

**TOWN OF DAYTON
REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS, DAYTON TOWN HALL
June 12, 2023**

COUNCIL MEMBERS PRESENT: Mayor Cary Jackson, Vice Mayor Bradford Dyjak, Susan Mathias, Robert Seward, Bob Wolz, Emily Estes, and Melody Pannell.

COUNCIL MEMBERS ABSENT: None.

ALSO PRESENT: Jordan Bowman, Town Attorney; Earl Mathers, Interim Town Manager; Police Chief Justin Trout; Christa Hall, Treasurer/Deputy Clerk of Council.

CALL TO ORDER: Mayor Jackson called the meeting to order at 6:00 p.m. He stated that the Council would only hear public comments from those who have signed up to speak and that speakers would be limited to five minutes each and comments are to be addressed to the Council. Deputy Clerk Hall called the roll for the Town Council. Mayor Jackson led the Invocation and the Pledge of Allegiance.

APPROVAL OF MINUTES: Mayor Jackson asked for a motion to approve the minutes as written for the Council Meeting of May 8, 2023 and the Special Called Council Meeting of June 5, 2023; Councilperson Estes replied so moved; the motion was seconded by Councilperson Mathias. The minutes were accepted by a roll call vote of 7 to 0, with the voting recorded as follows: DYJAK—AYE; PANNELL—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—AYE; JACKSON—AYE; ESTES—AYE.

ACTION ITEM: Mayor Jackson stated that the first action item on the agenda is the consideration of Amendment to Town Code Ordinance to adopt newly passed General Assembly Actions. This is an ordinance that we need to adopt annually, and Town Attorney Jordan Bowman provided a brief staff report. Councilperson Dyjak made a motion to adopt the ordinance readopting portions of the State Code, as presented. Councilperson Seward seconded the motion and the motion passed by a roll call vote of 7-0, with the voting recorded as follows: DYJAK—AYE; PANNELL—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—AYE; JACKSON—AYE; ESTES—AYE. The Ordinance reads as follows:

WHEREAS, this Council wishes to reincorporate certain sections of the Code of Virginia in order to ensure that any amendments to the incorporated statutes have been incorporated into the Town Code.

WHEREAS, this Council wishes to adopt any future changes to the incorporated statutes.

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

that:

1. Section 24-124 of the Town Code is amended and readopted as follows:

§ 24-124. Adoption of State Law. All of the provisions of Title 46.2, and of Article 9 of Chapter 11 of Title 16.1 (§ 16.1-278 *et seq.*), and of Article 2 of Chapter 7 of Title

18.2 (§ 18.2-266 *et seq.*) of the Code of Virginia, 1950, as amended, other than those provisions thereof which plainly have no application within the Town, are incorporated by reference into this Chapter. Reference therein to "highways of the state" shall be deemed to include streets, highways, public parking lots and alleys within the Town. The mention of specific state law provisions does not preclude the incorporation of unmentioned provisions. Nevertheless, to the extent that § 15.2-1429 of the Code of Virginia prohibits the Town from incorporating those provisions of § 18.2-270 which provide for penalties greater than those for a class one misdemeanor, such provisions are not incorporated. (See Code of Virginia, § 46.2-1313).

2. Section 26-120 of the Town Code is amended and readopted as follows:
§ 26-120 Incorporation of Waterworks Regulations. Article 3 of Part II of 12 VAC 5-590, enacted by the State Board of Health pursuant to § 32.1-170 of the Code of Virginia, is hereby incorporated into this title. (See Code of Virginia, § 15.1-854.)
3. All other state statutes and regulations incorporated into the ordinances of the Town are reincorporated, and all Town Code provisions incorporating the state provisions are readopted. This reincorporation extends to statutes which have been amended and to state statutes which have been repealed and recodified.
4. All future amendments and recodifications of statutes and regulations incorporated into the ordinances of the Town are also incorporated in accordance with § 1-220 of the Code of Virginia.

5. All Town ordinances incorporating or referring to state statutes or regulations are readopted and, if necessary, the ordinances are amended to reflect any amendments to or recodifications of the statutes or regulations.
6. This ordinance shall take effect on "the first day of July," 2023, within the meaning of Article 4, Section 13 of the Virginia Constitution.

