

**TOWN OF DAYTON
REGULAR COUNCIL MEETING
COUNCIL CHAMBERS DAYTON TOWN HALL
Tuesday October 10, 2023
6:00 p.m.**

AGENDA

1. Call to Order Mayor Jackson
 - a. Roll Call by Clerk
 - b. Invocation
 - c. Pledge of Allegiance

2. Public Hearing: To hear public comments regarding a Rezoning Request on John Wayland Highway.

3. Approval of Minutes for the Regular Town Council Meeting of September 11, 2023, and the Special Called Closed Council Meeting of September 22, 2023.

4. Action Items*
 - a. Consideration of Tree Removal and Maintenance Policy
 - b. Consideration of Rezoning Request on John Wayland Highway.

5. Public Comment

6. Staff Reports
 - a. Manager's Report
 - b. Police Department's Report
 - c. Attorney's Report
 - d. Mayor & Council Reports

7. Unfinished Business

8. New Business

9. Adjournment

Important Notice: Town Council Livestream Available

This meeting will be available for livestream viewing via Zoom at the link provided below. Please note that this is provided for viewing purposes only and all attendees will be muted and no comment will be accepted or allowed from Zoom.

Join Zoom Meeting: <https://zoom.us/join/86471152895>

Meeting ID: 864 7115 2895

Passcode: 999499

Dial in: 1-301-715-8592

*Please Note: All Action Items are for Council's consideration and are considered as drafts until voted on by Council and signed by the Mayor and certified by the Clerk.

Rezoning Request - Staff Report

Wilfong 3049, LLC – John Wayland Hwy Development – Rezoning Request

Project Location: 3049 John Wayland Hwy, tax map # 107-(A)-L229

Project Summary: Developer Brian Wilfong with Wilfong 3049, LLC, represented by Valley Engineering, has requested to rezone approximately 9.5 acres of commercially zoned (B-1)* property to a mix of approximately 6.5 acres of high-density residential zoning (R-3) and approximately 3 acres of commercial zoning (B-1). As shown on the site plan, the developer intends to build 7 three-story apartment buildings if the rezoning request is approved.

** This piece of property was part of the County prior to annexation, and as stated in the Town Code, any property annexed will maintain County zoning classification until other action is taken by the Town. The developer is requesting the commercial portion be rezoned to align with Town B-1 zoning, as opposed to Conty B-1 zoning.*

Following feedback from the planning commission public hearing, the developer has offered the following proffers:

1. The number of dwelling units on the property shall not exceed 114 unit within the R-3 portion of the site. *Staff comment: The maximum number of units allowed on the r-3 portion of the site would be 138 according to Town Code. This proffer is significant because it ensures that the developer cannot increase the units on their site plan once the rezoning has been approved.*
2. The general site layout as indicated on the “Conditional Zoning Plan”, sheet 1 of 1, dated 9-12-23, shall be proffered for the R-3 portion of the site. The Applicant/Owner reserves the right to adjust elements of site plan such as vehicular access points, pedestrian connections, parking, planting islands, dumpster locations, stormwater facilities, etc.; however, the general locations of proposed buildings, parking, and open space shall be in general conformity with the conditional zoning plan. *Staff comment: This proffer is also significant because it ensures that what is generally shown in the rezoning request will be carried through to the final site plan.*
3. No less than one (1) large deciduous tree shall be planted and maintained for every sixty (60) linear feet of exterior property line for the proposed R-3 portion of the property. This does not include the internal property line shared with the B-1 portion of the site. Trees shall be planted within 10 feet of the property line. At the time of planting, tree sizes shall be a minimum of 1-1/2” caliper. *Staff comment: This proffer addresses the concerns of neighboring farmers who were concerned about potential residents wandering into their fields – a natural buffer could discourage that.*

School Impact from RCPS: This development is in the John Wayland, Wilbur Pence and Turner Ashby attendance area. We estimated it would generate 8 elementary students, 3 middle school and 3 high school students when completely built out. Each school has the capacity to handle this increase.

It is important to note that the property is currently zoned for commercial purposes, even though it is located in an “agricultural landscape.” There is potential for the owner to pursue alternative commercial uses if the rezoning is not approved. The owner has indicated they would like to develop the residential to support the quality of commercial development, similar to a mixed-use style development.

The Planning Commission voted to recommend approval in a 4-1 vote.

Council must take action at the October 10 meeting. The action may be to table a decision, approve, or deny.

**Wayland 3049, LLC
REZONING REQUEST PROFFER
(Conditions for this Rezoning Request)**

Owner/Applicant:

Wayland 3049, LLC
P.O. Box 331
Bridgewater, VA 22812

Dated: September 13, 2023

The Applicant hereby proffers that in the event the Dayton Town Council shall approve the rezoning of the Property, from the B-1 (County) zoning district to R-3 Conditional and B-1 (Town), then the Project shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Dayton Town Council in accordance with Virginia law. In the event that such rezoning is not granted, then these Proffers shall be deemed withdrawn and have no effect whatsoever. These Proffers shall be binding upon the Applicant, the Owner(s), and their legal successors or assigns.

