

**TOWN OF DAYTON  
REGULAR COUNCIL MEETING  
AND PUBLIC HEARINGS  
COUNCIL CHAMBERS DAYTON TOWN HALL  
Monday, April 10, 2023  
AGENDA**

- 1) Call to Order
  - a) Roll Call
  - b) Invocation
  - c) Pledge of Allegiance
- 2) Public Hearing: To hear public comments regarding an Ordinance Partially Abandoning an Easement
- 3) Public Hearing: To hear public comments regarding an Ordinance Amending Appendix A to the Town Code regarding fees, rates, and charges
- 4) Public Hearing: To hear public comments on the FY23 Budget Amendment
- 5) Public Hearing: To hear public comments on the FY24 Proposed Budget
- 6) Approval of Minutes for the Joint Public Hearing and the Regular Town Council Meeting of March 13, 2023, and the Special Called Closed Session Meeting of March 24, 2023.
- 7) Action Items\*
  - a) Consideration of Ordinance Partially Abandoning a Driveway Easement
  - b) Consideration of Ordinance Amending Appendix A to the Town Code regarding fees, rates, and charges.
  - c) Approval FY23 Budget Amendment
  - d) Consideration of Ordinance regarding changes to Subdivision & Zoning Ordinances
  - e) Consideration of Main Street Affiliation Resolution
- 8) Public Comment
- 9) Reports
  - a) Manager's Report
  - b) Police Department's Report
  - c) Attorney's Report
  - d) Mayor and Council Reports

\*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.

10) Unfinished Business

11) New Business

12) Adjournment

Important Notice: 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://us02web.zoom.us/j/82259440936?pwd=aG1NOWxwTmg0STJPK0VOZnd3TVNPNZz09>

Meeting ID: 882 5944 0936

Passcode: 268386

Dial in: 1-301-715-8592

**TOWN OF DAYTON  
REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS, DAYTON TOWN HALL  
March 13, 2023**

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

**COUNCIL MEMBERS ABSENT:** Bob Wolz.

**PLANNING COMMISSION MEMBERS PRESENT:** Vice Chair Lauren Rawley, Aaron Swindle. And Bradford Dyjak

**PLANNING COMMISSION MEMBERS ABSENT:** Chair Hunter Barnett and Colton Shifflett.

**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.

**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 tonight 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 and the Planning Commission. Mayor Jackson led the Invocation and the Pledge of Allegiance.

**JOINT PUBLIC HEARING WITH PLANNING COMMISSION:** Mayor Jackson opened the public hearing at 6:02 p.m. and stated that the purpose of the public hearing is to hear public comments regarding the proposed amendments to the Subdivision and Zoning Ordinances related to sidewalks, driveways, and stormwater. As there was no one signed up to speak and no public comments have been made, Mayor Jackson closed the public hearing at 6:02 p.m. and advised the Planning Commission members that they were free to leave and thanked them for their participation.

**APPROVAL OF MINUTES:** Mayor Jackson asked for a motion to approve the Minutes from the Joint Public Hearing and the Regular Town Council Meeting of February 13, 2023, and the Budget Work Session of March 6, 2023, as presented. Councilperson Estes replied so moved. The motion was seconded by Councilperson Seward and there was no additional discussion. The motion was approved by a roll call vote of 6 to 0, the voting recorded as follows: MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; PANNELL—AYE; ESTES—AYE; JACKSON—AYE; and WOLZ—ABSENT.

**ACTION ITEMS:** No action items.

**PUBLIC COMMENT:** Mayor Jackson first recognized Katie Grant of 230 High Street to speak. Ms. Grant addressed the Council with a concern about installing a mailbox in front of her house as she was recently informed of a significant rate increase of her post office box. When she inquired about receiving mail at her residence, she was faced with some challenges. Her house is located on a road that has sidewalks on both sides and no open grass area in which to install a mailbox and the post office no longer offers foot route delivery in Dayton. The Town is not able to grant permission for a mailbox to be located on the sidewalk as sidewalks are not to be damaged or blocked in a way to impede pedestrian traffic. She wanted to bring this to the Council for their consideration.