ACTION ITEM: Mayor Jackson stated that the second action item on the agenda was the discussion of appointment actions. He entertained a motion to reappoint Colton Shiftlett to the Planning Commission, for a term to expire June 30, 2027. Councilperson Dyjak made a motion to accept and Councilperson Wolz seconded. The motion passed by a unanimous all-in-favor vote.
Mayor Jackson continued with discussion about the Economic Development Authority, stating that there are two positions open with terms expiring July 10, 2027. We will be looking for two candidates to fill those positions. He stated that the FDA typically meets quarterly and that their sole purpose is to review facade grants that are submitted to the Town, for businesses throughout Dayton. He continued to discuss an upcoming vacancy on the Board of Zoning Appeals. Effective July 1, 2023, Mr. Dan Lee will no longer be serving on that board. That vacancy has already been advertised.

PUBLIC COMMENT: Mayor Jackson recognized Town resident Rhonda Johnson to speak. She spoke in support of Mayor Jackson remaining as our Mayor. She stated that the article in the newspaper made her angry and sad. She said every question she has ever asked Mayor Jackson has been answered directly, so she didn't understand the issues of transparency. She cited many

positive things the Mayor has done. This is a great place to live, but she does not appreciate the negativity of the newspaper article. She also recognized Charlie Pennybacker, the former owner of The Thomas House Restaurant and stated that he was a great person in our Town.

Yolanda Waggy was recognized next. She talked about the June 5th meeting where the Council discussed what they are looking for in a Town Manager. She stated how The Berkeley Group brought us the last Manager, who wreaked havoc, but the same group is being used to help select the next Manager. Bringing someone in from outside and paying them an astronomical salary is not what this Town needs.

Cheryl Lyon was recognized to speak next. Dayton has so much good here. How do we keep that momentum going? The Mill is having their own regional expert, Mr. Harold, on June 29th, to speak on Pollinator Gardens. She suggested beautifying Route 42 by planting some of the medians with these pollinator gardens.

MANAGER'S REPORT: Interim Town Manager Earl Mathers said he is impressed with the opening of the new water plant on May 12th, the installation of the wayfinding signs coming up, which will hopefully be completed before Dayton Days in the Fall. He is also impressed with the tight knit staff and the cooperation of everyone on the team.

POLICE REPORT: Chief Justin Trout said he'd answer any questions from the Council. Vice Mayor Bradford said that the Cones with a Cop event went well.

TOWN ATTORNEY REPORT: Nothing to report.

MAYOR AND COUNCIL REPORTS: Mayor Jackson announced that Tammy Warner, who was promoted from Accounting Tech I to Accounting Tech II, is doing a terrific job. Christa Hall, who was Interim Treasurer of Dayton. The Interim has been removed. Meggie Roche has accepted the position of Economic and Community Development Coordinator. Congratulations to all these ladies for their tireless work. An offer has also been made to fill the Administrative Assistant/Deputy Clerk position. That is a work in process and a decision should be made soon. Council did have a recruitment kickoff meeting on June 5th and they are reviewing and finalizing the recruitment portfolio.

Councilperson Estes stated that she had some concerns with the Berkeley Group and the costs associated with the contracts that the Mayor had signed on behalf of the Town.

Councilperson Dyjak spoke in regards to Economic and Community Development and Finance. He said we have a dedicated staff with people who love this Town. A triple threat is happening this weekend. The Town is hosting the second in a summer concert series and thanked Meggie Roche for setting these events up. He also mentioned the Colonial Trade Day at Fort Harrison and that all local businesses will be open. Finally, there is the Ice Cream Day at the Mill on Sunday making Dayton be the place to be this weekend. A number of local businesses were nominated for the "Best in the Valley" contest by the Daily News-Record. That speaks volumes that we have so many in such a small town that are vying for a number of categories. Lots to be

excited about, Brighter days ahead. He congratulated Christa Hall for her position as our new Treasurer.

Councilperson Mathias spoke in regards to the Personnel Committee stating that the Committee has just met and that next month, there will be some policy updates for the staff that are well warranted. She continued her report by stating that the Committee also discussed what the 6.5% COLA increase looked like for the staff and updates on the new hires.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

CLOSED SESSION: Mayor Jackson stated that the Council needs to go into Closed Session. For the virtual audience, this will be the conclusion of the livestream. He entertained a motion to convene into closed session as by Virginia Code Section 2.2-3711(A)(1) for the discussion and consideration of the performance of specific public officers, as authorized by Virginia Code Section 2.2-3711(A)(29) for discussion of the terms and scope of the award of a future public contract where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and as authorized by Virginia Code Section 2.2-3711(A)(8) for consultation with legal counsel employed or 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 the Town Manager position. Councilperson Dyjak replied so moved, with a second from Councilperson Seward and a unanimous all-in-favor vote. The Council convened into closed session at 6:29 p.m.