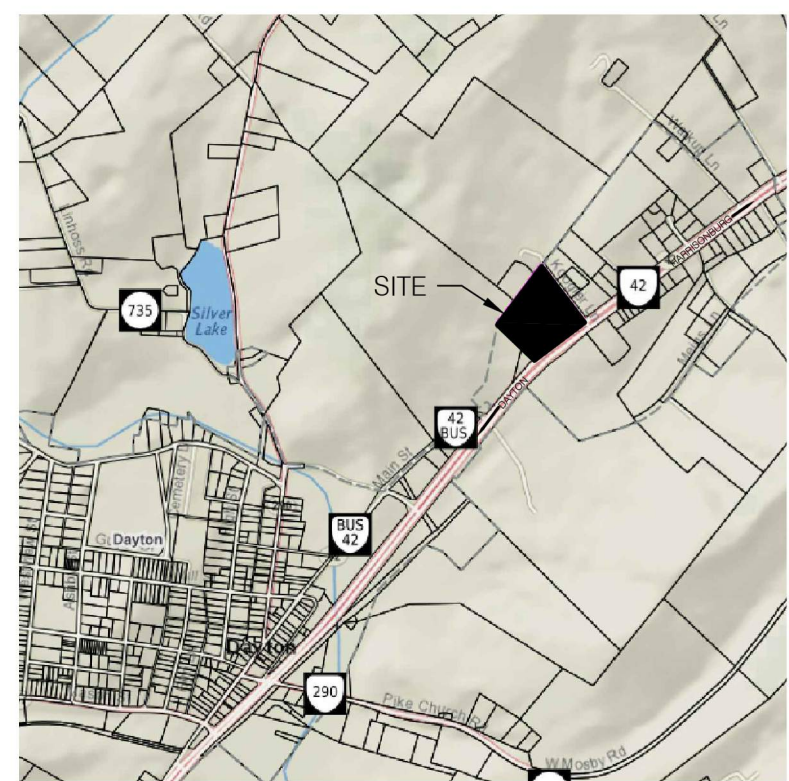
The Applicant/Owner, hereby voluntarily proffers the following:

1. The number of dwelling units on the property shall not exceed 114 unit within the R-3 portion of the site.
2. The general site layout as indicated on the "Conditional Zoning Plan", sheet 1 of 1, dated 9-12-23, shall be proffered for the R-3 portion of the site. The Applicant/Owner reserves the right to adjust elements of site plan such as vehicular access points, pedestrian connections, parking, planting islands, dumpster locations, stormwater facilities, etc.; however, the general locations of proposed buildings, parking, and open space shall be in general conformity with the Conditional Zoning Plan.
3. No less than one (1) large deciduous tree shall be planted and maintained for every sixty (60) linear feet of exterior property line for the proposed R-3 portion of the property. This does not include the internal property line shared with the B-1 portion of the site. Trees shall be planted within 10 feet of the property line. At the time of planting, tree sizes shall be a minimum of 1-1/2" caliper.

APPLICANT/OWNER:

Wayland 3049, LLC

By:  _____ Date: 9/13/23
Brian Wilfong (Applicant)



VICINITY MAP
SCALE: 1" = 2000'

DEVELOPMENT DATA	
TAX MAP #:	107-(A)-L229
SITE AREA:	± 9.581 AC.
APARTMENT (R-3):	± 6.56 AC.
BUSINESS (B-1, TOWN):	± 3.02 AC.
EXISTING ZONING:	B-1 (COUNTY)
PROPOSED ZONING:	R-3 CONDITIONAL, B-1 BUSINESS (TOWN OF DAYTON)
PROPOSED USE:	MULTI-FAMILY (3 STORY APARTMENTS), BUSINESS
R-3 ZONING	
MAXIMUM # OF UNITS PER R-3 CODE:	138
PROPOSED UNITS:	114 (MAXIMUM)
PROPOSED DENSITY:	± 17 DWELLING UNITS PER ACRE
PARKING REQUIRED:	2 SPACES PER UNIT (228 SPACES REQUIRED)
PARKING PROVIDED:	228 MINIMUM
MAXIMUM LOT COVERAGE (BUILDINGS):	35% OF SITE MAXIMUM (±2.30 AC.)
PROPOSED LOT COVERAGE (BUILDINGS):	±15% OF SITE DEPICTED (±1.00 AC.)
B-1 ZONING	
MAXIMUM LOT COVERAGE (BUILDINGS):	40% OF SITE MAXIMUM (±1.21 AC.)
PROPOSED LOT COVERAGE (BUILDINGS):	N/A
SETBACKS / BUILDING HEIGHTS:	APARTMENTS (R-3): BUSINESS (B-1):
FRONT YARD:	35' (FROM STREET ROW) 25'
SIDE YARD:	20' (MULTIFAMILY) 25'
REAR YARD:	30' 20'
MAXIMUM BUILDING HEIGHT:	3 STORIES OR 40 FT (WHICHEVER IS LESS)

JOHN WAYLAND DEVELOPMENT

DAYTON, VIRGINIA



VALLEY ENGINEERING

4901 CROWE DRIVE
MOUNT CRAWFORD, VIRGINIA 22841
(540) 434-6365
www.valleyesp.com

REVISIONS:
9-12-23: PER STAFF COMMENTS

DATE: 07/24/2023

PROJECT No.: 12792-7

EXP./CLIENT No.: 9159-1



CONDITIONAL ZONING PLAN

SHEET NO.:

1 OF 1



**TOWN OF DAYTON
REGULAR COUNCIL MEETING
COUNCIL CHAMBERS, DAYTON TOWN HALL
September 11, 2023**

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

COUNCIL MEMBERS ABSENT: Mayor Jackson

ALSO PRESENT: Jordan Bowman, Town Attorney; Earl Mathers, Interim Town Manager; Police Chief Justin Trout and Christine Wade, Deputy Clerk.

CALL TO ORDER: Vice Mayor Dyjak called the meeting to order at 6:01 p.m., welcomed guests both in person and those joining remotely as the meeting is also available for live stream viewing via Zoom. He stated that the Council would only hear public comment tonight from those attending in-person and had signed up to speak and that speakers would be limited to five minutes each. Vice Mayor Dyjak led the Invocation and the Pledge of Allegiance and shared a tribute to remember 9-11.