Mayor Jackson then recognized Deb Crank of 363 College Street to speak. Ms. Crank addressed the Council and updated them with the upcoming events of the Dayton merchants and thanked Meggie Roche for her efforts in assisting with spreading the word about these events. She is delighted to see that the Wayfinding signage program is moving along. She stated that the merchant group is moving forward and that they want to work with the Town and again asked Council to consider allowing merchants to have more signs to direct people to the downtown area. She also asked that the Council consider hiring someone to assist with the flower beds in the downtown area. She also suggested to Council that they consider buying the Sadie Rose property and fix the intersection there. She concluded by asking again for consideration to reinstate Councilperson Estes back to a Council committee assignment.

Interim Manager Holton stated that if the upcoming budget is passed as proposed, there will be a person dedicated to beautification in the Town.

Ms. Cheryl Lyon was then recognized to speak and made an inquiry as to what role Ms. Crank serves within the merchant group. Ms. Crank responded to the inquiry by stating that she helps the merchants and anyone in Town for free because she loves Dayton and likes to help. Councilperson Estes stated that she appreciates Ms. Crank for all her help in the Town.

**MANAGER'S REPORT:** Interim Town Manager Bob Holton provided a written report, which is attached. He stated that there is a shared alleyway on Mason Street that the Town was using to gain access to our well lot and we no longer need. This will require that we hold a public hearing and asked Attorney Bowman to offer additional comments. Mr. Bowman explained the process and advised that the Town will need to advertise this in order to give residents the opportunity to make comments on the matter as it pertains to town-owned property. It was the unanimous consensus of the Council to move forward with advertising and scheduling the public hearing.

Manager Holton continued to state that the staff is actively looking for land to construct a water storage tank and explained the importance of the need to do so. He stated that the staff continues to work on the budget and as they have heard no change requests from Council, staff will proceed with a scheduling a public hearing for April 10<sup>th</sup>. He is working on a budget newsletter that will be sent out explaining the budget. He then turned the meeting over to Chief Justin Trout who provided more information about two grants that he is currently working on. Chief Trout also stated that his Departmental Annual Report had just been published and would be shared on the Town's website.

Manager Holton concluded his staff report by stating that the Wayfinding signage program is ready to go out to bid and asked for a motion authorizing staff to proceed with the Wayfinding sign program and authorize funding as presented in the CIP. Councilperson Dyjak replied so moved. The motion was seconded by Councilperson Estes and there was no additional discussion. The motion was approved by a roll call vote of 6 to 0, the voting recorded as follows: MATHIAS—AYE; SEWARD—AYE; DYJAK—AYE; PANNELL—AYE; ESTES—AYE; JACKSON—AYE; and WOLZ—ABSENT.

**TREASURER’S REPORT:** Attached.

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

**ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT:** Councilperson Dyjak stated that there are lots of exciting things happening in the Town of Dayton and highlighted some of the business highlights and events. He discussed the Shenandoah Valley Best competition that is in progress now through March 24<sup>th</sup> and encouraged everyone to go votesvbest.com and support local businesses to help put Dayton on the map.

Councilperson Estes inquired about the status of the Muddler, which will be discussed during the Parks report.

**FINANCE COMMITTEE REPORT:** Councilperson Dyjak stated that Council had met to hold a Budget Work Session and thanked staff for all their hard work. The budget public hearing will be in April. The Planning Commission will meet on Thursday to review and make a recommendation on the Capital Improvement Plan.

**INFRASTRUCTURE COMMITTEE REPORT:** No report.

**PARKS, RECREATION & BEAUTIFICATION COMMITTEE REPORT:** As Councilperson Wolz was absent, Mayor Jackson reported that the Muddler will not be held in August this year and will be postponed until the spring to encourage more participation and secure more volunteers.

**PERSONNEL COMMITTEE REPORT:** No report.

**POLICE COMMITTEE REPORT:** Councilperson Seward stated that the committee met to discuss budget items. He stated that the Chief had been working hard to write and obtain grants for the department and it was appreciated.

**MAYOR AND COUNCIL REPORT:** Mayor Jackson stated that the Town continues to move forward in the process of the hiring of a permanent Town Manager, and the Town Council will hold a closed meeting within the next 15 days to conduct interviews of certain candidates pursuant to Virginia Code Section 2.2-3712(B). There were no additional council comments.

