

**TOWN OF DAYTON
REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS, DAYTON TOWN HALL
December 12, 2022**

COUNCIL MEMBERS PRESENT: Mayor Cary Jackson, Vice Mayor Bradford Dyjak, Susan Mathias, Bob Wolz, 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.

COUNCIL MEMBERS ABSENT: None. Council Member Heidi Hoover resigned her Council seat effective November 26, 2022, leaving a vacant seat with a term expiring December 31, 2024. Council will need to appoint someone to fill the seat until a candidate may be elected in a special election to be held in November, 2023.

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 6:00 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 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 Town Council. Mayor Jackson led the Invocation and the Pledge of Allegiance.

AGENDA AMENDMENT: Mayor Jackson asked for a motion to amend the agenda to move the public comment portion of the meeting ahead of the action items. Councilperson Dyjak replied so moved. Councilperson Mathias seconded the motion. As there was no further discussion, the motion passed by a 6-0 vote, the voting recorded as follows: WOLZ—AYE; ESTES—AYE; MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; JACKSON—AYE.

PRESENTATION: Alexis Ryman Thompson with Brown, Edwards & Company, L.L.P., presented the FY2021-22 Financial Report and Audit to Council. She thanked the Town Council and staff for working with their firm and for inviting her to present the findings to the Council. Vice Mayor and Finance Chair Bradford Dyjak thanked Ms. Thompson for her presentation. He reiterated that the Town had received an unmodified audit and a "clean bill of health," and stated that there were some internal controls and recommendations which are not unreasonable with a small organization. Manager Lawrence added that it is a pleasure to work with the Brown, Edwards group.

MAYOR ADDRESS: Mayor Jackson made remarks concerning an email that Councilperson Estes sent to Council regarding the possible appointment of Bob Wolz to a vacancy on Council, and stated that it was a unique situation to have a sitting member of Council willing to fill an

upcoming vacancy. Councilperson Estes responded that the vacant Council position was not advertised and therefore, no one could express interest.

APPROVAL OF MINUTES: Councilperson Dyjak made a motion to approve the minutes as written for the Regular Council Meeting and Joint Public Hearing with Planning Commission on November 14, 2022; the motion was seconded by Councilperson Mathias. Mayor Jackson then asked if there were any amendments to the meeting or any discussion. Hearing none, the motion was approved by a roll call vote of 6 to 0, with the voting recorded as follows: WOLZ—AYE; MATHIAS—AYE; DYJAK—AYE; ESTES—AYE; SEWARD—AYE; JACKSON—AYE.

PUBLIC COMMENT: Mayor Jackson recognized Mike Logan, owner of The Cottage, to speak. Mr. Logan addressed the Council and stated that he saw the Town video and it was nicely done but he questioned why a certain business was featured six times in the video and two other businesses, one which has been in Dayton for fifty years and one nine years, were not featured at all. He also questioned who had the final say in the video's content. He also asked why the parking spaces were not painted and put back after the paving was completed.

Mayor Jackson recognized Town resident Deb Crank. Ms. Crank began by addressing Councilman Wolz and stating that what she was about to say was not personal towards him. She questioned why the vacant position on Town Council was not advertised and stated that the Council needed to be more transparent in their search for a Council appointment and should have opened it up to others who may be interested. She proceeded to state that she was there on behalf of the Dayton merchants and stated that the Small-Town Celebration was a wonderful, widely attended event. She informed the Council that the Dayton Giving Tree was successfully transitioned to several businesses and community volunteers, and they are very grateful to be giving out 200 gifts this year for local students. She continued to say that the Town Parade was great, and Dove Park looks wonderful and thanked Town staff for their decorating efforts. She said that Fort Harrison looks very festive and she hopes to work with the Dayton Merchants to help grow the tree project next year. She will also be working with the Merchants and the Town Council Committees to develop events planned for next year and perhaps discuss bringing back the Twelve Days of Christmas and the Town residents' Christmas party. She thanked the Council and wished everyone a festive holiday season.

Jeff Halbeisen, co-owner of Nanny's Nook, was recognized to speak. He stated that he and his wife had approached the Town Council at the October Council meeting regarding the Town Manager, and he wanted to know the status of that matter. He also pointed out that if someone from the Town needs to communicate with any of the businesses that it should not be done during business hours. He advised that Angela had done that to his wife at Nanny's Nook in October during business hours. He stated that she had not come into make a purchase and it upset his wife and the customers in her store and asked that in the future if Angela needed to speak with his wife to do so while the store is not open.