APPROVAL OF MINUTES: Vice Mayor Dyjak asked for a motion to approve the minutes as written for the Council Meeting and the Joint Public Hearing with the Planning Commission for August 14, 2023. Councilperson Wolz 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; PANNELL—AYE; ESTES—AYE; and WOLZ—AYE. MAYOR JACKSON-ABSENT

ACTION ITEM: Vice Mayor Dyjak stated that the first action item on the agenda is the motion to appropriate and approve the expenditure of funds in an amount up to \$437,000. Vice Mayor Dyjak asked Mr. Mathers to give a report. Mr. Mathers told the council that the breakdown for the appropriation of expenditure funds is as follows: \$245,000 for the purchase of real estate for the future development of a water storage facility, \$76,000 for the purchase of a new Police Vehicle and that there will be some grant fund revenue to offset this. \$60,000 for the purchase of a new Public Works Vehicle, there will be some grant fund revenue to offset this as well, and \$56,000 for the repairs needed for the Well 2 pump. He also explained that a budget amendment corresponding to this will be forthcoming. Vice Mayor Dyjak asked if there was any discussion, as there was none, he then asked for a motion to approve as stated. Councilperson Wolz replied so moved and Councilperson Seward seconded. 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; PANNELL—AYE; ESTES—AYE; and WOLZ—AYE. MAYOR JACKSON-ABSENT

ACTION ITEM: Next action item is for the consideration of the Financial Policy on GASB87 & GASB96. Mr. Mathers shared that this financial policy is standard practice and maintains compliance with the new standards. Vice Mayor Dyjak asked if there was any discussion, and since there was none he asked for a motion to approve the financial policy on GASB87 & GASB96 as presented. Councilperson Estes so moved, and Councilperson Mathias seconded. The motion was approved by a roll call vote of 6-0 with one member absent. The voting recorded as follows: MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; PANNELL—AYE; ESTES—AYE; and WOLZ—AYE. MAYOR JACKSON-ABSENT

ACTION ITEM: Next item is the Consideration of Appointment Action for the Planning Commission. Vice Mayor Dyjak stated that one application was received and that was from Jeremy Holland, who is a Dayton resident and has 25 years of experience in fire, emergency medical services, technical rescue and hazardous materials emergency response. Vice Mayor Dyjak entertained a motion to appoint Jeremy Holland to the Dayton Planning Commission with a term to expire 6/30/2026. Councilperson Seward moved and Councilperson Wolz seconded. The motion was approved by a roll call vote of 6-0 with one member absent. The voting recorded as follows: MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; PANNELL—AYE; ESTES—AYE; and WOLZ—AYE. MAYOR JACKSON-ABSENT

PUBLIC COMMENT: None

MANAGER'S REPORT: Interim Town Manager Earl Mathers provided a written report, which is attached. He added that the Town of Dayton was following suit with other small towns incorporating the water restrictions and the burn restrictions. He said that it was important to use water saving measures. He shared that he felt that the land acquisition was going well and that he continued to marvel at the ingenuity of the staff members as they are willing to jump in and do anything and that they all get along well.

POLICE REPORT: Chief Justin Trout stated that Council had his report. Councilperson Mathias asked Chief Trout what the Blue Envelope Program was. Chief Trout explained that it was a program by the Commonwealth Attorney's Office to assist drivers with special needs and help during interactions with law enforcement officers. The purpose of the Blue Envelope Program is to help vehicle drivers who have conditions such as autism spectrum disorder, communications challenges, dementia, anxiety, or other conditions that might impair their ability to communicate easily during a traffic stop, car accident or other interactions with law enforcement officers.

TOWN ATTORNEY REPORT: Nothing to report.

MAYOR AND COUNCIL REPORTS: Vice Mayor Dyjak gave a report for Economic & Community Development. He stated that they had just met this morning to discuss some of the

upcoming events. The last concert in the park is Saturday September 16th with the Big City Band and they are hoping for another large crowd. They discussed the Dayton Days event and staff shared that there are about 1/3 of food vendors located at the end of north Main Street and they will put up large red banners that say “Food” to try to attract some traffic that way. The new Business Spotlight featured the Valley Water Gardens. The downtown merchants are generating lots of excitement with numerous events such as the Blue Moon Sip and Shop. Vice Mayor Dyjak also stated that the Planning Commission met last month to consider a zoning request, but it was tabled to their next meeting on September 14th.

Vice Mayor Dyjak asked for a report for Infrastructure and Police. Councilperson Seward stated there was no meeting for either but stated that the Police Department received two new vehicles due to Chief Trout’s great grant writing skills. Councilperson Seward also stated that it is exciting that the water treatment plant was completed and functioning. Councilperson Wolz asked about the Heat Grant. Chief Trout explained that it was a grant from the State Police Department in the amount of \$12,500 that can be used towards helping to eliminate auto theft. Councilperson Wolz reported for Parks, Recreation and Beautification and stated that there was no meeting, but the new playground equipment will be installed soon. Vice Mayor Dyjak asked Councilperson Mathias for a Personnel report and she replied that there was no report.

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. Councilperson Mathias seconded the motion and it passed unanimously. The meeting was adjourned at 6:25 p.m.

Respectfully Submitted,

Bradford Dyjak, Vice Mayor

Earl Mathers, Clerk of Council

Town Manager's Report – August

Town Manager's Office

- Continued reaching out to businesses as time allowed.
- Monitored progress and visited project sites. All Town projects are proceeding very well, and I believe the land acquisition for the water tank is going more quickly than expected.
- We have had a few unanticipated expenses recently. Most significantly, we have had to do a major overhaul of Well Number 2 at considerable expense. In addition, there were several items which should have been budgeted but were not and we need to allocate funds for the land acquisition. The upshot of all this is the need for a budget amendment which will be discussed at the meeting.