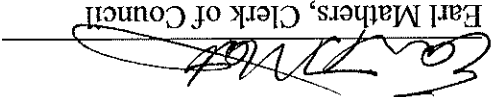
OPEN SESSION: At 6:56 p.m., Council returned from closed session on a motion by Councilperson Estes, which was seconded by Councilperson Mathias and passed by a unanimous all-in-favor vote.

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 Hall then proceeded to take a roll call, with each member certifying as follows: MATHIAS – CERTIFIED; DYJAK – CERTIFIED; WOLZ – CERTIFIED; SEWARD – CERTIFIED; ESTES – CERTIFIED; PANNELL – CERTIFIED; and JACKSON – CERTIFIED.

ADJOURNMENT: With there being no further business to come before the Council, Councilperson Estes made a motion to adjourn and Councilperson Wolz seconded the motion; motion passed unanimously. The meeting adjourned at 6:57 p.m.

Respectfully Submitted,


Cary Jackson, Mayor


Earl Mathers, Clerk of Council

ATTACHMENT TO DTC 6.12.23 REGULAR MEETING MINUTES

Town Manager Staff Report May 2023

Water Department

Position Title	# of Positions	Filled	Vacant
Lead Water Treatment Operator	1	1	0
P/T- Water Treatment Operator	1	1	0
Water Plant Operator	1	1	0

Reports

- Water plant treated 52.647 million gallons of water in the month of May.
- Purchased 43,000 gallons from Rockingham County to repair a leak at the plant.
- Cleaned wastewater basin.
- Replaced leaking feed water pump P-1A under warranty with Pall.
- Successful open house and ribbon cutting at new plant on May 12th.
- Staff completed and passed VDOT Intermediate Work Zone Training.
- Sprayed around town and on 42.
- Planted flowers in pots along Main Street.
- Replaced leaking parts in clay valve on finished water line in plant.

Police Department

1. Personnel

Position Title	# of Positions	Filled	Vacant
Chief	1	1	0
Lieutenant	1	1	0
Patrol	4	4	0

- A. Employee recognitions
 - Officer Roadcap helped to develop the Department's DART program. Dayton Animal Response Team Log.
- B. Training
 - Lieutenant Hooker and Chief Trout attended a 4-day leadership training.
 - Chief Trout attended Active Shooter training meeting.

2. Activity Report May 2023

Calls for Service	602
Incident Reports	598
IBR Reports	1
Arrests	1
Crashes	3
Citations	169

3. Project Updates

- Accreditation
 - Waivers submitted and already approved.
 - Mock assessment June 27th and 28th.
 - USDA Vehicle Grant- Vehicle Pickup June 9th.
 - DCJS ARPA Law Enforcement Equipment and Technology Grant.
 - Approved
 - Vehicle and Equipment Ordered.
 - Vehicle Pickup first week of July.
4. Upcoming Events

- Cones With A Cop event June 10, 2023.
- Planning for National Night Out.

Economic Development

- Wayfinding Signage: The Town awarded the project to the lowest bidder, Rite Lite. A pre-construction meeting was held with the contractor and VDOT.
 - Business Spotlights: Nanny's Nook was featured in the May spotlight. Parkview Credit Union and John Hipps Financial Services will be the June spotlights.
 - Downtown Revitalization Grant: The Town received approval to move forward with the grant on May 16th. Town staff and DHCD will be meeting to discuss next steps.
- Marketing & Communication

- The May Business e-newsletter was sent on May 2.
 - Opens: 71
 - The next residential newsletter will be mailed out the first week in July.
- Events

- The Water Treatment Plant Ribbon Cutting was held on May 12. It was attended by members of the press, the chamber of commerce, and a few residents.
- Approximately 120 people attended the first summer concert with Mikala Curry & The Back Rhodes. The next concert is on June 17 with Who Shot John. Thank you to Thomas House for setting up and selling BBQ!
- Thomas House has committed to selling BBQ at future concerts unless the Town brings in a non-profit group to sell. There is a potential group coming in July to sell concessions.

A "PSA" invitation to the community was included in the WHSV news segment about the concerts asking for local non-profits that would be interested in selling concessions.

- Registration for the 2023 Dayton Days Autumn Celebration (Oct 7) is full, new vendors will be placed on a waitlist.

