

**TOWN OF DAYTON
REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS, DAYTON TOWN HALL
January 9, 2023**

COUNCIL MEMBERS PRESENT: Mayor Cary Jackson, Vice Mayor Bradford Dyjak, Susan Mathias, and Robert Seward.

COUNCIL MEMBERS ABSENT: Emily Estes.

ALSO PRESENT: Jordan Bowman, Town Attorney; Bob Holton, Interim Town Manager; Susan Smith, Town Treasurer; Police Chief Justin Trout; Christa Hall, Clerk of Council and Community Development Coordinator; Police Lieutenant Travis “TJ” Hooker; Officer Jeff Smith; Officer Dean Roadcap; Officer Brian Cacciapaglia; and Officer Chris Earman. Also present were newly elected Councilperson Melody Pannell, and former Councilperson Robert “Bob” Wolz.

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 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 add a closed session after Item #10, New Business. Councilperson Dyjak replied so moved. Councilperson Mathias seconded the motion. As there was no further discussion, the motion passed by a 4-0 vote, with one member absent, the voting recorded as follows: MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; JACKSON—AYE, ESTES—ABSENT.

APPOINTMENT ACTION: Mayor Jackson asked for a motion to appoint Robert A. Wolz to the Dayton Town Council, effective immediately, to fill the vacancy created by Heidi Hoover’s resignation, for a term to continue until December 31, 2023, or until a successor is elected and qualified. Councilperson Seward replied so moved. Councilperson Mathias seconded the motion. As there was no further discussion, the motion passed by a 4-0 vote, with one member absent, the voting recorded as follows: MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; JACKSON—AYE, ESTES—ABSENT.

OATH OF OFFICE: Mayor Jackson stated that we have the Clerk of the Circuit Court of Rockingham County, Mr. Chaz Haywood, with us tonight to swear in our newly elected and appointed Council Members, Ms. Pannell and Mr. Wolz. After the new members were officially sworn in, they took their seats on the dais for the remainder of the meeting. Mayor Jackson thanked Clerk Haywood for joining us tonight and welcomed Ms. Pannell and Mr. Wolz.

Mayor Jackson formally introduced the entire Council and advised of the new Committee assignments for 2023 as follows:

- Emily Estes, who was not able to attend the meeting.
- Robert Seward will continue to serve as the Infrastructure & Safety Committee Chair and will take on the additional responsibility as the Police Committee Chair.
- Susan Mathias will continue to serve as the Personnel Committee Chair and as a member of the Economic & Community Development Committee.
- Bob Wolz will continue to serve on the Infrastructure & Safety Committee and will take on the additional responsibility as the Chair of the Parks, Recreation & Beautification Committee
- Melody Pannell, as our newest Council member, will serve on the Personnel Committee.
- Bradford Dyjak will continue to serve as the Economic & Community Development Committee Chair as well as the Finance Committee Chair and Vice Mayor.

Mayor Jackson continued introductions and acknowledgments of the staff members present at the meeting. He congratulated Clerk of Council Christa Hall for her recent completion of the Certified Municipal Clerk Program through the International Institute of Municipal Clerks and concluded that she is now a Certified Municipal Clerk. He also introduced Town Treasurer Susan Smith, Interim Town Manager Bob Holton, and Police Chief Justin Trout, who introduced his entire department and awarded Officer Jeff Smith as the Traffic Safety Officer of the Year and Officer Dean Roadcap as the Investigator of the Year.

APPROVAL OF MINUTES: Councilperson Dyjak asked the Clerk to make three minor typographical corrections to the minutes, first to the December 19th meeting, the action item should be corrected to state that Councilperson Wolz replied so moved and his roll call vote recorded as AYE instead of ABSENT; second, to the January 4th meeting, the minutes should be corrected to state that the meeting was recessed into closed session at 5:31 pm. Mayor Jackson asked for a motion to approve the Minutes from the Regular Town Council Meeting of December 12, 2022, and the Special Called Meetings of December 19, 2022, and January 4, 2023, as amended. Councilperson Dyjak replied so moved. The motion was seconded by Councilperson Mathias and there was no additional discussion. The motion was approved by a roll call vote of 6 to 0, with one member absent, the voting recorded as follows: MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; WOLZ—AYE; PANNELL—AYE; JACKSON—AYE, ESTES—ABSENT.

