

**TOWN OF DAYTON
REGULAR COUNCIL MEETING MINUTES
JOINT PUBLIC HEARING WITH PLANNING COMMISSION
COUNCIL CHAMBERS, DAYTON TOWN HALL
November 14, 2022**

COUNCIL MEMBERS PRESENT: Mayor Cary Jackson, Vice Mayor Bradford Dyjak, Heidi Hoover, and Emily Estes. Pursuant to Virginia State Code 2.2-3708.2 and the Town's Resolution authorizing electronic participation in Town meetings, Robert Seward joined remotely via Zoom from Montreal, Quebec, due to work travel and Robert Wolz joined remotely via Zoom from outside Mountain Home, Arkansas, due to work travel. Susan Mathias arrived at 6:15 p.m.

COUNCIL MEMBERS ABSENT: None.

PLANNING COMMISSION MEMBERS PRESENT: Chairman Hunter Barnett, Vice Chair Lauren Rawley, Bradford Dyjak, and Aaron Swindle.

PLANNING COMMISSION MEMBERS ABSENT: Colton Shifflett.

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

CALL TO ORDER: Mayor Jackson called the meeting to order at 6:02 p.m., welcomed guests both in person and those joining remotely as the meeting is also available for live-stream viewing via Zoom. He stated that the Council would only hear public comment from those attending in-person and have signed up to speak and that speakers would be limited to five minutes each. Town Clerk Hall called the roll for the Planning Commission and the Town Council. Mayor Jackson led the Invocation and the Pledge of Allegiance. Mayor Jackson then spoke about the tragic events on the UVA campus.

JOINT PUBLIC HEARING: Mayor Jackson opened the Joint Public Hearing with Town Council and Planning Commission at 6:08 p.m. He stated that this Hearing is to hear public comments regarding a proposed rezoning of a 3.19-acre portion of Tax Map Number 123-(A)-L9(A) from R-1 to R2. The remaining 7.304 acres would remain zoned as R-1. There are two adjoining parcels of land that are zoned R-1 that would combine for 30+ acres altogether. Because the properties are already zoned R-1, the developer can build single family homes in accordance with the Town's Code of Ordinances. Mayor Jackson reminded everyone that we will only be discussing the 3.19 acres and not the entire project. He then welcomed Mr. Ed Blackwell and Mr. Brian Kinzie with Blackwell Engineering along with Mr. Brian Sullivan of Hope Builders to present the rezoning request to Council and the Planning Commission.

Ed Blackwell addressed the Council and the Commission and presented the rezoning request and answered questions about the proposed project. He added that a fourth item had been proffered for this project to specify that the rezoned acreage will be used for single family housing on eight duplex lots with no more than a total of 16 units. After Mr. Blackwell's presentation, Mayor Jackson opened the floor to hear public comments regarding this proposal.

Jeff Daly, Town resident and former Council Member, spoke on the history on the lot at the time that it was annexed into the Town. He stated that at that time, the idea for the R-1 zoning was to create a “55 and older” community. A community of this type would have less traffic impact, a lower density population, and more limits on household size as these homes are consistently a maximum of two people. He stressed the adverse impact that rezoning would have on the traffic in the area. He further expressed concern that if Council grants this small parcel rezoning request, that action would create an opportunity for a larger scale rezoning of the surrounding lots. He finalized his statement against the rezoning by stating that there is no benefit to the Town to rezone this property. He emphasized that R-2 zoning does not fit with Dayton’s motto of “smalltown, hometown, downtown.”

Kelli Hanon, Town resident, spoke in agreement with Mr. Daly that this rezoning proposal does not add any benefit to the community, stressing that multi-family housing does not fit in Dayton.

Jim Paladino, Town resident, also spoke against the rezoning. He pointed out how many undeveloped lots there were in the South Breeze subdivision in 2017 and that at the slow rate of development, it would be a long time before VDOT will require a turn lane, thus raising a traffic concern. He also discussed the concern that changing from R-1, which allows only two unrelated people to cohabitate, to R-2, which allows up to four unrelated people to cohabitate, would create the possibility that the duplexes could be used for college rentals. He stated that this is a slippery slope and not the direction that Dayton wants to go in. He also stressed that the plat is not part of the rezoning plan and is not proffered, meaning that the developer could change the proposed plot plan when they submit the development plan. He read the list of three proffers offered by the developer. At this point, Manager Lawrence stated that a fourth proffer was submitted prior to the start of the public hearing that states: “The land to be rezoned will be used for single family housing on eight duplex lots with no more than 16 units total.” He ended by saying that the proposed rezoning is not what the Town needs.

Mitch Moore signed up to speak but declined.

Jeanne May, Town resident, advised that about a year ago she petitioned VDOT to ask if they would consider lowering the speed limit from the Town limits at Limestone Lane to 35 mph. VDOT responded that they would not be able to lower the speed limit in that area as the traffic study does not warrant a need for a speed reduction. She asked that Council keep that information in mind as they decide on the rezoning.