- It was announced on Facebook that the Muddler has been postponed.

Other

- Assisted in review of preliminary plat for new subdivision.
- A facade enhancement grant application from Heritage Real Estate was received and will be reviewed at the July EDA meeting.

May Social Media Analytics

Town of Dayton Facebook Page				
Page	Reach: 20,623	Profile	Visits: 2,961	New Followers: 58
Top Posts	Topic	Reach	Date	
1	Business Spotlight: Nanny's Nook	8.4k	5/17/2023	
2	Summer Concert	5.4k	5/20/2023	
3	Summer Concert	4.5k	5/11/2023	
Town of Dayton Police Department Facebook Page				
Page	Reach: 2,385	Profile	Visits: 288	New Followers: 0
Top Posts	Topics	Reach	Date	
1	Rusty Willow	945	5/14/2023	
2	Thank You Cinco de Mayo	517	5/1/2023	
3	Mother's Day	409	5/14/23	
Redbud Facebook Page				
Page	Reach: 1,220	Profile	Visits: 65	New Followers: 5
Muddler Facebook Page				
Page	Reach: 6,180	Profile	Visits: 400	New Followers: 1
Top Posts	Topics	Reach	Date	
1	Postponed	6k	5/16/23	
Dayton Days Facebook Page				
Page	Reach: 272	Profile	Visits: 229	New Followers: 31

Public Works

I. Personnel:

Position Title	# of Positions	Filled	Vacant
Public Works Supervisor	1	1	0
Building & Grounds Technician	2	2	0
Part Time/seasonal	1	1	0

II. Reports:

- Began accepting applications for the Facilities Technician position. We have received several applications and will be interviewing in June.
- With the help of Harrisonburg City Public Utilities, we cleaned and flushed all the sewer mains on Main St.
- Had an initial meeting with Viola Engineering at the proposed potential water storage tank site. Their firm will be doing the soil testing of the location to ensure a structure can be built there. Also, the site was surveyed, and it is anticipated that we will have that information in the upcoming weeks.
- PW staff completed VDOT Intermediate Work Zone training.

Treasurer's Office

- Personnel: Ann Shawver, CPA, will assist with the transition in the Treasurer's office, the FY23 audit process and close out, and implementing the FY24 budget.
- Staff mailed 23 cut-off notices for unpaid water service. Service interruption is scheduled for June 20, 2023.
- New Core Dial phones have been ordered and will be installed in June. Upgraded internet speed to accommodate the new system and new equipment was installed in May.
- Reviewed the VRSA Liability Insurance Policy renewal for the FY24 period.
- Submitted the final Project & Expenditure Report to the US Department of Treasury for the ARPA funds received by the Town to ensure compliance.

Planning and Zoning

- The Planning Commission meeting for May was cancelled due to no new business to discuss. They will meet in June to review the preliminary plat plan for Dayton Crossing. The preliminary plat has been submitted to all the necessary departments for review and that review will be discussed with the Planning Commission, the Engineer and the Developer at the June 15th meeting. Also at the June meeting, Ansley Heller, Transportation Planner with the CSPDC will present the approved HRMPO 2045 L RTP to the Planning Commission.

- g. BZA member, Dan Lee, will be leaving the BZA at the expiration of his term on June 30, 2023. This vacancy has been advertised and we will be accepting applications through June 23, 2023. Depending on the response, Council may need to conduct interviews and/or make an appointment in July.
- h. Colton Shifflett's term on the Planning Commission is set to expire June 30, 2023. Council will need to make an appropriate appointment for a 4-year term to expire June 30, 2027.

Manager

- Devoted considerable time, in close collaboration with Ms. Hall in meeting the logistical and informational needs of the Berkeley Group in conjunction with the Town Manager search.
- Responded to several FOIA requests with assistance from Mr. Bowman.
- Crafted changes to the personnel policy for review and discussion.
- Identified some management deficiencies which we are working to correct.
- Addressed several citizen concerns.
- Analyzed current staffing and organizational structure in follow-up to work performed by Mr. Paxton and Mr. Holton. Recommendations forthcoming.
- Engaged in various discussions regarding approved and future capital projects.
- Assisted with VRSA/insurance renewal.
- Reviewed applications and interviewed candidates for Administrative Assistant/Deputy Clerk.
- Continued year-end financial analysis and approved routine expenditures.
- Participated in various meetings with staff and contractors as needed.

[illegible]