ACTION ITEM: RESOLUTION REGARDING TIME OF REGULAR MEETING AND INCLEMENT WEATHER MEETING TIMES:

Mayor Jackson explained that according to the Town's Charter, Council is to fix the date and time of the regular meetings each year. Councilperson Mathias made a motion to pass the Resolution regarding time of regular meetings and inclement weather meeting times. The motion was seconded by Councilperson Wolz and approved by a roll call vote of 6 to 0, with one member absent, the voting recorded as follows: MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; WOLZ—AYE; PANNELL—AYE; JACKSON—AYE, ESTES—ABSENT. The resolution reads as follows:

RESOLUTION REGARDING TIME OF REGULAR MEETINGS AND INCLEMENT WEATHER MEETING TIMES

WHEREAS, the Town of Dayton wishes to establish the time of its regular council meetings, and

WHEREAS, the Town of Dayton wants to empower the Mayor and, if the Mayor is unable to act, the Vice-Mayor to reset the regular meeting time in the event weather or other conditions are such that it is hazardous for members to attend the regular meeting,

NOW, THEREFORE, be it resolved by the Town Council of the Town of Dayton, Virginia,

1. Regular meetings of the Town Council shall be held on the second Monday of each month beginning at 6 p.m.
2. When a meeting date falls on a legal holiday, the meeting shall be held on the day following at 6 p.m. unless otherwise designated by the council.
3. If the Mayor, or, if the Mayor is unable to act, the Vice-Mayor, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting the meeting shall be held at 6 p.m. on the day following.
4. If the Mayor, or, if the Mayor is unable to act, the Vice-Mayor, finds and declares that such weather or other condition continues on the day following, the meeting shall be held at 6 p.m. one week after the originally scheduled meeting.
5. All regular meetings of the council shall be open to the public, unless closed pursuant to state law.

ACTION ITEM: CONSIDERATION OF TOWN OF DAYTON COUNCIL CODE OF ETHICS:

Mayor Jackson explained that after each election, Council will adopt a Code of Ethics for the members of the Dayton Town Council and for the members of all boards, committees and commissions appointed by the Dayton Town Council. Councilperson Mathias made a motion to adopt the Code of Ethics for the members of the Dayton Town Council and for the members of all boards, committees and commissions appointed by the Dayton Town Council. The motion was seconded by Councilperson Wolz. The motion passed by a roll call vote of 6 to 0, with one member absent, the voting recorded as follows: MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; WOLZ—AYE; PANNELL—AYE; JACKSON—AYE, ESTES—ABSENT. The resolution reads as follows:

**RESOLUTION TO ADOPT A CODE OF ETHICS FOR THE MEMBERS OF THE
TOWN OF DAYTON TOWN COUNCIL AND FOR THE MEMBERS OF ALL BOARDS,
COMMITTEES AND COMMISSIONS APPOINTED BY THE DAYTON TOWN
COUNCIL**

WHEREAS, the citizens and businesses of the Town of Dayton are entitled to have fair, ethical and accountable local government which has earned the public's full confidence; and

WHEREAS, in keeping with the Town of Dayton's commitment to excellence, all public officials, both elected and appointed, must comply with both the letter and spirit of the laws and policies affecting the operation of government; and

WHEREAS, all public officials, both elected and appointed, are required to be impartial and fair in their judgment and actions and ensure that public office is used for the public good; and

WHEREAS, the Town of Dayton Town Council has determined that the adoption of a Code of Ethics for its members and the members of all Council-appointed boards, committees and commissions will assist in achieving these ends; now, therefore, be it

RESOLVED by the Town of Dayton Town Council this 9th day of January 2023, that the following Code of Ethics is hereby adopted:

TOWN OF DAYTON CODE OF ETHICS

Preamble

The citizens and businesses of the Town of Dayton are entitled to have fair, ethical, and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Dayton Town Council has adopted this Code of Ethics for members of the Dayton Town Council and of the Council's commissions and committees, to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Dayton and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Dayton Town Council, the Council's commissions and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the Town of Dayton in the performance of their public duties. These laws include, but are not limited to: the United States and Virginia constitutions; the Code of the Town of Dayton; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and the Town of Dayton ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of the public, other members of the Dayton Town Council, commissions, committees, or the staff.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Dayton Town Council and Council's commissions and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Dayton Town Council by the Town of Dayton staff.

5. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly and promptly share substantive information that is relevant to a matter under consideration by the Dayton Town Council, commissions and committees, which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal or business relationship to the parties in any matter coming before them. This

paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matters come before them.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

9. Gifts and Favors

A member shall not accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

10. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town of Dayton. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

11. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as the Town of Dayton's staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of the Dayton Town Council shall not appear on behalf of the private interests of third parties before the Dayton Town Council or any, commission, committee, or proceeding involving the Town of Dayton, nor shall members of the Dayton Town Council's commissions or committees appear before their own bodies or before the Dayton Town Council on behalf of the private interests of third parties, except that members of the Dayton Town Council's commissions and committees may appear before other public bodies, including the Dayton Town Council, to advocate for a particular application or other matter of public business related to their role as a public official.