Treasurer's Office

1. Staff continues to work on final audit preparations and FY23 year-end close.
2. The final audit is scheduled for September 11-15. Staff continues to review the Budget vs. Actual report and will advise Council if any adjustments and carry overs will be necessary.
3. Staff mailed 20 cut-off notices for unpaid water service. Service interruption is scheduled for September 21, 2023. There were no service interruptions in August.
4. Items for Council Consideration:
 - a. A budget amendment will be necessary for FY24. However, due to time constraints and to consolidate all amendments into one advertisement, staff is asking Council to appropriate and approve the expenditure of funds to complete the land purchase for the development of the future water storage facility, a police vehicle, a public works vehicle and the emergency repairs that are necessary for the Well 2 pump. There will likely be other minor necessary budget items that will need to be amended for FY24 and the vehicle purchases will be offset by anticipated grant funding and this amendment will be made towards the end of FY24. These funds will likely need to be transferred from the Town's investments to cover the land purchase.
 - b. The Governmental Accounting Standards Board (GASB) has recently implemented new standards regarding government held leases and short subscription-based information technology arrangements (SBITAs). The Town staff recommends, with the approval of the Town's auditors, that a capitalization policy be adopted. The proposed policy is included in the packet for the Council's consideration.

Water Department

Reports

- Water Plant treated 58.944 million gallons of water in the month of August.
- Purchased 91,000 gallons from Rockingham County while fixing a leak.
- Rockingham County purchased 410,892 gallons of water from the town this month!
- Replaced 10 registers (meters).
- Sydnor came out on August 21st to pull Well 2 pump; still in the process of getting this fixed.
- Flushed hydrants.
- Cleaned wastewater pit at water plant.
- Allen Yoho continued working on SCADA upgrade.
- Pre-ordered mums from Evergrowin' for fall decorating.
- All lead and copper samples were collected from residents.
- Security camera project completed.

Police Department

1. Personnel

A. Employee recognitions

- Officer Roadcap completed his Firearm Instructor Certification.

B. Training

- All officers completed Field Guide Training.
- All officers completed Photo Lineup, Legal, and LODA training.

2. Activity Report August 2023

Calls for Service	Incident Reports	IBR Reports	Arrests	Crashes	Citations
517	515	2	4	5	122

3. Project Updates

- Accreditation
 - The department is currently in a mock inspection.
 - Accreditation Assessment is December 4-6, 2023.
- USDA Vehicle Grant
 - The closing of the grant will be completed in September.
- DCJS ARPA Law Enforcement Equipment and Technology Grant.
 - Closing should occur in September.
- Heat Grant Awarded.
 - Working with Dominion VA Power for placement.
- The department is participating in the Commonwealth Attorney's Blue Envelope Program.

Community and Economic Development

Economic Development

- Wayfinding Signage: Project continues to move forward. Property owners with land adjacent to any new wayfinding sign were notified of the upcoming installation. Staff is currently working with Harrisonburg City to determine placement of the South gateway sign, as a water line owned by the City was identified beneath the current gateway sign. It is unclear at this point if it will delay the project.
- Downtown Revitalization Grant: A grant contract from DHCD is pending.
- Business Spotlights: The spotlight for Valley Water Gardens was delayed to September to accommodate the business's schedule. Spotlights for Harvest Table and Grammys have also been postponed to accommodate the business's schedule and will be posted at a later month TBD. Rustic Oracle and The Cottage are still scheduled for September.
- Façade Enhancement Grant: Two applications from Heritage Real Estate were approved at the August 17th EDA meeting. The Heritage Real Estate Main Office building was awarded \$2,300 and the Reel Wrestling Club building was awarded \$2,100 for façade improvements.
- New Business:
 - Karen's Prissy Country Girl Boutique held a ribbon cutting on 8/12.
 - Secure Storage Sheds of Dayton held a ribbon cutting on 9/1.

Community Development

- One zoning permit was issued.
- One Certificate of Occupancy was issued.
- No Chicken Keeping applications were received.
- No Short-Term Rental Applications were received.
- No applications for a Home Occupations Permit were received.
- Responded to 11 zoning inquiries.
- Staff is reviewing final site plans for Dayton Crossing.
- There was a public hearing at the August 17 Planning Commission Meeting to hear comments regarding a rezoning application from Wilfong 3049, LLC to rezone approximately 9 acres of B-1 land to a mix of R-3 and B-1. The Planning Commission voted to table a recommendation and will resume discussions at the September 14 Planning Commission Meeting. A public hearing with Town Council has not been scheduled yet.

Events

- The August 19 summer concert with The Roadducks was attended by approx. 300 people – one of our biggest yet! The final summer concert will be on September 16 with Big City Band.
- Registration for Dayton Days is full, and the waitlist has been closed.

- The fall bonfire will be October 21 at Sunset Park. We will also use this time as an opportunity to hold a ribbon cutting ceremony for the new play ground equipment. There will be smores, weenies, and kids' games. Staff is working on additional entertainment options.

Other

- Staff has received no applications for the EDA or BZA. The vacancies will remain open until filled.
- Staff has received one application from Jeremy Holland for Planning Commission.
- The next residential newsletter will go out the first week of October.
- Staff attended HRMPO Policy Board meeting on August 17.

