

**TOWN OF DAYTON
REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS, DAYTON TOWN HALL
October 11, 2022**

COUNCIL MEMBERS PRESENT: Mayor Cary Jackson, Robert Seward, Susan Mathias, Emily Estes. Pursuant to Virginia State Code 2.2-3708.2 and the Town's Resolution authorizing electronic participation in Town meetings, Heidi Hoover joined remotely via Zoom from her home due to medical reasons. Vice Mayor Bradford Dyjak arrived at 6:15 p.m.

COUNCIL MEMBERS ABSENT: Bob Wolz.

ALSO PRESENT: Brooke Hannah, 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. Mayor Jackson led the Invocation and the Pledge of Allegiance. Mayor Jackson then spoke about the importance and greatness of Dayton Days. He stated that there are always opportunities for improvement, and these will be topics of conversation for the Council committees. He stated that we had 192 vendors from four states, and he heard from many happy vendors. He praised the Town staff, community and volunteers for making the event so successful.

APPROVAL OF MINUTES: Councilperson Seward made a motion to approve the minutes as written for the Regular Council Meeting of September 12, 2022; the motion was seconded by Councilperson Mathias and approved by a roll call vote of 5 to 0, with the voting recorded as follows: DYJAK—ABSENT; HOOVER—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—ABSENT; JACKSON—AYE; ESTES—AYE.

ACTION ITEMS: Mayor Jackson stated that the only action item on the agenda is an appointment action for the Board of Zoning Appeals (BZA). He thanked Colby Miller for serving on the Board and stated that Mr. Miller will be leaving as he is moving out of town. The vacancy was advertised on the Town's website and applications were accepted through September 30, 2022. Former Mayor Sam Lee submitted a letter of interest for the vacant BZA position and staff recommends that the Council recommend him to the Rockingham County Circuit Court for appointment to the BZA. Councilperson Estes made a motion to recommend to the Circuit Court of Rockingham County that Sam Lee be appointed to the Dayton Board of Zoning Appeals. The motion was seconded by Councilperson Seward and approved by a roll call vote of 5-0, with the voting recorded as follows: DYJAK—ABSENT; HOOVER—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—ABSENT; JACKSON—AYE; ESTES—AYE.

PUBLIC COMMENT

Graham Witt addressed the Council stating that he represents Dayton United Methodist Church and Open Doors. He explained to Council what the Open Doors program does, noting that Open Doors has provided over 2,500 nights of shelter and served over 150,000 meals in its 15 years of operation. He gave an overall picture of the program's involvement in Dayton this year and concluded by saying how great the Dayton Days event was this year.

Jean Halbeisen, owner of Nanny's Nook in Dayton, addressed the Council and stated that her business had been open for 15 years, the last ten of which have been on Main Street in Dayton. She stated that she received a letter from the Town Manager on September 20, 2022, regarding Dayton Days and she wanted to address the content of the letter with the Council. The letter stated that the Town had received negative feedback about Nanny's Nook hosting and allowing vendors to set up outside of her shop displaying and selling items not typical of those sold in her shop. She stated that the only additional items that are sold on Dayton Days are done so by a consigner that she has had and has been a part of her business for years and all sales are processed, logged and reported properly through Nanny's Nook. She stated that she pays her fees and follows the rules and did not understand why she was singled out and personally addressed. She further stated that she received a visit from a Town police officer during Dayton Days and felt that she was being "scoped out". She concluded by asking Town Council what action they intended to take to address the actions of the Town Manager and thanked them for hearing her concerns.

