

**DAYTON TOWN COUNCIL AND PLANNING COMMISSION**  
**JOINT PUBLIC HEARING MINUTES**  
**COUNCIL CHAMBERS, DAYTON TOWN HALL**  
**August 14, 2023**

**CALL TO ORDER:** Mayor Jackson called the Public Hearing to order at 5:30 p.m., welcomed guests and asked Deputy Clerk Wade for a roll call for the Town Council and Planning Commission.

**COUNCIL MEMBERS PRESENT:** Mayor Cary Jackson, Vice Mayor Bradford Dyjak, Melody Pannell, Bob Wolz

**COUNCIL MEMBERS ABSENT:** Susan Mathias, Emily Estes

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


**PLANNING COMMISSION MEMBERS ABSENT:** Colton Shifflett

**ALSO PRESENT:** Earl Mathers, Interim Town Manager; Police Chief Justin Trout; Christa Hall, Treasurer; Christine Wade, Deputy Clerk; and Meggie Roche, Economic Development Coordinator. Also present was the applicant Wade Rhodenizer.

Mayor Jackson stated that this was a public hearing to hear comments regarding the application for a Special Use Permit for Harrisonburg Refrigeration, LLC. 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. He then asked Town Manager Earl Mathers to provide a staff report. Mr. Mathers deferred to Meggie Roche for a staff report. . As there were no public comments made, Mayor Jackson adjourned the public hearing at 5:30 p.m.

Respectfully Submitted,

  
Cary Jackson, Mayor

  
Earl Mathers, Clerk of Council



**TOWN OF DAYTON  
REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS, DAYTON TOWN HALL  
August 14, 2023**

**COUNCIL MEMBERS PRESENT:** Mayor Cary Jackson, Vice Mayor Bradford Dyjak, Robert Seward, Bob Wolz, Melody Pannell.

**COUNCIL MEMBERS ABSENT:** Susan Mathias, Emily Estes

**ALSO PRESENT:** Jordan Bowman, Town Attorney; Earl Mathers, Interim Town Manager; Police Chief Justin Trout; Christa Hall, Treasurer; Christine Wade, Deputy Clerk; and Meggie Roche, Economic Development Coordinator.

**CALL TO ORDER:** Mayor Jackson called the meeting to order at 6:00 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 tonight from those attending in-person and had signed up to speak and that speakers would be limited to five minutes each. Mayor Jackson led the Invocation and the Pledge of Allegiance.

**PROCLAMATION:** He then stated that the Town would like to recognize Constitution Week. He read aloud a proclamation designating September 17-23 as Constitution Week, urging all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves. He asked for a motion to approve the Proclamation as presented. Vice-Mayor Dyjak made the motion with a second from Councilperson Seward. The motion was approved by an all-in favor vote of 5-0 with two members absent.

**APPROVAL OF MINUTES:** Mayor Jackson asked for a motion to approve the minutes as written for the Council Meeting of July 10, 2023. Councilperson Wolz replied so moved; the motion was seconded by Councilperson Seward. Vice Mayor Dyjak spoke about the amendments made to the July minutes prior to the meeting and that Deputy Clerk Wade passed out copies of the updated minutes. The motion was approved by an all-in favor vote of 5-0 with 2 members absent.

**ACTION ITEM:** Mayor Jackson stated that the first action item on the agenda is the consideration for a Special Use Permit for Harrisonburg Refrigeration, LLC as presented and recommended by the planning commission. Vice Mayor Dyjak stated for the record that allowing this special use permit was consistent with the Town's comprehensive plan, zoning code and the existing special use permit at the same location. Mayor Jackson asked for a motion to approve. Vice Mayor Dyjak replied so moved and Councilperson Wolz seconded. The motion passed by an all-in favor vote of 5-0, with 2 members absent.

**ACTION ITEM:** Next action item is the Land Acquisition for the Water Storage Tank. Vice-Mayor Dyjak said we have a contract which gives us the ability to have continued water service for the Citizens of Dayton. We will now be able to move forward with subdivision and rezoning. It is the ideal property for the purpose we need it for. Mayor Jackson asked for a motion to approve. Councilperson Seward replied so moved, and Councilperson Wolz seconded. The motion passed by an all-in favor vote of 5-0, with two members absent.