**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 relates to the Economic Development Authority. Councilperson Dyjak replied so moved. The motion was seconded by Councilperson Mathias and passed unanimously. The Council recessed the open meeting at 6:30 p.m.

**OPEN SESSION**

The open session reconvened at 6:54 p.m.

**CERTIFICATION**

Mayor Jackson read the certification with respect to the just-concluded closed session, and to the best of each member's knowledge that (i) only public business matters lawfully exempted from open meeting requirements under The Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Council. Town Clerk Hall took a roll call with each Councilmember so certifying. DYJAK – CERTIFIED; PANNELL – CERTIFIED; SEWARD – CERTIFIED; ESTES – CERTIFIED; MATHIAS—CERTIFIED; JACKSON – CERTIFIED; WOLZ—ABSENT.

**ADJOURNMENT:** With there being no further business to come before the Council, Councilperson Estes made a motion to adjourn the meeting and Councilperson Dyjak seconded the motion; motion passed unanimously. The meeting adjourned at 6:55 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Cary Jackson, Mayor

\_\_\_\_\_  
Christa Hall, Clerk of Council

## ATTACHMENT TO DTC 3.13.23 REGULAR MEETING MINUTES

Town Manager

Staff Report

March 13, 2023

### Public Works:

- The Town's entrance to Well 2 has been accessible from a shared driveway from 728 Mason Street. We can now access this lot directly from Bartley Street, staff recommends that we partially abandon this easement to give the homeowner full use of his driveway. This would require a Deed of Partial Abandonment of Town real estate and will therefore require that we hold a Public Hearing, which staff is recommending to do at the April meeting. **\*Council consensus to proceed as staff recommends.**
- The Rockingham Mill expansion has begun their waterline extension around their property to help with fire suppression, which includes boring under railroad tracks for a new waterline.
- The Town continues to investigate possible water storage tank sites.
- Water plant treated 50.271 million gallons of water in the month of February.
- Purchased 2,995,000 gallons from Rockingham County due to construction and tie-ins requiring a shutdown.
- New water plant:
  - Pall system began running on February 8<sup>th</sup> in combination with the old Memcore system.
  - As of 2/28/2023, demo began in the old building.
  - The VDH inspection of the Pall system was on February 6<sup>th</sup>. DEQ inspection was February 8<sup>th</sup>.

### Treasurer's Department:

- Staff continues to prepare for FY24 budget, FY23 budget amendment and CIP FY24-28. A public hearing on the budget for Fiscal Year 2024 will be held Monday, April 10 at 6:00 p.m. with a vote on the budget held Monday, May 8<sup>th</sup> at 6:00 p.m. Prior to the budget hearing, a budget newsletter will be sent out to our citizens.
- Financials attached.

### Police Department:

- The Accreditation process continues to progress with an assessment scheduled for June.
- The Chief continues to research and apply for any and all applicable grants to assist the Department with funding opportunities.

### Community & Economic Development:

- Wayfinding Signage: The final construction content documents have been approved by VDOT. An RFP will be posted in March to accept bids for construction. We need a vote on this project and funding to ensure that we continue to move forward on it. **\*Requires Council action.**
- Downtown Revitalization Grant: Initial submission is still under DHCD review.
- Registration for Redbud & Dayton Days is full for both events. New vendors are waitlisted.