Public Works Department

- With the council's approval we will now move forward with purchasing the parcel of land for the future water storage tank site.
- Received a quote for the installation of lights and outlets along the Greenway Trail.
- Waterline upgrade along Mason St. is going well. All the new 8-inch ductile iron pipes are in the ground and work is beginning to switch over the residents' service lines. This project should be completed sometime in September.
- Phase two of the College St. sidewalk project began this month, which will complete the College St. section that needed to be replaced.
- The new P.W. dump truck was delivered this month.
- The playground equipment for Sunset Park is still set to be installed the week of September 18th.

Town of Dayton
 Budget v. Actual Report
 FY24 PERIOD ENDING 8/31/2023

REVENUES	Budget	MTD	YTD	Variance	% Rcvd
General Fund					
Property Taxes	\$ 166,500	\$ -	\$ -	\$ (166,500)	0%
Other Local Taxes	\$ 416,250	\$ 10,800	\$ 61,238	\$ (355,012)	15%
Permits, Privilege Fees & Licenses	\$ 500	\$ 45	\$ 1,245	\$ 745	249%
Fines & Forfeitures	\$ 42,500	\$ 7,309	\$ 17,038	\$ (25,462)	40%
Rev. from use of money & prop.	\$ 500	\$ 75	\$ 75	\$ (425)	15%
Charges for services	\$ 165,000	\$ 13,563	\$ 14,076	\$ (150,924)	9%
Other	\$ 116,000	\$ 3,635	\$ 4,214	\$ (111,786)	4%
State & Federal Funding	\$ 133,872	\$ 3,846	\$ 3,846	\$ (130,026)	3%
Transfer from Water & Sewer	\$ 1,338,264	\$ -	\$ -	\$ (1,338,264)	0%
TOTAL GF REVENUES	\$ 2,379,386	\$ 39,273	\$ 101,732	\$ (2,277,654)	4%
General Capital Fund					
Transfer from Water & Sewer	\$773,879				
Carry over funds from PY					
Water & Sewer Capital Fund					
Transfer from Water & Sewer Fund	\$446,575				
Carry over funds from PY	\$0				
TOTAL CAPITAL FUND	\$1,220,454				
Water & Sewer Fund					
Charges for Service	\$3,733,600	\$328,431	\$328,789	(\$3,404,811)	9%
W&S Conn Fees	\$20,000	\$0	\$0	(\$20,000)	0%
Interest	\$10,000	\$5,876	\$11,948	\$1,948	119%
Misc.	\$2,500	\$0	\$0	(\$2,500)	0%
Funding from Reserves	\$112,075	\$0	\$0	(\$112,075)	0%
TOTAL W&S REVENUES	\$3,878,175	\$334,307	\$340,737	(\$3,537,438)	9%
TOTAL REVENUES	\$ 7,478,015	\$ 373,580	\$ 442,469	(\$7,035,546)	6%

EXPENDITURES	Budget	MTD	YTD	Variance	% Used
General Government	\$ 635,791	\$ 87,138	\$ 116,185	\$ 519,606	18%
Public Safety	\$ 816,130	\$ 132,232	\$ 169,230	\$ 646,900	21%
Public Works	\$ 529,165	\$ 66,799	\$ 78,626	\$ 450,539	15%
Parks, Rec & Culture	\$ 201,506	\$ 15,368	\$ 19,871	\$ 181,635	10%
Community Development	\$ 196,794	\$ 8,031	\$ 15,602	\$ 181,192	8%
TOTAL GF EXPENDITURES	\$ 2,379,386	\$ 309,568	\$ 399,514	\$ 1,979,872	17%
Capital Projects *will have carry over from FY23--amounts pending final computation					
PD Equipment	\$ 50,000	\$ 22,066	\$ 61,317	\$ (11,317)	123%
Greenway Project	\$ 54,438	\$ -	\$ -	\$ 54,438	0%
King Street Extension	\$ 75,649	\$ -	\$ -	\$ 75,649	0%
Sign Program	\$ 250,812	\$ -	\$ -	\$ 250,812	0%
Sidewalks	\$ 42,980	\$ 943	\$ 943	\$ 42,037	2%
Town Street & Alley Resurfacing	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
Land Acquisition & Amenities	\$ 75,000	\$ 11,925	\$ 23,850	\$ 51,150	32%
Playground Equipment	\$ 65,000	\$ -	\$ -	\$ 65,000	0%
Dump Truck	\$ 75,000	\$ 56,353	\$ 56,353	\$ 18,647	75%
Ventrac Mower	\$ 35,000	\$ -	\$ 34,895	\$ 105	100%
Water Line Extension	\$ 145,000	\$ -	\$ -	\$ 145,000	0%
Water Storage Facility	\$ 100,000	\$ -	\$ -	\$ 100,000	0%
Water/Sewer Line Replacement	\$ 201,575	\$ -	\$ -	\$ 201,575	0%
TOTAL CAPITAL PROJECTS	\$ 1,220,454	\$ 91,287	\$ 177,358	\$ 1,043,096	15%
Water & Sewer Fund					
Operating	\$ 705,646	\$ 71,141	\$ 113,383	\$ 592,263	16%
HRRSA	\$ 1,809,265	\$ 155,103	\$ 310,982	\$ 1,498,283	17%
Water Fund Contingency	\$ 25,000	\$ -	\$ -	\$ 25,000	0%
TOTAL W & S EXPENDITURES	\$ 2,539,911	\$ 226,244	\$ 424,365	\$ 2,115,546	17%
Transfer to General	\$1,338,264				
Transfer to Capital-Water & Sewer	\$0				
Transfer to Reserves	\$0				
TOTAL CAPITAL TRANSFER	\$1,338,264				
TOTAL EXPENDITURES	\$ 7,478,015	\$ 627,099	\$ 1,001,237	\$6,476,778	13%
NET TOTAL		(\$253,519)	(\$558,768)		

**DAYTON TOWN COUNCIL
SPECIAL CALLED MEETING MINUTES
COUNCIL CHAMBERS, DAYTON TOWN HALL
September 22, 2023
10:00 A.M.**

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

ALSO PRESENT: Jason Botkins, Attorney, Frank Principi and Jennifer Whistleman, from the Berkley Group and Christine Wade, Deputy Clerk of Council.