**PUBLIC COMMENT:** Mayor Jackson asked if there were any names on the list for Public Comments. Mayor Jackson recognized Town resident Cheryl Lyon. Ms. Lyon first brought up about the businesses downtown and asked if anyone was able to be down there this past weekend. It was busy and so nice to see all the traffic. She said that the businesses were helping themselves by bringing in their customers to our area. The grand opening of Karen's Prissy Country Girl was lovely to see and there was a great turnout. The other matter she wanted to discuss was all the new construction that has been going on around the edges of our town and the impact this will have to the Town and traffic on our roads.

Mayor Jackson then recognized Town resident Dana Fenner. Ms. Fenner spoke about the City of Harrisonburg doing a presentation on Pollinators at the Silver Lake Mill. She was very enthusiastic about this and thanked the Town of Dayton for its support in this event being hosted at the Mill. Ms. Fenner was very encouraged about how many were interested in learning more about this and a group of 8 or so residents of Dayton formed a club to gather information and take action. No official group name has been established yet, but she wanted to make sure the Council was aware.

**MANAGER'S REPORT:** Interim Town Manager Earl Mathers elaborated on his written report to Council, which is attached.

**POLICE REPORT:** Chief Justin Trout stated that the Council had his report in front of them and if there were any questions, he was happy to answer them.

**TOWN ATTORNEY REPORT:** Nothing to report.

**MAYOR AND COUNCIL REPORTS:** Councilperson Dyjak asked for a staff update for the Economic & Community Development Department. Meggie Roche spoke about the upcoming Concert this Saturday at Dove Park featuring the RoadDucks. She also wished congratulations to Karen's Prissy Country Girl for the store opening this past Saturday and advised of another ribbon cutting ceremony will be on September 1 at noon for the new business, Secure Storage Sheds located on Bowman Road. Ms. Roche also stated that there are still vacancies on EDA and BZA and that a vacancy just opened on the Planning Commission. She also stated that there will be a public hearing on Thursday August 17 for the rezoning of approximately 9 acres of B-1 land to a mix of R-3 and B-1.

Mayor Jackson asked for the report for Infrastructure and Police. Councilperson Seward stated there was no meeting for either but did want to say that the Police received a new vehicle due to Chief Trout's great grant writing skills.

Councilperson Wolz for Parks, Recreation and Beautification, no meeting, but shared the update that was listed in the agenda packet. The new playground equipment estimated arrival date is September 18-22.

Mayor Jackson asked Councilperson Pannell for a Personnel report, she replied with no report.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** None.

**CLOSED SESSION:** Mayor Jackson stated that the Council needs to go into a Closed Session and for the virtual audience, this will be the conclusion of the livestream. Vice Mayor Dyjak moved to convene into closed session for discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town, and as authorized by Virginia Code Section 2.2-3711(A)(8) for consultation with legal counsel retained by the Town regarding specific legal matters requiring the provision of legal advice by such counsel. The subject matter of the closed session is matters related to an alleyway within the Town. Councilperson Seward seconded the motion. The motion was approved by an all-in favor vote of 5-0 with 2 members absent. The Council convened into closed session at 6:19 p.m.


**OPEN SESSION:** At 7:01 p.m., Council returned from closed session on a motion by Councilperson Seward, which was seconded by Vice Mayor Dyjak and passed by a unanimous all-in-favor vote of 5-0 with 2 members absent.

**FOIA CERTIFICATION:** With respect to the just-concluded closed session, and to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements under The Freedom of Information Act and 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. Deputy Clerk Wade then proceeded to take a roll call, with each member as follows: DYJAK—AYE; SEWARD—AYE; PANNELL—AYE; WOLZ—AYE; JACKSON—AYE; Mathias and Estes both absent.

**ADJOURNMENT:** With there being no further business to come before the Council, Councilperson Wolz made a motion to adjourn, Vice Mayor Dyjak seconded the motion and Mayor Jackson asked for an all in favor vote that passed unanimously. The meeting was adjourned at 7:03 p.m.