**Town of Dayton**  
**Budget v. Actual Report**  
**FY23 PERIOD ENDING 2/28/2023**

<u>REVENUES</u>	<u>Budget</u>	<u>MTD</u>	<u>YTD</u>	<u>Variance</u>	<u>% Rcvd</u>
<b>General Fund</b>					
Property Taxes	\$ 166,500	\$ 15	\$ 166,566	\$ (66)	100%
Other Local Taxes	\$ 435,450	\$ 48,778	\$ 302,429	\$ 133,021	69%
Permits, Privilege Fees & Licenses	\$ 500	\$ 122	\$ 937	\$ (437)	187%
Fines & Forfeitures	\$ 43,000	\$ 3,943	\$ 24,197	\$ 18,803	56%
Rev. from use of money & prop.	\$ 2,500	\$ -	\$ 365	\$ 2,135	15%
Charges for services	\$ 160,000	\$ 13,344	\$ 93,690	\$ 66,310	59%
Other	\$ 120,500	\$ 17,944	\$ 984,438	\$ (863,938)	817%
State & Federal Funding	\$ 134,200	\$ -	\$ 124,887	\$ 9,313	93%
Transfer from Water & Sewer	\$ 1,078,050	\$ -	\$ -	\$ 1,078,050	0%
<b>TOTAL GF REVENUES</b>	<b>\$ 2,140,700</b>	<b>\$ 84,146</b>	<b>\$ 1,697,509</b>	<b>\$ 443,191</b>	<b>79%</b>
<b>General Capital Fund</b>					
Transfer from Water & Sewer	\$ 112,208	\$ -	\$ -	\$ 112,208	0%
Transfer from Reserves	\$ 126,472	\$ -	\$ -	\$ 126,472	0%
	\$ 238,680	\$ -	\$ -	\$ 238,680	0%
<b>Water &amp; Sewer Capital Fund</b>					
Transfer from Water & Sewer Fund	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
<b>Water &amp; Sewer Fund</b>					
Charges for service	\$ 3,625,000	\$ 324,559	\$ 2,288,241	\$ 1,336,759	63%
W&S Conn fees	\$ 30,000	\$ 7,500	\$ 19,025	\$ 10,975	63%
Interest	\$ 10,000	\$ 5,206	\$ 15,412	\$ (5,412)	154%
Misc.	\$ 2,500	\$ -	\$ 4,870	\$ (2,370)	195%
<b>TOTAL W&amp;S REVENUES</b>	<b>\$ 3,667,500</b>	<b>\$ 337,265</b>	<b>\$ 2,327,548</b>	<b>\$ 1,339,952</b>	<b>63%</b>
	<u>Budget</u>	<u>MTD</u>	<u>YTD</u>	<u>Variance</u>	
<b>TOTAL REVENUES</b>	<b>\$ 6,096,880</b>	<b>\$ 421,411</b>	<b>\$ 4,025,057</b>	<b>\$ 2,071,823</b>	<b>66%</b>

<u>EXPENDITURES</u>	<u>Budget</u>	<u>MTD</u>	<u>YTD</u>	<u>Variance</u>	<u>% Used</u>
General Government	\$ 591,550	\$ 48,552	\$ 403,710	\$ 187,840	68%
Public Safety	\$ 705,000	\$ 60,204	\$ 463,873	\$ 241,127	66%
Public Works	\$ 491,100	\$ 32,426	\$ 295,429	\$ 195,671	60%
Parks, Rec & Culture	\$ 171,750	\$ 7,175	\$ 99,946	\$ 71,804	58%
Community Development	\$ 181,300	\$ 6,363	\$ 94,660	\$ 86,640	52%
<b>TOTAL GF EXPENDITURES</b>	<b>\$ 2,140,700</b>	<b>\$ 154,720</b>	<b>\$ 1,357,618</b>	<b>\$ 783,082</b>	<b>63%</b>
<b>Capital Projects</b>					
PD Equipment	\$ 50,000	\$ -	\$ 5,852	\$ 44,148	12%
Sign Program	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
Sidewalks	\$ 30,000	\$ -	\$ -	\$ 30,000	0%
Land Acquisition & Amenities	\$ 25,000	\$ -	\$ -	\$ 25,000	0%
PW Service Truck	\$ 50,000	\$ 2,545	\$ 2,545	\$ 47,455	5%
WTP Equipment	\$ 33,680	\$ -	\$ -	\$ 33,680	0%
Generator	\$ 50,000	\$ 41,850	\$ 45,850	\$ 4,150	92%
<b>TOTAL CAPITAL PROJECTS</b>	<b>\$ 288,680</b>	<b>\$ 44,395</b>	<b>\$ 54,247</b>	<b>\$ 234,433</b>	<b>19%</b>
Operating	\$ 578,500	\$ 84,077	\$ 464,268	\$ 114,232	80%
HRRSA	\$ 1,823,742	\$ 140,929	\$ 1,154,279	\$ 669,463	63%
Water Fund Contingency	\$ 25,000	\$ 12,250	\$ 21,610	\$ 3,390	86%
<b>TOTAL W&amp;S EXPENDITURES</b>	<b>\$ 2,427,242</b>	<b>\$ 237,256</b>	<b>\$ 1,640,157</b>	<b>\$ 787,085</b>	<b>68%</b>
Transfer to General	\$ 1,078,050				
Transfer to Capital-Water & Sewer	\$ 162,208	\$ -	\$ -	\$ 162,208	0%
<b>TOTAL CAPITAL TRANSFER</b>	<b>\$ 1,240,258</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 162,208</b>	<b>0%</b>
	<u>Budget</u>	<u>MTD</u>	<u>YTD</u>	<u>Variance</u>	
<b>TOTAL EXPENDITURES</b>	<b>\$ 6,096,880</b>	<b>\$ 391,976</b>	<b>\$ 2,997,775</b>	<b>\$ 3,099,105</b>	<b>49%</b>
<b>NET TOTAL</b>	<b>\$ -</b>	<b>\$ 29,435</b>	<b>\$ 1,027,282</b>		