COUNCIL MEMBERS ABSENT: Mayor Cary Jackson

CALL TO ORDER: Vice Mayor Dyjak called the meeting to order at 10:00 A.M. and asked Deputy Clerk Wade to take the roll.

CLOSED SESSION: Vice Mayor Dyjak explained that the purpose of this meeting is for the Council to discuss, interview and consider prospective candidates for the position of Town Manager and will be conducted in closed session.

Vice Mayor Dyjak asked for a motion to convene into closed session in accordance with Section 2.2-3711(A)(1) of the Code of Virginia for the purposes of discussion, consideration, and interviewing of a prospective candidate or candidates for employment and appointment to the position of Town Manager. Councilperson Wolz replied so moved and the motion was seconded by Councilperson Mathias. The motion was approved by an all-in favor vote of 6 to 0 with one member absent. The Council recessed the open meeting at 10:04 A.M.

OPEN SESSION: At 12:06 P.M., the Council returned from closed session on a motion by Councilperson Mathias, which was seconded by Councilperson Seward and passed by a unanimous all-in-favor vote of 6 to 0 with one member absent.

CERTIFICATION: Vice Mayor Dyjak read the certification for Council with respect to the just-concluded closed session, that to the best of each member's knowledge, (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. Deputy Clerk of Council Wade took a roll call: MATHIAS – CERTIFIED; DYJAK – CERTIFIED; WOLZ – CERTIFIED; SEWARD – CERTIFIED; PANNELL – CERTIFIED; It was noted that Councilperson Estes departed at 11:05 A.M. to report to work.

ADJOURNMENT: With there being no further business to come before the Council, Councilperson Mathias made a motion to adjourn, and Councilperson Seward seconded the motion. Vice Mayor Dyjak asked for an all-in favor vote that passed unanimously. The meeting was adjourned at 12:07 P.M.

Respectfully Submitted,

Bradford Dyjak, Vice Mayor

Earl Mathers, Clerk of Council

Tree Removal and Maintenance Policy

The Town of Dayton is fortunate to have an attractive treescape which adds to the overall appeal of the community. An important objective for Town Government is to maintain a healthy tree canopy in support of public health as well as the aesthetic appeal of the Town of Dayton.

Due to staffing limitations and the need to utilize Town resources as prudently as possible, the Town of Dayton must limit the range of tree services provided. It is also noteworthy that, within Town jurisdictional limits, there are many trees within Virginia Department of Transportation (VDOT) or public utility rights-of-way. For trees in those rights-of-way, VDOT and the public utility have the discretion to maintain and/or remove trees at their discretion.

All trees located at Town Facilities, including the Town Municipal Building, parks, and public works facilities, will be maintained at the discretion of the Town. In performing such maintenance, the Town will consider sound urban forestry practices to the best of the Town's ability and taking into account practical (budgetary) constraints.

In addition to trees located at Town Facilities, the Town may occasionally maintain or remove trees in other areas within the Town's jurisdictional limits if there are compelling reasons to do so. This determination will be made by the Town Manager in consideration of the following factors:

- Any contractual or other obligation for the Town to perform tree maintenance.
- Whether the Town has, or is able to secure, the property rights and releases necessary to maintain or remove a tree.
- Whether a tree is a significant threat to public safety will generally be due to the fact that the tree is dead, dying or has been seriously damaged.
- Any infectious disease or insect infestation that threatens the health of a tree or the health of other trees in the community.
- Whether the tree obstructs a public right of way or obstructs the view of traffic signs, signals, and sight lines in a manner that increases danger for the traveling public.
- Potential damage posed by the tree to public facilities, structures or public infrastructure.

Complaints regarding trees on private property will be reviewed and investigated to determine whether the subject property is in violation of the Town Code, including without limitation the Town's nuisance ordinance. If appropriate, the Town may take action to enforce the Town Code or abate a nuisance that presents an imminent threat to public health or safety and charge the cost of such abatement to the property owner and/or occupant.

Whenever practicable, the Town will seek to inform residents impacted by the proposed action to remove or alter trees. From time to time the Town is likely to seek the guidance of foresters or arborists as a means of improving decision-making and determining cost estimates for

proposed actions. The Town may also budget money for tree removal and maintenance services. Decisions regarding the expenditure of these funds can be made by the Town Manager or their designee.

In instances in which the Town determines that a tree located on private property should be maintained or removed, the Town will attempt to consult with the homeowner to determine if the resident is willing and able to remedy the issue. In situations where (i) a tree poses a threat to public safety and (ii) the homeowner can demonstrate to the Town Manager's satisfaction that they do not have the financial ability to deal with the problem, the Town may consider removing or trimming the tree at Town expense. Any tree removal or maintenance on private property will be performed only with a signed waiver of liability which indemnifies the Town.

This policy is a general guideline for responses by the Town in response to issues regarding trees. The Town recognizes that there will be unforeseen circumstances, that it is impossible to create a policy that addresses all situations, and that from time to time there will need to be exceptions to or deviations from this policy. Therefore, nothing in this policy shall be construed to create an obligation on behalf of the Town or any third-party right of enforcement against the Town.