Jeff Bradfield, owner of commercial business in Town, was next recognized to speak. He stated that he had come to the November Council meeting intending to propose that different merchants

in Town take turns, at their own expense, to advertise on banners located at The Blacksmith Shop, located at the intersection of Route 42 and Mason Street. He stated that he owns businesses in Harrisonburg and knows the importance of being able to utilize signage to advertise and direct people to businesses such as the downtown businesses, which would be helpful for Dayton's economy. He spoke with the Town Manager after the meeting last month regarding the sign violation of the Valley Structures sign located on the storage building at The Blacksmith Shop. He stated that this sign was placed there to assist The Blacksmith Shop with additional storage and to direct traffic to Valley Structures. He gave a history of the Valley Structures sign, stating that it had been there since the 1980s. He stated that The Blacksmith Shop needs the building for storage and if it were not located on the property, it could be replaced with a less aesthetically pleasing option. He questioned why businesses that were affected by revisions to the sign ordinance in 2020 had not received notice at that time so that they could address Council prior to adoption of the revisions.

Town resident Nehemias Valez was next to address the Town Council and conveyed his feeling that the discussion at last month's meeting regarding zoning did not factor in buggies, and he is wondering if the Town will consider that as an issue as future projects are implemented, stating that the Mennonites are a part of this Town and should be considered. He stated that he moved to Dayton because it is a rural small town and he is "not interested in living in a small town that wants to be a big city," and he would like to know what the vision is for Dayton.

Mayor Jackson stated that was all the public comments for the evening. Councilperson Estes stated that she had an email from a 30-year Town resident that she would like to read aloud regarding the action item on the agenda to appoint a new Town Council Member. The email questioned why the public had not been informed of Ms. Hoover's resignation and why the Council vacancy had not been advertised. Councilperson Estes then read aloud another email from a Town resident expressing the same concerns that the appointment had been done in a non-transparent manner and asked that the public receive the proper notice to apply for the vacant Council position.

ACTION ITEMS: Mayor Jackson stated that he had just received notice from Mr. Wolz indicating that he has decided to decline the Council appointment. Councilperson Estes stated that her email had nothing to do with Mr. Wolz and if he is the best candidate, that is perfect, but it did not afford the same opportunity to others who may be interested in serving on the Town Council. She also stated that she was glad that the Public Comment portion of the meeting was moved up to allow comments to be heard ahead of the Action Items. Mayor Jackson asked that Town staff advertise the vacancy and set a Special Called Meeting to conduct interviews.

Regarding the rezoning request for a 3.19 portion of Tax Map Number 123-(A)-L9(A) from R-1 to R-2, Mayor Jackson asked Christa Hall, Community Development Coordinator, for a staff report. Ms. Hall stated that a Joint Public Hearing had been held on this matter in November. Following that hearing, the Planning Commission voted unanimously at their November meeting to recommend to the Town Council that the rezoning request be denied. However, no Council action is necessary as the application was withdrawn by the applicant.

MANAGER'S REPORT: Town Manager Angela Lawrence provided a written report, which is attached. Manager Lawrence stated that she had an additional item for Council's consideration. The Town has been awarded a grant to purchase a vehicle for public works and a new police vehicle. The grant is a matching grant and both items were included as capital expense items. The USDA grant would be for \$50,000 and the Town's share would be \$62,500, as their maximum grant was for a total of \$50,000 (\$25,000 per vehicle). In order to accept the award, the USDA requires that a resolution be submitted. Councilperson Dyjak made a motion to authorize the Town Manager to execute those said documents on behalf of the grant. Manager Lawrence stated that the motion should be to approve the resolution. Attorney Bowman added that the motion should be to approve the resolution and substantially in the form. Councilperson Dyjak accepted that suggestion and corrected his motion to adopt the resolution of the governing body as to form. Councilperson Estes seconded the motion. The motion to adopt the resolution, which is made part hereof, passed by a roll call vote of 6 to 0, with the voting recorded as follows: ESTES—AYE; MATHIAS—AYE; DYJAK—AYE; WOLZ—AYE; SEWARD—AYE; JACKSON—AYE.

RESOLUTION OF GOVERNING BODY OF TOWN OF DAYTON:

The governing body of the Town of Dayton consisting of six members and one vacancy, in a duly called meeting held on the 12th day of December 2022, 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) 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 Manager be authorized to execute on behalf of the Town Council Members 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.