**Budget vs Actual****Town of Dayton****Period Ending 2/28/2023****15 & 25 Carry-Over Capital Projects**

<b>Description</b>	<b>Balance @ 6/30</b>	<b>Mnth</b>	<b>YTD</b>	<b>Variance</b>	<b>Prcnt Used</b>
15-4910-802 Equipment PD	\$ 5,331	\$ -	\$ 5,331	\$ -	100%
15-4910-810 Greenway Project	\$ 4,438	\$ -	\$ -	\$ 4,438	0%
15-4910-820 King Street Extension Path	\$ 25,649	\$ -	\$ -	\$ 25,649	0%
15-4910-840 Sign Program	\$ 75,894	\$ -	\$ 3,082	\$ 72,812	4%
15-4910-850 Sidewalks	\$ 30,000	\$ -	\$ 22,020	\$ 7,980	73%
15-4910-860 Land Acquisition & Amenities	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
25-4910-802 Water Line Extension	\$ 65,000	\$ -	\$ -	\$ 65,000	0%
25-4910-840 Water Plant Upgrade	\$ 2,005,167	\$ 158,500	\$ 1,739,089	\$ 266,078	87%
25-4910-850 Water/Sewer Line Replacement	\$ 140,446	\$ -	\$ 13,871	\$ 126,575	10%
25-4910-865 Service Truck	\$ 45,000	\$ -	\$ 49,492	\$ (4,492)	110%

**DAYTON TOWN COUNCIL  
SPECIAL CALLED MEETING MINUTES  
COUNCIL CHAMBERS, DAYTON TOWN HALL  
March 24, 2023  
4:00 p.m.**

**COUNCIL MEMBERS PRESENT:** Mayor Cary Jackson, Vice Mayor Bradford Dyjak, Robert Seward, Susan Mathias, Bob Wolz, and Melody Pannell. Emily Estes arrived at 4:02 p.m.

**ALSO PRESENT:** Christa Hall, Clerk of Council.

**CALL TO ORDER:** Mayor Jackson called the meeting to order at 4:00 p.m. Mayor Jackson asked Clerk of Council Hall to take the roll, followed by the invocation and the pledge of allegiance.

**CLOSED SESSION:** Mayor Jackson explained that the purpose of this meeting is for Council to discuss, interview and consider prospective candidates for the position of Town Manager and will be conducted in closed session. This meeting was properly noticed in an open meeting on March 13, 2023, pursuant to Virginia Code Section 2.2-3712(B).

Mayor Jackson 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 Seward replied so moved and the motion was seconded by Councilperson Wolz. The motion was carried by a unanimous vote of 6 to 0, with one member absent. The Council recessed the open meeting at 4:01 p.m. Emily Estes arrived at 4:02 p.m.

**OPEN SESSION:** The open session reconvened at 7:06 p.m.

**CERTIFICATION:** Mayor Jackson read the certification for Council that with respect to the just-concluded closed session, and 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. Clerk of Council Hall took a roll call: 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 Seward seconded the motion; motion passed unanimously. The meeting adjourned at 7:07 p.m.