Town Manager's Report

September 2023

Town Manager's Office

- The acquisition of land for the water tank is going well and is under review by the county. Preliminary engineering design for the stormwater catchment areas has been provided by the engineers.
- It is projected that Well #2 will be repaired by the end of October. The loss of this facility is a reminder of our need to continue building capacity.
- There has been a new development in the pollinator garden concept. A new proposal should be issued in about a month and this concept will focus on the creation of three smaller gardens in locations around the community. These would be established and maintained by "Bee Friends of Dayton".
- Recent discussions with several community members revealed the fact that there is a very strong desire on the part of many to preserve the cultural heritage of Dayton and mitigate the impact of anticipated growth pressure. Although the actual level of growth pressure may be relatively low, the perceived concern is noteworthy. It is recommended that some form of community visioning process be considered in the future. Planning growth with strong community buy-in yields better results while informing the public and possibly reducing future resistance.
- Auditors completed their on-site work with an exit interview that did not reveal any glaring problems. Due to the small size of the organization, it is difficult to establish the range of internal control that larger entities can create. However, the auditors were helpful and provided some useful guidance moving forward. Considering the turnover during the last fiscal year, our progress has been extraordinary.
- Project activities have advanced reasonably well. The sidewalk project was completed as was the Mason Street waterline. There have been some resident complaints along Mason Street, and we are requiring the contractor to address those concerns. Although delayed, the playground equipment arrived on October 3rd.

Water Department

- Water Plant treated 48.936 million gallons of water in the month of September.
- Purchased 161,000 gallons from Rockingham County for Sydnor to rebuild CLA-Val valves on the high service pumps at the water plant.
- Rockingham County purchased 885,744 gallons of water from the town.
- Attended the Shenandoah Valley Produce Auction for pumpkins for fall décor.
- Picked up mums for fall décor and reserved pansies for winter.
- Decorated the town for fall.
- Sprayed in town for Dayton Days.
- Waco returned for a few final fixes on the new facility.

Economic and Community Development

Economic Development

- Wayfinding Signage: Staff are working with VDOT and the sign contractor to come up with a new design for the gateways that will go in the median. The remainder of the project will proceed on schedule.
- Downtown Revitalization Grant: A grant contract from DHCD was received. A kick-off meeting for the second phase of the grant will be held later this month.
- Business Spotlights: Rustic Oracle and The Cottage have chosen to delay their spotlight. The Thomas House will be featured in October.
- Façade Enhancement Grant: No new applications received.
- New Business:
 - Congratulations to Harvest Table on their one-year anniversary!

Community Development

- One zoning permit was issued.
- No Certificates of Occupancy were issued.
- No Chicken Keeping Applications were received.
- No Short-Term Rental Applications were received.
- No applications for a Home Occupations Permit were received.
- Responded to 5 zoning inquiries.
- Staff submitted the first round of comments for the Dayton Crossing site plan. Revisions are expected later this fall.
- The planning commission voted to recommend approval of the Wilfong, 3049 LLC rezoning request at 3049 John Wayland Hwy. There will be a public hearing for the Town Council at the October 10 regular meeting. See rezoning staff report for more information.

Events

- The final summer concert was on September 16 with Big City Band and attended by close to 300 people. Thank you to Thomas House for providing BBQ to be sold at the concerts this year!
- Dayton Days will return on October 7. The festival is at full capacity! Based on last year's feedback, an additional food area has been added at the north end of Main Street featuring "handheld" foods. Another change from last year – the Town information booth will be at Dove Park.
- The fall bonfire is on October 21 at 6 pm and will now be held at Sunset Park. There will be smores, weenies, and kids' games. If the playground equipment is installed in time, we will also be doing a ribbon cutting for the new equipment that evening.
- Applications are open for the Christmas parade, happening on December 9 at 10 am.

Other

- Staff received no applications for the EDA or BZA. Vacancies will be open until filled.
- Jeremy Holland was appointed to the Planning Commission.
- Attended HRMPO TAC meeting on September 7.
- Attended the Virginia Association of Zoning Officials conference from September 20-22.

Treasurer’s Office

- Auditors completed final fieldwork. The annual audit report to the Council is tentatively scheduled for the November Council meeting. Staff will advise Council if any adjustments and carry overs will be necessary.
- VRSA Worker’s Compensation Audit scheduled for October 3, 2023.
- Staff mailed 30 cut-off notices for unpaid water service. Service interruption is scheduled for October 20, 2023. There were no service interruptions in September.
- Staff are working on the billings for Real Estate Taxes and Vehicle License Fees and expect those bills to go out in November with a due date of December 5, 2023.

Public Works

- The waterline upgrade along Mason St. has been completed. They’re a few items that need to be addressed with the project and we’re working to get those resolved soon.
- The Phase Two College St Sidewalk Project is now complete. Roughly 1000 feet of new sidewalk was poured between the two projects.
- Tri-Phase Electric will be doing the installation of the lights and outlets along the Greenway Trail.
- The playground equipment for Suset Park was delayed. The new delivery date is 10/3 with an installation date of 10/6.

Police Department

1. Personnel

A. Employee recognitions

- Officer Roadcap completed his Firearm Instructor Certification.

B. Training

- All officers completed DEQ training.
- RPTG training meeting completed.

2. Activity Report September 2023

Calls for Service	Incident Reports	IBR Reports	Arrests	Crashes	Citations
634	617	8	3	6	128

3. Project Updates

- Accreditation
 - Accreditation Assessment is December 4-6, 2023.
- USDA Vehicle Grant
 - Grant documentation sent to USDA. Awaiting date for grant closure.
- DCJS ARPA Law Enforcement Equipment and Technology Grant.
 - Closing in October.
- Heat Grant Awarded.
 - Working with Dominion VA Power for placement.