Respectfully Submitted,

  
Cary Jackson, Mayor

  
Earl Mathers, Clerk of Council



## Town Manager's Report – July 2023

### Town Manager's Office

- Aged walnut trees are presenting a problem inasmuch as several residents along Mason and Stover Streets have experienced fallen tree limbs and would like for the Town to take action to correct the problem. It is difficult to identify a mitigation strategy that will be well-received by everyone. In addition, considerable unbudgeted expense would be involved. At this point, having met with several tree specialists on site, we have a good understanding of the problem. I will be asking for Council direction on this issue.
- Investigated a variety of citizen concerns. Some of these are quickly resolved while others seem to be issues with a history which defy easy resolution.
- Acquisition of property for a new water tank is proceeding well. There have been some minor negotiations on the terms of the contract, and we believe that we should be able to move forward with the subdivision/rezoning process soon.
- The Silver Lake Nature Trail easement process continues. We have reached a tentative agreement with the City of Harrisonburg regarding the easement through their property. A grant of \$3000 from the Valley Conservation Council to offset some costs has been received. The surveyor is doing some additional work to refine the layout at present.

### Parks and Recreation

- **Staff updates:** Christine Wade, our new Administration Assistant, has started working on events. Meggie will still be working on events for now but is very glad to have her help! Christine will be taking on more event responsibilities as she learns the ropes.
- **Holiday events:** Lucky for us, Christine has enough holiday spirit for the entire office and has already begun working on Christmas events and activities. Don't worry – we won't skip over Halloween or Thanksgiving! The Halloween Drive-Thru will return.
- **Landscaping:** There is a significant amount of landscaping around Town that is at the end of its life span. Staff has begun looking into replacements or alternatives.



- **Playground Equipment:** Install is tentatively scheduled for September 18-22. New loose rubber mulch will also be put down.

- **Town Events Survey:** 47 responses have been received for the Town Events survey. A copy of the results thus far is attached.
- **The Muddler:** Staff continues to address challenges related to the event. Mr. Koogler will not allow the Town to use his field for the event in the Spring, as this is when planting season begins

and the event tends to tear up his field quite a bit. (He is still fine with us using it for parking at the Redbud Festival & Dayton Days.)

### **Water Department**

- Water Plant treated 50.205 million gallons of water in the month of July.
- Did not purchase water from Rockingham County.
- Replaced 22 registers.
- Glo Fiber was installed at the water treatment plant.
- In the process of getting security cameras installed at the water treatment plant.
- Completed nitrite sampling, and distributed lead and copper samples to residents.
- Sprayed for weeds around town.
- Signed contract for new high service pump (budgeted).
- At present we are seeking a diagnosis of problems with Well #2.

### **Treasurer's Office**

- Refuse, water and sewer rates increased July 1<sup>st</sup>. Staff prorated bills for 10 days at the previous rate and 20 days at the new rate. New rates will be reflected in the next billing.
- Staff continues to work with Ann Shawver and the Brown Edwards Auditors to begin closing out the FY23 Budget and prepare for the audit.
- Received FINAL VRS Clean, Unmodified 2023 Audit report from Brown Edwards. Report provided to Council by separate cover.
- The final audit is scheduled for September 11-15. Staff continues to review the Budget vs. Actual report and will advise Council if any adjustments and carry overs will be necessary.
- Staff mailed 25 cut-off notices for unpaid water service. Service interruption is scheduled for August 21, 2023.

### **Public Works**

#### **I. Personnel:**

- Hiring Update: The previous new hire, Mae Lawrence, was not a good fit and she left employment on July 28<sup>th</sup>. Carly Higgs has accepted the position of Facilities Technician and will begin on August 14<sup>th</sup>.

#### **II. Reports:**

- We received the final report from Viola Engineering on the soil testing for the tank site. The results found that the ground was suitable for that type of structure.
- The surveying is complete, and we received the final plat for the proposed property. Roughly 3.7 acres will be purchased for the new tank site, with an acre at the top of the hill for the tank and the other 2.7 acres for the access road.
- The new Public Works truck was delivered this month.
- The playground equipment for Sunset Park has an ETA of September 18<sup>th</sup>.

## **Police Department**

### **1. Personnel**

#### **A. Employee recognitions**

- Officer Hevener has done a great job acclimating to the department and town.

#### **B. Training**

- All officers completed Active Shooter Training.
- Chief Trout and Lieutenant Hooker Taught Active Shooter Training.

### **2. Activity Report July 2023**

Calls for Service	Incident Reports	IBR Reports	Arrests	Crashes	Citations
447	445	2	2	4	81

### **3. Project Updates**

- Accreditation
  - The mock accreditation assessment has been completed. The department did very well. We had very little corrections to be addressed.
  - Accreditation Assessment is August 27-29, 2023.
- USDA Vehicle Grant
  - The closing of the grant will be completed in August.
- DCJS ARPA Law Enforcement Equipment and Technology Grant.
  - Surveillance equipment is in.
  - Vehicle currently being upfitted.
- Heat Grant Awarded
  - \$12,500
  - Flock Safety Cameras are being purchased with this grant.