This Resolution is hereby entered into the permanent minutes of the meetings of this Council.

TREASURER'S REPORT: Treasurer Susan Smith provided a written report.

POLICE REPORT: Chief Justin Trout provided a written report and highlighted that the department also received an accreditation grant to assist with achieving accreditation in the amount of \$53,922.77, with no match required. Manager Lawrence added that a budget amendment will be needed but we are awaiting some additional items that will also need to be amended and the Finance Committee should see them before the next meeting.

PUBLIC WORKS REPORT: Public Works Supervisor Adam Meek provided a written report.

WATER DEPARTMENT REPORT: Water Plant Operator Jennifer Reppe provided a written report. Manager Lawrence demonstrated the live webcam showing the construction progress on the water treatment plant. She reported that the equipment should begin running in January and be completed sometime in February, and a ribbon-cutting ceremony and open house for the public is anticipated after completion.

COMMUNITY DEVELOPMENT REPORT: Community Development Coordinator Christa Hall provided a written report.

ECONOMIC DEVELOPMENT REPORT: Economic Development Coordinator Meggie Roche provided a written report. Manager Lawrence showed the longer version of the Town's video. Councilperson Estes stated that there were several Town businesses that were not featured in the video and wanted to know who had approved the final video. Manager Lawrence stated that she could have Meggie follow up with Ms. Estes and that all the video footage was shot in early summer and during the Dayton Days festival. Ms. Lawrence said that there are 80 businesses in Town, and the video production company had been provided a list of the Town's businesses for filming purposes. Councilperson Dyjak stated that the video can be updated in the future; Councilperson Estes agreed that it needed to be updated to include other Town businesses. Mayor Jackson asked for a motion to approve the updated Festival Vendor Rules & Regulations, new Festival Rules & Space Agreement for Businesses, and Festival Applications. Councilperson Dyjak replied so moved and Councilperson Mathias seconded the motion. Mayor Jackson asked if there was any discussion and Councilperson Estes asked what the changes were, and Councilperson Dyjak reviewed some of the minor changes that had been made based on feedback received from the vendors. Mayor Jackson then asked for a roll call vote which passed 6-0, with the voting recorded as follows: WOLZ—AYE; ESTES—AYE; MATHIAS—AYE; DYJAK—AYE; SEWARD—AYE; JACKSON—AYE.

TOWN ATTORNEY REPORT: Attorney Jordan Bowman stated that he had no report.

ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT: Councilperson Dyjak stated that he echoed Ms. Crank's comments about the fantastic Small-Town Christmas, and he thanked the merchants for hosting that event. He also commented that the Silver Lake and Town tree lightings were fantastic. He reminded everyone to Shop Local for the holiday promotion. He concluded by discussing the Comprehensive Plan update and stated that the Planning Commission will be meeting in January to finalize the Plan. He encouraged everyone to attend the upcoming Town meetings to provide public comment.

FINANCE COMMITTEE REPORT: Councilperson Dyjak stated that the committee had reviewed the financial audit and will begin the next budget cycle in January.

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. Mayor Jackson added that the judging for the holiday light competition was coming up and that the Town has a tremendous number of decorations.

PERSONNEL COMMITTEE REPORT: Councilperson Mathias stated that the committee met in Closed Session to discuss the staff annual reviews.

POLICE COMMITTEE REPORT: Mayor Jackson stated that the committee did not meet since there is currently only one member and will look at meeting in January.

MAYOR AND COUNCIL REPORT: Mayor Jackson stated that we had a nice crowd at this year's holiday parade and he thanked the staff for all their work to make that happen. Councilperson Wolz stated that this was his last month to serve on Council and expressed his appreciation for the opportunity to serve and stated that he hopes to have the opportunity again in the future. Councilperson Estes thanked Mayor Jackson and Lieutenant Hooker for dressing up for the parade. She asked that Mr. Wolz apply for the Council appointment and reiterated that she just wanted the process to be done fairly and in the manner in which it had been done previously. Clerk of Council Hall added a thank you to Councilperson Wolz and stated that it had been a pleasure working with him during the past year. Manager Lawrence stated that Mr. Wolz' presence would be expected at the ribbon cutting ceremony at the Water Treatment Plant. Councilperson Estes stated her encouragement for Mr. Wolz to issue a letter of intent for the Council vacancy. Mayor Jackson concluded by also thanking Mr. Wolz and apologizing to him. He stated again that there was never any intent not to be transparent, but that there was a unique situation in which there was a sitting Council member going off Council and when a vacancy opened, he expressed his interest in serving an additional year. They were simply trying to do what was best for Council.