Deb Crank addressed the Council to thank them for an amazing Dayton Days and for other requests that have been implemented over the past year: new video, sidewalk improvements, new business signage, landscaping at the Main Street marker, and increased and regular street sweeping. She feels these improvements support collaboration between citizens, merchants and government, which leads to increased trust in a growing and vibrant community. She addressed the Council stating that they are responsible for directing staff and that the decision that was made to send an accusatory and intimidating email to a long-standing business owner was not an example of a relationship-growing move on the Council's part. She stated that the email was perceived as bullying, and she did not understand why Council would support and direct these actions. She asked Council to please consider if we are ready to move forward with a grant to improve downtown when there is mistrust in the Town among the merchants. She concluded by asking Council to consider refunding the young lady who set up in front of the real estate office selling only a few items. She asked that we collaborate and grow and not place favorites or pit each other against each other. She also stated that she was looking forward to hearing Council feedback on these concerns at the next meeting and thanked Council for hearing her.

Tara Worthy, owner of the Rustic Oracle in Dayton, addressed the Council to thank the Town staff for all the hard work that goes into Town events. She stated she was disappointed that a vendor had set up in front of her business this year and asserted that had not been an issue since her opening in 2013. She said she has always understood that the businesses along the event path have clear visibility on the street during the event. She extended an apology to Ms. Roche

as she had been upset on the event day. She stated that she felt that this was personal. She further explained that she had received a visit from VDOT about her sign located in the field on Route 42 and that it would need to be taken down, which it was. She voiced concerns about the Valley Structures sign located in the Town, when they do not operate a business within the Town. She feels that the Town businesses are being bullied. She highlighted that Councilperson Estes and Mayor Jackson had been reprimanded for their actions in the past and asked what the policy was pertaining to a reprimand of the Town Manager for her actions. She thanked Council.

Susie Swecker, owner of Mane Street Salon in Dayton, addressed the Council and inquired as to why the Town felt the need to upset the business owners all the time, especially on Town event days so that the merchants now dread the day. She stated that she felt ignored by the Town Manager at Dayton Days as she had walked by and did not address her. She stated that she feels targeted and is not happy in Dayton. She feels that the businesses are being bullied and there have been too many new policies put in place in recent years that hurt the businesses instead of trying to help them.

Jack & Brenda Keirney, owners of the Thomas House Restaurant in Dayton, signed up to speak but gave their time to Jeff Halbeisen, husband of Nanny's Nook owner Jean Halbeisen. Mr. Halbeisen addressed the Council with concerns about the weekly submission of a report from the Town Manager to the Council on April 25 following the Redbud Festival which stated, "unfortunately one business chose to close and not to be open during the festival day." He asked if that was in reference to Nanny's Nook and said that if it was, his wife had sent an email to the Town on April 22 advising that she had been sick and had not been able to open on the day of the festival. He reported that in the same correspondence, she addressed that her consigner would be available if the Town needed anything. He thanked Councilperson Estes for providing an explanation as to why Nanny's Nook had not been open and thanked her for her positive comments. He said he felt ignored by other Council Members.

Sam Lee, co-owner of Fab Refurbs in Dayton, addressed the Council and stated that they are grateful to be in a town that hosts events such as Dayton Days. He said that it was a great weekend and successful event. He stated that if any Town business would like to contact their business to share challenges and start a conversation, he would welcome that exchange.

Mayor Jackson thanked everyone for their comments.

MANAGER'S REPORT

Town Manager Angela Lawrence provided a written report, which is attached. She highlighted several items from her report and congratulated Treasurer Susan Smith on her recent certification through VGFOA. She shared the livestream camera showing the progress at the Water Treatment Plant upgrade and updated Council on the status of the project. She stated that there are a few change orders for the project and are all within budget. She provided an update on the grant application that was recently submitted for Town vehicles and advised that the grants will probably not be available in time to purchase vehicles in the current fiscal year so the funds will likely need

to roll over to the next fiscal year. She stated that she had one item for Council consideration and that was a pledge recommended by VML from the recent conference she attended. This is a Civility Pledge, which is attached, and she read the pledge aloud. Councilperson Estes stated that she had no problem with the pledge, but it needs to be agreed upon by all Council and staff. Council referred the pledge to the Personnel Committee for review and a recommendation.

