisance property and the Council members for addressing the matters legally and now the staff to apply pressure to take care of nuisance properties. And from that, we not only have an eyesore removed, but a nice home in its place—it is not just the absence of the nuisance, but the benefit of the good. Everyone should be congratulated for that and citizens should be encouraged to keep on keeping on even when it's tough because it really makes a difference. Mayor Jackson thanked Ms. Lyon for her comments.

ADJOURNMENT

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

The meeting adjourned at 6:44 p.m.

Respectfully Submitted,


Mayor, Cary Jackson


Clerk of Council, Christa Hall

ATTACHMENT TO DTC 4.12.21 REGULAR MEETING MINUTES

Town Manager

Staff Report

March 2021

Personnel

- 1) Staff continues to receive updates on a regular basis regarding the COVID-19 situation and workplace safety.
- 2) Jennifer Reppe was hired as the Lead Water Plant Operator. She began work on April 5th. She is a JMU graduate with a degree in Mathematics and most recently worked at the City of Harrisonburg water treatment facility.
- 3) Tammy Warner was hired as the Accounting Technician I. She began work on March 29th. She has extensive experience in the field.
- 4) At its meeting on March 31, personnel committee recommended:
 - a. not extend the benefits similar to the Families First Act that expired on December 31, 2020;
 - b. not to make vaccination a condition of employment, but to consider offering a financial incentive (\$500 or .5% merit) for those that are vaccinated. This will be discussed at the budget work session.
 - c. to change the policy related to FMLA to continue offering the benefits, but to clarify that employees are not covered under FMLA. This will come before Council at the May meeting.

Budget Process

- 1) Susan and I will present the initial budget draft at a Council budget work session on Monday, April 19 at 6 p.m. I will also present the draft CIP. Expect the work session to last three hours.
- 2) Planning commission will review the CIP at its April meeting and is expected to have a second CIP meeting in order to make a recommendation to the Council prior to the May council meeting.
- 3) After the work session, the budget will be revised and finalized and presented to Council at its May meeting. If Council concurs, the budget and CIP will then be advertised for public hearing at the June meeting.

Public Works, Roads, Facilities

- 1) **Water Plant Upgrade:**
 - a) A kick-off meeting was held Tuesday, April 6 with the project engineer, the lead water plant operator, public works supervisor and town manager.
 - b) In order to receive .2% reduction in the finance rate, the construction bids must be approved and the loan closed on February 4, 2022.
 - c) We will not make payments on the loan until six months after the project is completed.
 - d) Preliminary design plans are expected to be complete by late spring.
 - e) We should be able to procure equipment by summer 2021. There has been a price increase in the equipment since the PER was approved. There is an expected price increase planned for September. We anticipate procuring the equipment before that increase. We do not expect to spend any of the capital budget on equipment this year.
 - f) I will work on temporary construction easements and possible boundary line adjustments that may be needed for the new building.
 - g) Staff and the engineer are working to locate the existing water main on the site.

- h) We expect final design to be complete and construction bids to go out by October, with them due in December prior to the holidays. Council would then award the contract in January to allow us to meet the February deadline for closing. Since the PER was completed, and the VDH finance packet submitted, construction and materials costs have dramatically increased.
- i) Construction would start in April and last approximately 9 months, with the plant functioning in early 2023.

2) **Mill Street Project:**

- a) I continue to administer the project, completing required reports and pay requests. Adam continues to conduct daily inspections and serve as the project supervisor.
- b) Main Street was closed for a few days for the manhole related to the sewer line replacement. It is opened again.
- c) Mill Street between Main and College Streets will be opened on or about April 9th.
- d) The intersection at College and Mill will be closed for a portion of the week of April 12th.
- e) Work will then begin between College Street and Maple Lane.
- f) The fire hydrant will be relocated from the corner of College and Mill, to the corner of Mill and Maple, on the opposite side of the street.
- g) I have had discussion with the affected landowners. We will need an easement from the property owner for that. In exchange for not replacing landscaping, we will be making other modifications to the lawn at one house.
- h) Change order #3, in the amount \$6448.32, related to capping, sleeving the other fire hydrant line was submitted.
- i) Once the stormwater line is complete, the streets will be milled in some areas with a 2" overlay pavement throughout the project.
- j) We expect to save some costs originally budgeted for rock removal and milling to off-set some of the change orders.

Other

- 1) The Council retreat was rescheduled for Thursday, April 29, 12:30 – 5:00 PM.

Items for Discussion and/or consideration

None

Respectfully submitted,
Angela A. Lawrence