CLOSED SESSION: Mayor Jackson stated that the Council needed to go into closed session and since they have a member 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 but the full video recording will be posted online. Mayor Jackson asked for 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 relating to the Town Manager. Councilperson Dyjak replied so moved and the motion was seconded by Councilperson Mathias. Councilperson Estes made a motion to amend the motion to add that the Closed Session is also for the discussion of one or more Council Members. Hearing no second to the amended motion, Mayor Jackson asked for a roll call vote on the original motion, which passed 6-0, with the voting recorded as follows: SEWARD—AYE; MATHIAS—AYE; WOLZ—AYE; ESTES—AYE; DYJAK—AYE; JACKSON—AYE.

Mayor Jackson recessed the meeting into Closed Session at 7:04 p.m.

OPEN SESSION: The open session reconvened at 8:20 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 Council member so certifying. WOLZ— CERTIFIED; ESTES – CERTIFIED; MATHIAS—CERTIFIED; SEWARD – CERTIFIED; DYJAK – CERTIFIED; JACKSON – CERTIFIED.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.


COUNCIL ADDRESS: Councilperson Estes expressed her wish to read aloud her Facebook post that Mayor Jackson had referred to in his earlier remarks. Councilperson Estes's Facebook post reads as follows: "Everyone go to the next town council meeting check the packet they're placing someone on the seat Heidi resigned from without ever going public allowing ppl to sign up for interviews n we vote like every other council has done in the past including us it the process that we did to replace tar n dale and Zach n Todd's the mayor n vice mayor and town manger knew over a week ago just never spoke to me once - it's all good fill the building ask questions let them know being non transparent does not build council resident relations I spent a long time fixing n getting the businesses to back off suing the town for a little while - I am over them trying so desperately to rig power n not being ethical - mine you they put it before to hold vote before public speaking so residents can't speak about it n allow us to hear the people's opinions not even giving anyone a chance to sign up - I'm so damn livid I'm in tears ready to call the reporter - show up speak up" Ms. Estes asked that this email be made a part of the minutes herein. She stated that there was nothing in her post that referenced personnel issues and stated that she was owed an apology.

ADDITIONAL ACTION ITEM UPON RETURN FROM CLOSED SESSION: Mayor Jackson asked for a motion to accept Angela Lawrence's resignation effective December 16th and to approve her severance package equal to six months of her salary and benefits, plus her accrued and unused paid time off, as provided in her employment agreement. Councilperson Estes replied so moved and Councilperson Mathias seconded the motion. Mayor Jackson asked Clerk Hall for a roll call and the motion passed 6-0 with the voting recorded as follows: WOLZ—AYE; ESTES—AYE; MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; JACKSON—AYE.

ADJOURNMENT: With there being no further business to come before the Council, Councilperson Estes made a motion to adjourn the meeting and Councilperson Dyjak seconded the motion; motion passed unanimously. The meeting adjourned at 8:28 p.m.

Respectfully Submitted,


Cary Jackson, Mayor


Christa Hall, Clerk of Council

ATTACHMENT TO DTC 12.12.22 REGULAR MEETING MINUTES

Town Manager

Staff Report

November 2022

Personnel

- 1) Congratulations to Christa Hall for her completion of the Certified Municipal Clerk (CMC) Program offered by the International Institute of Municipal Clerks (IIMC) and her CMC designation!

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) Installation and training are scheduled for mid-late January (3 weeks).
- 2) GloFiber started work in the Town. They are to post door hangers on doors prior to doing work in any given area. They are to post the door hangers when they file a Miss Utility so that people know why utilities are being marked in their yard. The door hanger has direct contact information. I met with the new project manager recently.

Other

- 1) I am chair of the HRRSA policy board which meets mostly monthly.
- 2) I attended the County's Comprehensive Plan Roundtable for Town officials.
- 3) I attended Planning Commission.
- 4) I continue to serve as VLGMA Winter Conference co-chair.
- 5) The office was closed for state holidays on: 11/8, 11/11, 11/23 (half day), 11/24-25.

Items for Discussion and/or Consideration

None

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.	Phase II (Main to Mill) to be completed early spring.
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