Town of Dayton
 Budget v. Actual Report
 FY24 PERIOD ENDING 9/30/2023

REVENUES	Budget	MTD	YTD	Variance	% Rcvd
General Fund					
Property Taxes	\$ 166,500	\$ -	\$ -	\$ (166,500)	0%
Other Local Taxes	\$ 416,250	\$ 12,911	\$ 83,149	\$ (333,101)	20%
Permits, Privilege Fees & Licenses	\$ 500	\$ 20	\$ 1,265	\$ 765	253%
Fines & Forfeitures	\$ 42,500	\$ 4,488	\$ 21,525	\$ (20,975)	51%
Rev. from use of money & prop.	\$ 500	\$ -	\$ 75	\$ (425)	15%
Charges for services	\$ 165,000	\$ 14,200	\$ 28,276	\$ (136,724)	17%
Other	\$ 116,000	\$ 818	\$ 8,596	\$ (107,404)	7%
State & Federal Funding	\$ 133,872	\$ -	\$ 3,846	\$ (130,026)	3%
Transfer from Water & Sewer	\$ 1,338,264	\$ -	\$ -	\$ (1,338,264)	0%
TOTAL GF REVENUES	\$ 2,379,386	\$ 32,437	\$ 146,732	\$ (2,232,654)	6%
General Capital Fund					
Transfer from Water & Sewer	\$773,879				
Carry over funds from PY					
Water & Sewer Capital Fund					
Transfer from Water & Sewer Fund	\$446,575				
Carry over funds from PY	\$0				
TOTAL CAPITAL FUND	\$1,220,454				
Water & Sewer Fund					
Charges for Service	\$3,733,600	\$376,247	\$705,035	(\$3,028,565)	19%
W&S Conn Fees	\$20,000	\$5,250	\$5,250	(\$14,750)	26%
Interest	\$10,000	\$9,000	\$20,948	\$10,948	209%
Misc.	\$2,500	\$0	\$100	(\$2,400)	4%
Funding from Reserves	\$112,075	\$0	\$0	(\$112,075)	0%
TOTAL W&S REVENUES	\$3,878,175	\$390,497	\$731,333	(\$3,146,842)	19%
TOTAL REVENUES	\$ 7,478,015	\$ 422,934	\$ 878,065	(\$6,599,950)	12%

EXPENDITURES	Budget	MTD	YTD	Variance	% Used
General Government	\$ 635,791	\$ 50,741	\$ 166,926	\$ 468,865	26%
Public Safety	\$ 816,130	\$ 61,851	\$ 231,081	\$ 585,049	28%
Public Works	\$ 529,165	\$ 37,582	\$ 116,738	\$ 412,427	22%
Parks, Rec & Culture	\$ 201,506	\$ 13,935	\$ 33,810	\$ 167,696	17%
Community Development	\$ 196,794	\$ 8,204	\$ 23,801	\$ 172,993	12%
TOTAL GF EXPENDITURES	\$ 2,379,386	\$ 172,313	\$ 572,356	\$ 1,807,030	24%
Capital Projects *will have carry over from FY23--amounts pending final computation					
PD Equipment*	\$ 50,000	\$ 537	\$ 61,853	\$ (11,853)	124%
Greenway Project	\$ 54,438	\$ -	\$ -	\$ 54,438	0%
King Street Extension	\$ 75,649	\$ -	\$ -	\$ 75,649	0%
Sign Program	\$ 250,812	\$ -	\$ -	\$ 250,812	0%
Sidewalks	\$ 42,980	\$ 13,372	\$ 14,315	\$ 28,665	33%
Town Street & Alley Resurfacing	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
Land Acquisition & Amenities	\$ 75,000	\$ -	\$ 23,850	\$ 51,150	32%
Playground Equipment	\$ 65,000	\$ -	\$ -	\$ 65,000	0%
Public Works Vehicle *	\$ -	\$ 52,290	\$ 52,290	\$ (52,290)	
Dump Truck	\$ 75,000	\$ 56,353	\$ 56,353	\$ 18,647	75%
Ventrac Mower	\$ 35,000	\$ -	\$ 34,895	\$ 105	100%
Water Line Extension	\$ 145,000	\$ -	\$ -	\$ 145,000	0%
Water Storage Facility	\$ 100,000	\$ -	\$ -	\$ 100,000	0%
Water/Sewer Line Replacement	\$ 201,575	\$ 665	\$ 665	\$ 200,910	0%
TOTAL CAPITAL PROJECTS	\$ 1,220,454	\$ 123,217	\$ 244,221	\$ 976,233	20%
Water & Sewer Fund					
Operating	\$ 705,646	\$ 49,082	\$ 162,658	\$ 542,988	23%
HRRSA	\$ 1,809,265	\$ 154,184	\$ 465,166	\$ 1,344,099	26%
Water Fund Contingency	\$ 25,000	\$ -	\$ -	\$ 25,000	0%
TOTAL W & S EXPENDITURES	\$ 2,539,911	\$ 203,266	\$ 627,824	\$ 1,912,087	25%
Transfer to General	\$1,338,264				
Transfer to Capital-Water & Sewer	\$0				
Transfer to Reserves	\$0				
TOTAL CAPITAL TRANSFER	\$1,338,264				
TOTAL EXPENDITURES	\$ 7,478,015	\$ 498,796	\$ 1,444,401	\$6,033,614	19%
NET TOTAL		(\$75,862)	(\$566,336)		

*pending budget amendment