Terri & Harold Knicely, Town residents, submitted a written comment that was read aloud to the Council and the Commission by the Clerk. They stated that the rezoning would have a negative impact on the communities within the Town of Dayton, saying the increase in traffic would increase the risk of accidents. They stated that Dayton communities are among the most desirable places to live in Rockingham County and changing the rezoning to allow higher densities would decrease existing home values. They concluded by asking that the zoning be left as is and preserve the Town of Dayton as the beautiful, rural community that it is.

At the conclusion of the public comments, Mayor Jackson closed the Public Hearing at 6:40 p.m. The Planning Commission left the meeting.

APPROVAL OF MINUTES: Councilperson Dyjak made a motion to approve the minutes as written for the Regular Council Meeting of October 11, 2022; the motion was seconded by Councilperson Mathias and approved by a roll call vote of 7 to 0, with the voting recorded as follows: DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—ABSENT; JACKSON—AYE; ESTES—AYE.

ACTION ITEMS: Mayor Jackson stated that the only action item on the agenda is the approval of a budget amendment and asked Manager Lawrence to provide a staff report. Mayor Jackson asked for a motion to approve the budget adjustment for FY23 to include a transfer from reserves of \$33,680 and approve the expense as a Capital Item for the WTP. This is below the 1% threshold for a budget amendment. Councilperson Dyjak replied so move. The motion was seconded by Councilperson Hoover and passed by a roll call vote of 7 to 0, with the voting recorded as follows: DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—ABSENT; JACKSON—AYE; ESTES—AYE.

PUBLIC COMMENT: Mayor Jackson recognized Town resident Deb Crank as she was signed up to speak. Ms. Crank thanked the Town for sending out the special holiday edition of the Dayton Discovery and asked if there were any extra black and white copies that they be left at the Dayton Market and the Mini-Mart for residents who do not receive a water bill to pick up. She stated that the Market was looking for carolers to sing at their Christmas event on December 10th. She asked that Council please consider reinstating Councilperson Estes's committee privileges when they make their committee assignments for 2023. Mr. Bradfield asked to be recognized to speak but because he was not signed up to do so, Mayor Jackson did not allow it, so a precedent is not set. He said Council will welcome Mr. Bradfield's comments at the December meeting.

MANAGER'S REPORT

Town Manager Angela Lawrence provided a written report, which is attached. Manager Lawrence stated that she had an additional item on her report for Council's consideration. She stated that the Police Department had a portable speed limit sign that was no longer utilized by the department and would not be cost effective to operate, and she is requesting Council approval to dispose of the sign. Mayor Jackson asked for a motion to dispose of the speed radar sign in public auction. Councilperson Mathias replied so moved. The motion was seconded by Councilperson Hoover and passed by a roll call vote of 7 to 0, the voting recorded as follows: DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; ESTES—AYE; MATHIAS—AYE; WOLZ—AYE; JACKSON—AYE.

TREASURER'S REPORT

Treasurer Susan Smith provided a written report and added some clarification on the carry-over budget items.

POLICE REPORT

Chief Justin Trout provided a written report. Manager Lawrence added that they had received a grant to hire a temporary accreditation manager to get that process finished, which will also require a budget amendment when the paperwork is finalized, probably in December. Councilperson Dyjak stated that the Chief and the Department had done a great job with the onboarding of Officer Earman and asked that he be introduced at a future Council meeting.

PUBLIC WORKS REPORT

Public Works Supervisor Adam Meek provided a written report. Mayor Jackson stated that the work being done on Rhodes Hill Drive, including paving and driveway repairs, were going well. Manager Lawrence provided an update on the Glofiber work in the Town stating that communication had not been the most effective but that the hope is for the project to be completed in December.

WATER DEPARTMENT REPORT

Water Plant Operator Jennifer Reppe 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.

TOWN ATTORNEY REPORT

Attorney Jordan Bowman stated that he had no report.

ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT

Councilperson Dyjak stated that the committee had met on November 1st and the next meeting will be on December 5th. He highlighted some of the upcoming holiday events going on around Town. He commented on how nice the recent Bicentennial event at the Silver Lake Mill was and how it reminds us of how great it is to live and work in Dayton. He thanked everyone for coming out for tonight's Public Hearing and invited everyone to attend the Planning Commission meeting on Thursday for the follow up to the rezoning request and discussion of the Comprehensive Plan. An audience member spoke up to ask that consideration also be given to the safety of children walking to and from school at the new proposed development of Mason Street. Manager Lawrence added that the Town is conducting a Shop Local promotion and will hold a drawing from local shopper entries for prizes.

FINANCE COMMITTEE REPORT

Councilperson Dyjak stated that since the budget adjustment was discussed, he had no report.

INFRASTRUCTURE COMMITTEE REPORT

Councilperson Seward stated that the committee had not met, and he had no report.