### **4. Upcoming Events**

- Chief's Town Hall August 7, 2023.

## **Community and Economic Development**

- Wayfinding Signage: Process is ongoing. Staff has been in regular communication with the contractor and VDOT as we obtain permits and finalize fabrication.
- Downtown Revitalization Grant: Staff met with DHCD to discuss next steps. A grant contract from DHCD is pending.
- Business Spotlights: Braithwaites Studios was featured in July. Harvest Table, Grammie's Ice Cream and Valley Water Gardens will be featured in August.
- Business e-newsletter: The July issue was sent out on July 6.
- Façade Enhancement Grant: An addition to the Heritage Real Estate application will be considered by the EDA on August 17 at 5:30 pm.



- New Business: Secure Storage Sheds of Dayton has opened at 324 Bowman Road, Dayton, VA 22821.

### **Community Development**

- One zoning permit was issued.
- No Certificates of Occupancy were issued.
- No Chicken Keeping application was received.
- No Short-Term Rental Applications were received.
- No applications for a Home Occupations Permit were received.
- Responded to 7 zoning inquiries.
- Staff is reviewing a rezoning application from Wilfong 3049, LLC to rezone approximately 9 acres of B-1 land to a mix of R-3 and B-1. There will be a public hearing at the August 17 Planning Commission Meeting followed by another public hearing at the September 11 Town Council meeting. Adjoining property owners have been notified.

### **Events**

- Unfortunately, the July 15 concert with Kelly May Brown & Crystal Armentrout was cancelled due to rain. The next summer concert is on August 19 with The Roadducks. The final summer concert will be on September 16 with Big City Band.
- Registration for Dayton Days is full and the waitlist has been closed.
- The fall bonfire will be October 21. Details are still being worked out.
- Holidays:
  - The Halloween Drive Thru is planned for October 31.
  - The Christmas Tree Lighting ceremony, to include hot chocolate and Christmas carols, is planned for December 1 at 5:00 pm.
  - The Christmas Parade is planned for December 9 at 10 am.
  - The resident Christmas party is planned for December 13 from 6:30 – 8:30 pm.
  - Judging for the holiday decorations will take place on December 14.
 Announcements will be made on December 18.

### **Other**

- Staff has received no applications for the EDA or BZA. The vacancies will remain open until filled.
- The next residential newsletter will go out the first week of October.

Town of Dayton  
Budget v. Actual Report  
FY24 PERIOD ENDING 7/31/2023

REVENUES	Budget	MTD	YTD	Variance	% Rcvd
<b>General Fund</b>					
Property Taxes	\$ 166,500	\$ 7	\$ 7	(\$166,493)	0%
Other Local Taxes	\$ 416,250	\$ 38,886	\$ 38,886	(\$377,364)	9%
Permits, Privilege Fees & Licenses	\$ 500	\$ 1,200	\$ 1,200	700	240%
Fines & Forfeitures	\$ 42,500	\$ 9,728	\$ 9,728	(\$32,772)	23%
Rev. from use of money & prop.	\$ 500	\$ -	\$ -	(\$500)	0%
Charges for services	\$ 165,000	\$ 513	\$ 513	(\$164,487)	0%
Other	\$ 116,000	\$ 579	\$ 579	(\$115,421)	0%
State & Federal Funding	\$ 133,872	\$ -	\$ -	(\$133,872)	0%
Transfer from Water & Sewer	\$ 1,338,264	\$ -	\$ -	(\$1,338,264)	0%
<b>TOTAL GF REVENUES</b>	<b>\$ 2,379,386</b>	<b>\$ 50,913</b>	<b>\$ 50,913</b>	<b>(\$2,328,473)</b>	<b>2%</b>
<b>General Capital Fund</b>					
Transfer from Water & Sewer	\$773,879				
Carry over funds from FY					
<b>Water &amp; Sewer Capital Fund</b>					
Transfer from Water & Sewer Fund	\$446,575				
Carry over funds from FY	\$0				
<b>TOTAL CAPITAL FUND</b>	<b>\$1,220,454</b>				
<b>Water &amp; Sewer Fund</b>					
Charges for Service	\$3,733,600	\$683,410	\$3,988,918	\$255,318	107%
W&S Conn Fees	\$20,000	\$358	\$358	(\$19,642)	2%
Interest	\$10,000	\$6,072	\$6,072	(\$3,928)	61%
Misc.	\$2,500	\$0	\$0	(\$2,500)	0%
Funding from Reserves	\$112,075	\$0	\$0	(\$112,075)	0%
<b>TOTAL W&amp;S REVENUES</b>	<b>\$3,878,175</b>	<b>\$6,430</b>	<b>\$6,430</b>	<b>(\$3,871,745)</b>	<b>0%</b>
<b>TOTAL REVENUES</b>	<b>\$ 7,478,015</b>	<b>\$ 57,343</b>	<b>\$ 57,343</b>	<b>(\$7,420,672)</b>	<b>1%</b>