At this time, Manager Lawrence addressed the public comments stating that she sincerely apologized to Jeanie Halbeisen and that she had visited and enjoyed Nanny's Nook many times. She stated that she was sorry that the business community was upset. She acknowledged that she did send an email to Ms. Halbeisen in an effort to address certain concerns ahead of Dayton Days and asked in the email that Ms. Halbeisen let her or Meggie Roche know if she had questions. She stated that she had been unaware of the consignor relationship in the shop. She continued to say that she did not mean to cause friction among the Town businesses. Councilperson Estes asked if the email that Manager Lawrence sent out was sent to all businesses or just to Nanny's Nook and Ms. Lawrence replied that it just went to Nanny's Nook. She continued to say that she never meant to bully anyone and that she would have appreciated a phone call to address these matters. She stated that she has addressed other businesses in a similar fashion about issues and concerns at Dayton Days, and further stated that she likes to put things in writing. She said that it was the Police Chief who visited Nanny's Nook on the day of the Dayton Days event.

TREASURER'S REPORT

Treasurer Susan Smith provided a written report and added that the auditors had been on-site working on the Town's audit and she anticipates that they will present the final report to Council at the November meeting.

POLICE REPORT

Chief Justin Trout provided a written report. He stated that they had recently held a Coffee with a Cop event at the Dayton Market and visited a preschool. He addressed Ms. Halbeisen's concerns by stating that he and the other officers frequently visit Dayton businesses, meet with vendors and host lots of community events. He said that this was a usual practice for him and that he was not being unethical or singling any business out by his visit.

PUBLIC WORKS REPORT

Public Works Supervisor Adam Meek provided a written 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. Ms. Hall thanked Council for recommending Mr. Lee for appointment to the BZA. She stated that an application was received for a rezoning request for 3.19 acres of land located to the south of Mason Street to be rezoned from R-1 to R-2 to allow for 8 duplexes (16 total units). She said that the application would be referred to the Planning Commission to schedule a Public Hearing to hear public comments. She advised that Council will be hearing the matter at an upcoming Council meeting.

ECONOMIC DEVELOPMENT REPORT

Economic Development Coordinator Meggie Roche provided a written report. Manager Lawrence stated that she and Ms. Roche have been visiting businesses and have seen improvements in the last year. She advised that if there are comments or concerns on how things can improve, to please contact her or Ms. Roche. She addressed several concerns about parking and signage at the recent Dayton Days event.

TOWN ATTORNEY REPORT

Attorney Brooke Hannah stated that she had no report and thanked Council for the opportunity to speak.

ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT

Councilperson Dyjak stated that the committee had not met. He commented on the recent Dayton Days event and thanked Town staff and businesses for making it a great event. He stated that there is always time for reflection and that there will be an internal staff review and then the committee will follow up with a meeting to discuss ways to improve on the event in the future. He stated that the Town is special and unique and that we will continue to work through any issues that have been discussed. He congratulated Harvest Table on their recent opening and encouraged everyone to visit them and all Town businesses. And thanked all the Best of the Valley mentions and stated that we could all take pride collectively for the great Town of Dayton. He stated that Silver Lake Mill will be officially celebrating the bicentennial on October 28th and encouraged everyone to attend.

FINANCE COMMITTEE REPORT

Councilperson Dyjak stated that the Committee had met to cover the quarterly financial review. He also extended congratulations to Ms. Smith on her certification and on a successful audit and stated that the audit will be presented to Council at the November meeting.

INFRASTRUCTURE COMMITTEE REPORT

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

PARKS, RECREATION & BEAUTIFICATION COMMITTEE REPORT

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

PERSONNEL COMMITTEE REPORT

Councilperson Mathias stated that they met the same day as the Council meeting and discussed the upcoming process for the annual performance review of the Town Manager.

POLICE COMMITTEE REPORT

Councilperson Hoover stated that the committee did not meet, and she had no report.