PARKS, RECREATION & BEAUTIFICATION COMMITTEE REPORT

Councilperson Seward stated that the committee had not met and there was no report.

PERSONNEL COMMITTEE REPORT

Councilperson Mathias stated that the committee met to review and begin the process for the annual performance review of the Town Manager. They met a second time to begin to organize their findings and to receive individual feedback.

POLICE COMMITTEE REPORT

Councilperson Hoover stated that the committee met. She wanted to congratulate Chief Trout for being fully staffed again but had nothing else to report at this time.

MAYOR AND COUNCIL REPORT

Mayor Jackson stated that he had already shared his comments and asked Council if anyone else had any comments, hearing none.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CLOSED SESSION

Mayor Jackson stated that the Council needed to go into closed session and since they have members attending via Zoom, they would remain in Council Chambers and asked that anyone not participating in the closed session to please step out. The livestream meeting was concluded as the Council did not anticipate any additional business to be conducted upon their return to open session. Councilperson Dyjak made a motion to convene into closed session in accordance with Section 2.2-3711(A)(1) of the Virginia State Code for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town. The subject matter of the closed session is the annual performance review of a specific employee or employees of the Town. The motion was

seconded by Councilperson Mathias and passed unanimously. The Council recessed the open meeting at 7:15 p.m. Councilperson Hoover exited the meeting due to illness and did not go into closed session

OPEN SESSION

The open session reconvened at 8:10 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. DYJAK – CERTIFIED; HOOVER – ABSENT; SEWARD – CERTIFIED; ESTES – CERTIFIED; MATHIAS—CERTIFIED; WOLZ—CERTIFIED; JACKSON – CERTIFIED.

ADJOURNMENT

With there being no further business to come before the Council, Councilperson Estes made a motion to adjourn and Councilperson Mathias seconded the motion; motion passed unanimously. The meeting adjourned at 8:11 p.m.

Respectfully Submitted,


Cary Jackson, Mayor


Christa Hall, Clerk of Council

ATTACHMENT TO DTC 11.14.22 REGULAR MEETING MINUTES

Town Manager

Staff Report

October 2022

Personnel

- 1) Nothing to report.

Special Projects

- 1) Water Plant Upgrade:
 - a) Construction is on schedule and going well.
 - b) The project is still within budget. Change orders to date: \$79,382.67. We may have an additional change order, but it has not been received yet. It will still be within budget.
 - i) CO #1: Block change \$18,054
 - ii) CO #2: Depth of raw water line \$24,340.46
 - iii) CO #3: Raw water vault change \$36,988.21
 - c) Staff participated in the WTP monthly progress meeting with the engineer and contractor.
 - d) Equipment was delivered in October and is properly stored. Final installation and training are scheduled for mid-late January (3 weeks).

Other

- 1) I attended the VML Annual Conference.
- 2) I participated in ICMA webinar, Alternatives to Silos: Leadership at Every Level.
- 3) I participated in VRSA webinar: HR Investigations.
- 4) I was notified that the grant submitted for PW and PD vehicles will not be available until January 2023. I will keep you posted.
- 5) I attended the ribbon cutting for a new café, Harvest Table.
- 6) I initiated a centralized filing system that will take several months to complete but will greatly enhance our access to information.
- 7) I continue to assist with the Comprehensive Plan Update.
- 8) I attended the County Comprehensive Plan public workshop at TA and will attend another related to towns in November.
- 9) Staff met with the Internship Supervisor regarding Chris's internship.
- 10) I attended a pre-application meeting at the County for a potential re-zoning.
- 11) I attended a brief portion of the bonfire.
- 12) I continue to serve on the MPO and am now Chair of the HRRSA board.

Items for Discussion and/or Consideration

- 1) Budget Adjustment – see action item
- 2) Disposal of equipment – police speed trailer.

FY 23 Budgeted Capital Projects Status

Project	Status	Comments
WS01 WTP Upgrade	Underway. On schedule.	
WS02 Water/Sewer Line Repair/Replacement	Obtaining bids for Main Street water line replacement (2 blocks)	
WS04 Water Line Extension	Received proposed agreement from City. Under review by Town staff and attorney.	
WS06 Generator	Ordered	Significant price increase. Will be overbudget. Will move from other Capital Project.
WS07 W/S Service Truck	Truck delivered 8/3/22	
BP02 Greenway	Undetermined currently	
BP06 Sidewalks	Sidewalk on College from Mill to King is complete. Next phase will be Main to Mill.	
PF01 Parks	Saving for future needs.	
PW01 PW Service Truck	Applied for grant.	Grant funding not available until January. We will hear then.
ECD01 Downtown Revitalization	Planning grant underway. Interim report complete and submitted.	
ECD02 Wayfinding Signage	Final engineering report was submitted. Once approved by VDOT, will go to bid for fabrication and installation.	
PD01 Police Vehicle	Applied for grant.	Grant funding not available until January. We will hear then.

Respectfully submitted,

Angela A. Lawrence