EXPENDITURES	Budget	MTD	YTD	Variance	% Used
<b>General Government</b>	<b>\$ 635,791</b>	<b>\$ 29,047</b>	<b>\$ 29,047</b>	<b>\$ 606,744</b>	<b>5%</b>
Public Safety	\$ 816,130	\$ 36,998	\$ 36,998	\$ 779,132	5%
Public Works	\$ 529,165	\$ 11,322	\$ 11,322	\$ 517,843	2%
Parks, Rec & Culture	\$ 201,506	\$ 4,299	\$ 4,299	\$ 197,207	2%
Community Development	\$ 196,794	\$ 7,571	\$ 7,571	\$ 189,223	4%
<b>TOTAL GF EXPENDITURES</b>	<b>\$ 2,379,386</b>	<b>\$ 89,237</b>	<b>\$ 89,237</b>	<b>\$ 2,290,149</b>	<b>4%</b>
<b>Capital Projects *will have carry over from FY23--amounts pending final computation</b>					
PD Equipment	\$ 50,000	\$ 39,251	\$ 39,251	\$ 10,749	79%
Greenway Project	\$ 54,438	\$ -	\$ -	\$ 54,438	0%
King Street Extension	\$ 75,649	\$ -	\$ -	\$ 75,649	0%
Sign Program	\$ 250,812	\$ -	\$ -	\$ 250,812	0%
Sidewalks	\$ 42,980	\$ -	\$ -	\$ 42,980	0%
Town Street & Alley Resurfacing	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
Land Acquisition & Amenities	\$ 75,000	\$ 11,925	\$ 11,925	\$ 63,075	16%
Playground Equipment	\$ 65,000	\$ -	\$ -	\$ 65,000	0%
Dump Truck	\$ 75,000	\$ -	\$ -	\$ 75,000	0%
Vertrac Mower	\$ 35,000	\$ 34,895	\$ 34,895	\$ 105	100%
Water Line Extension	\$ 145,000	\$ -	\$ -	\$ 145,000	0%
Water Storage Facility	\$ 100,000	\$ -	\$ -	\$ 100,000	0%
Water/Sewer Line Replacement	\$ 201,575	\$ -	\$ -	\$ 201,575	0%
<b>TOTAL CAPITAL PROJECTS</b>	<b>\$ 1,220,454</b>	<b>\$ 86,071</b>	<b>\$ 86,071</b>	<b>\$ 1,134,383</b>	<b>7%</b>
<b>Water &amp; Sewer Fund</b>					
Operating	\$ 705,646	\$ 42,210	\$ 42,210	\$ 663,436	6%
HRRSA	\$ 1,809,265	\$ 155,880	\$ 155,880	\$ 1,653,385	9%
Water Fund Contingency	\$ 25,000	\$ -	\$ -	\$ 25,000	0%
<b>TOTAL W &amp; S EXPENDITURES</b>	<b>\$ 2,539,911</b>	<b>\$ 198,090</b>	<b>\$ 198,090</b>	<b>\$ 2,341,821</b>	<b>8%</b>
Transfer to General	\$1,338,264				
Transfer to Capital-Water & Sewer	\$0				
Transfer to Reserves	\$0				
<b>TOTAL CAPITAL TRANSFER</b>	<b>\$1,338,264</b>				
<b>TOTAL EXPENDITURES</b>	<b>\$ 7,478,015</b>	<b>\$ 377,398</b>	<b>\$ 377,398</b>	<b>\$ 7,100,617</b>	<b>5%</b>
<b>NET TOTAL</b>		<b>(\$316,055)</b>	<b>(\$316,055)</b>		