MAYOR AND COUNCIL REPORT

Mayor Jackson stated that the Town never intends to upset local businesses and thanked everyone for attending and sharing their concerns. He stated that he would like to see this many people attend every Town meeting. He also extended a congratulations to Treasurer Susan Smith. Councilperson Mathias stated that there is a Leadership/HR breakfast coming up on November 9th at the Blue Ridge Community College Plecker Center that would be beneficial for all business owners and managers to attend, and she would share details in the Town's monthly business newsletter. Councilperson Estes reiterated to the business owners that she is sorry that she will not be able to represent them in Committee meetings as she is excluded from those.

UNFINISHED BUSINESS

None.


NEW BUSINESS

None.

ADJOURNMENT

With there being no further business to come before the Council, Councilperson Estes made a motion to adjourn, and Councilperson Mathias seconded the motion; motion passed unanimously. The meeting adjourned at 7:21 p.m.

Respectfully Submitted,


Cary Jackson, Mayor


Christa Hall, Clerk of Council

ATTACHMENT TO DTC 10.11.22 REGULAR MEETING MINUTES

Town Manager

Staff Report

September 2022

Personnel

- 1) We continue to monitor and react appropriately to evolving COVID protocol.
- 2) A staff appreciation luncheon was held on August 11 to thank staff for their hard work on National Night Out, Muddler and other events and activities. We continue to have a strong team that works well with all departments.
- 3) A special thanks to Chief Trout and the Police Department, Meggie, and Public Works and Water Departments for their teamwork and dedication in hosting National Night Out, Muddler, and the Downtown Revitalization Grant public meeting. All were excellent community events.

Public Works, Roads, Facilities

- 1) Water Plant Upgrade:
 - a) Construction is on schedule and going well.
 - b) Additional change orders are expected due to pipes not being in the location shown on the drawings we had. They were much deeper in one area and in a different place in another. This has resulted in relocation of some items and additional expenses. I hope to have figures at the council meeting. The issue has been discussed with the infrastructure committee.
 - c) Staff participated in the WTP monthly progress meeting with the engineer and contractor.

Other

- 1) Staff met with a business owner outside town limits who is interested in extending water lines at no cost to the town. This was discussed with the infrastructure committee and will come back to council later.
- 2) I participated in Muddler meetings and worked the event.
- 3) I attended National Night Out.
- 4) I have been working with staff, planning commission, and the PDC on the comprehensive plan.
- 5) I have been working with staff, planning commission, and the project management team on the downtown revitalization grant.
- 6) Staff has been working on several potential rezoning and development projects in town. If/when applications are received, we will update council.
- 7) I submitted a joint grant application for a public works truck and police vehicle through USDA.
- 8) I continue to serve on HRRSA and MPO boards and attend meetings.
- 9) I participated in two police interviews.
- 10) I am co-chair for the VLGMA Winter Conference again this year. The conference will be held in Harrisonburg.
- 11) I attended the LRTP public meeting hosted by PDC at Turner Ashby.
- 12) Rode on horse and buggy with PDC transportation planning staff to better understand the needs related to transportation planning. Special thanks to Everette Burkholder. Other opportunities will be available at a later date.

Items for Discussion and/or Consideration

- 1) WTP Change Order

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	Waiting for City agreement	Requested again this month.
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	Construction now scheduled for September. Street has been cut. Sidewalks will be removed beginning 9/8/22. Sidewalks to be installed beginning 9/14, weather permitting.	Would include all of College – may be done in phases. Phase I – Mill (not including what was completed during Mill Street project to King).
PF01 Parks	Saving for future needs	
PW01 PW Service Truck	Applied for grant.	
ECD01 Downtown Revitalization	Planning grant underway	
ECD02 Wayfinding Signage	Final comments in process. Once approved by VDOT, will go to bid for fabrication and installation.	
PD01 Police Vehicle	Applied for grant.	

Respectfully submitted,

Angela A. Lawrence