13. Advocacy

Members shall represent the official policies or positions of the Dayton Town Council, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Dayton, nor will they allow the inference that they do.

14. Policy Role of Members

The Dayton Town Council determines the policies of the Town of Dayton with the advice, information, and analysis provided by the public, Dayton Town Council's commissions and committees, and the Town of Dayton staff. The Dayton Town Council delegates authority for the administration of the Town of Dayton to the Town of Dayton Town Manager.

Members, therefore, shall not interfere with the administrative functions of the Town of Dayton or the professional duties of the Town of Dayton staff; nor shall they impair the ability of staff to implement the Dayton Town Council policy decisions. Inquiries to staff shall only be made through the Town Manager of the Town of Dayton.

15. Independence of the Dayton Town Council and Commissions

Because of the value of the independent advice of the Dayton Town Council, commissions, and committees to the public decision-making process, members of the Dayton Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of the Dayton Town Council, commission, or committee proceedings.

16. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for the Town of Dayton employees and for citizens and businesses dealing with the Town of Dayton. Members shall recognize their special role in dealings with the Town of Dayton employees and in no way create the perception of inappropriate direction to staff.

17. Implementation

As an expression of the standards of conduct for members expected by the Town of Dayton, the Town of Dayton Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for the Dayton Town Council, applicants to the Dayton Town Council, commissions, committees, and newly elected and appointed officials. In addition, the Dayton Town Council, Council's commissions, and committees shall biennially review the Code of Ethics and the Dayton Town Council shall consider recommendations from commissions and committees to update it as necessary.

18. Compliance and Enforcement

The Town of Dayton Code of Ethics expresses standards of ethical conduct expected of members of the Dayton Town Council, commissions, and committees. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The Chairs of the Dayton Town Council's commissions and committees and the Mayor of the Dayton Town Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

The Dayton Town Council may impose sanctions on members whose conduct does not comply with the Town of Dayton's ethical standards, such as public or private reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Where allowed by law, the Dayton Town Council also may remove members of the Dayton Town Council's appointed commissions and committees from office.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a decision made by the Dayton Town Council, Council's commission or committee.

MODEL OF EXCELLENCE DAYTON TOWN COUNCIL MEMBER STATEMENT

By the adoption of this Code of Ethics, the members of the Dayton Town Council, agree to uphold the Code of Ethics for elected and appointed officials. Further, we certify that we will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, Town of Dayton staff, and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of the Town of Dayton;
- Treat all people with whom I interact in the manner I wish to be treated.

PUBLIC COMMENT: Mayor Jackson recognized Colten Holland to speak. Mr. Holland addressed the Council stating that he is a resident of Dayton and a student at Turner Ashby High School. He stated that his Government class will be attending a Model General Assembly in Richmond in April of this year and they are asking for sponsors to assist with their expenses. He explained the program and the bills that they would be presenting. Mayor Jackson asked what amount they were still trying to raise, and Mr. Holland advised that they were about \$200 short of their goal. Mayor Jackson thanked Mr. Holland for his comments to Council.

Next, Mayor Jackson recognized Deb Crank to speak. Ms. Crank addressed the Council and thanked Council and Staff for their efforts in 2022. She stated that the Angel Tree program had been very successful this year. She advised that she had met with Interim Manager Bob Holton and Economic Development Coordinator Meggie Roche to discuss her role in assisting the Dayton merchants and that she will be working with the merchants and the Town to coordinate upcoming events. She stated that she would like to see a merchant and or a resident be a part of the Town Manager Search Committee to assist in the efforts to find a good fit. She concluded by asking again for consideration to reinstate Councilperson Estes back to a Council committee assignment.

MANAGER'S REPORT: Interim Town Manager Bob Holton provided a written report, which is attached. Interim Manager Holton stated that it was great meeting with Deb Crank. He elaborated on the Water Treatment Plant upgrade process stating that this project was setting Dayton up for high quality water in the future. He explained the water line replacement project. He concluded with explaining the status and process of the search for a new Town Manager. He stated that employment ads have been advertised in the Daily News-Record, on the Virginia Municipal League website and several other job engine sites. He stated that he will be conducting the first interviews and that he will be looking for the right person for the job and someone who will fit in with "small town thinking." He will select finalists to interview with a committee that will be appointed by Mayor Jackson and the committee will select finalists to interview with the entire Council.

TREASURER'S REPORT: Treasurer Susan Smith provided a written report. Mayor Jackson added that the Treasurer's Department had listed and successfully sold some old Town equipment that was no longer utilized, and the Town has received almost \$19,000 from those sales.

POLICE REPORT: Chief Justin Trout provided a written report.

PUBLIC WORKS REPORT: Public Works Supervisor Adam Meek provided a written report. Councilperson Dyjak asked about an item for consideration on the report pertaining to an inclement weather policy. Interim Manager Holton stated that that topic will be discussed further and brought back to Council in a staff report.

WATER DEPARTMENT REPORT: Water Plant Operator Jennifer Reppe provided a written report.

COMMUNITY DEVELOPMENT REPORT: Community Development Coordinator Christa Hall provided a written report and added that the Planning Commission would be meeting on January 19th to do a final review of the 2022 Comprehensive Plan. They will make final revisions to the Plan. A Joint Public Hearing with the Commission and the Council is scheduled for February 13, 2023, at 5:30 p.m. to hear public input on the Plan. At the conclusion of the Public Hearing, the Planning Commission will conduct a Special Called Meeting to make a recommendation to Council for their consideration at the Regular Meeting at 6:00 p.m.

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 not met. However, he highlighted the positive holiday events in the Town and welcomed the new owners of both Grammie's Ice Cream and Valley Water Gardens to Dayton.

FINANCE COMMITTEE REPORT: Councilperson Dyjak stated that the committee had not met and there was no report. He stated that the Committee will be meeting on February 7th at 8:00 a.m. and they will begin the budget process for the upcoming year.

INFRASTRUCTURE COMMITTEE REPORT: Councilperson Seward 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 had not met and there was no report.

POLICE COMMITTEE REPORT: Councilperson Seward stated that the committee did not meet but will hold a meeting on January 16th at 8:00 a.m.

MAYOR AND COUNCIL REPORT: Mayor Jackson stated that 2022 had been a great year in Dayton and that we are working to complete many important projects. He encouraged participation in Town meetings and the governing process to assist Council in making informed decisions. He highlighted the great Town events that make Dayton a special place to call home. He thanked Council, staff & residents. Councilperson Dyjak extended a welcome to newly appointed Councilperson Melody Pannell and welcomed back Bob Wolz to Council.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

CLOSED SESSION: 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 the resignation of a former Town employee. Councilperson Wolz replied so moved and the motion was seconded by Councilperson Seward. Mayor Jackson asked for a roll call vote, which passed 6-0, with one member absent, the voting recorded as follows: SEWARD—AYE; MATHIAS—AYE; WOLZ—AYE; PANNELL—AYE; DYJAK—AYE; JACKSON—AYE. ESTES—ABSENT.

Mayor Jackson recessed the meeting into Closed Session at 6:41 p.m.

OPEN SESSION: The open session reconvened at 7:13 p.m. upon a motion by Councilperson Wolz, which was seconded by Councilperson Seward and voted unanimously 6-0.

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; MATHIAS—CERTIFIED; SEWARD – CERTIFIED; DYJAK – CERTIFIED; JACKSON – CERTIFIED; PANNELL—CERTIFIED; ESTES—ABSENT.

ADJOURNMENT: With there being no further business to come before the Council, Councilperson Pannell made a motion to adjourn the meeting and Councilperson Mathias seconded the motion; motion passed unanimously. The meeting adjourned at 7:14 p.m.

Respectfully Submitted,

Cary Jackson, Mayor



Christa Hall, Clerk of Council

ATTACHMENT TO DTC 1.9.23 REGULAR MEETING MINUTES

Town Manager

Staff Report

January 9 2023

Water Plant. Work is nearing completion on the 3.1 MGD Reverse Osmosis plant that you broke ground on last summer. We expect the filters to be installed by the end of this month. We'll maintain the old plant while a 30-day trial period is conducted for the new plant. Once we are confident that the new equipment works correctly, the old plant will be taken out of operation.

Here are some key dates ahead for us. The Substantial Completion Date is February 3rd with Final Completion scheduled for April 4th. We hope to accelerate the final completion date if possible. It looks like final cost will be in the \$1.87 million range.

West View/Summit Water Line Replacement. As you probably remember, this 970' of 6" cast iron water line needs replacement. Over the years leaks have occurred requiring time and expense on our part to keep it in operation. We are in the process of getting bids to replace it with 8" ductile iron pipe. The estimated cost of the project is \$78,000. Of course, this was a 2020 estimate so inflation could be a factor. Next month we'll have a better idea of cost and a possible construction schedule.

College Street Sidewalk. Sometime after the Redbud Festival we plan to replace approximately 500' feet of sidewalk on the section of College Street between Mill and Main Streets. Our process will be similar to previous projects in that we'll remove the old sidewalk, prepare the base and bring in a concrete finisher to form, pour and finish the concrete.

Town Manager. Advertisements for a new Town Manager have been placed in the Daily News Record and on websites provided by the Virginia Municipal League. Preliminary interviews will begin as soon as possible in the hope of narrowing the pool of applicants to five to ten for a special committee to evaluate. They will forward the finalists to the entire Town Council for their review and decision. It is hoped that the Council will be able to rule on the finalists by late February or early March.