Respectfully Submitted,

---

Mayor, Cary Jackson

---

Clerk of Council, Christa Hall

**AN ORDINANCE PARTIALLY  
ABANDONING A DRIVEWAY EASEMENT**

**WHEREAS**, the Town of Dayton, Virginia (the “Town”) is the holder of an easement (the “Easement”), 20 feet in width, for ingress and egress between Mason Street and a parcel owned by the Town containing 0.516 acres, more or less (the “Well Lot”), which Easement is described in more detail in that certain deed dated January 27, 1999, from South Breeze, L.L.C. to the Town, a copy of which is attached hereto as **Exhibit A**; and

**WHEREAS**, the Town no longer needs the Easement for ingress and egress to and from the Well Lot; and

**WHEREAS**, the Easement also includes the right to install, maintain, repair, and replace utilities, including but not limited to electric and water lines; and

**WHEREAS**, the Town desires to abandon the part of the Easement that provides for ingress and egress to and from the Well Lot, but to retain and not to abandon the part of the Easement that permits the Town to install, maintain, repair, and replace utilities, and access necessary to install, maintain, repair, and replace utilities.

**NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL FOR THE  
TOWN OF DAYTON, VIRGINIA THAT THE FOLLOWING ACTIONS ARE TAKEN:**

1. That the part of the Easement that provides that the Town shall have an easement twenty (20) feet in width for the purpose of ingress from Mason Street to the Well Lot and egress from the Well Lot to Mason Street, is hereby abandoned.
2. That the Town does not abandon, and that this Ordinance shall in no way be construed to limit, affect, or abridge the Town’s rights with respect to, the part of the Easement that grants to the Town the right to install, maintain, repair, and replace utilities, including but not limited to electric and water lines, as well as reasonable access necessary for these purposes, and the terms and conditions in numbered paragraphs one, two, and three of the Easement with respect to the exercise of such rights.
3. The Interim Town Manager, any permanent Town Manager, and the Town Attorney are authorized to take any and all actions reasonable and necessary to effect the purpose of this Ordinance, including without limitation executing and recording a deed of partial abandonment in the land records of the Clerk’s Office of the Circuit Court of Rockingham County, Virginia.

Adopted by the Town Council of the Town of Dayton, Virginia, on this 10<sup>th</sup> day of April, 2023.

**CERTIFICATE**

The undersigned Mayor and Clerk of the Town Council of the Town of Dayton, Virginia hereby certify that the foregoing constitutes a true and correct copy of An Ordinance Partially Abandoning a Driveway Easement adopted by the Town Council at a meeting held on April 10, 2023. A record of the roll-call vote by the Town Council is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Cary Jackson, Mayor				
Bradford Dyjak, Vice Mayor				
Emily Estes				
Susan Mathias				
Melody Pannell				
Robert Seward				
Robert Wolz				

Date: April 10, 2023

[SEAL]

ATTEST: \_\_\_\_\_  
Cary Jackson, Mayor

\_\_\_\_\_  
Christa Hall, Clerk

EXHIBIT A

(DAY:ON)South Breeze/Dayton Deed,JLL/LAH/csl/dwh:T98-0465;1-0;3-5 99

B 1 6 9 4 P 3 0 0

**THIS DEED** is made this 27th day of January, 1999, by and between **SOUTH BREEZE, L.L.C.**, a Virginia limited liability company, **Grantor**, and **TOWN OF DAYTON**, a Virginia municipal corporation, **Grantee**.

That for and in consideration of Ten Dollars (\$10.00) cash in hand and other valuable consideration paid by the Grantee to the Grantor, receipt acknowledged, Grantor has bargained and sold and hereby grants and conveys with General Warranty and English Covenants of Title, subject to all covenants, easements, restrictions and stipulations of record, unto the **Town of Dayton**, a Virginia municipal corporation, all that certain lot or parcel of land containing 0.516 of an acre, together with any improvements thereon and all rights, privileges, appurtenances, easements and rights-of-way thereunto belonging or in anywise appertaining, lying north of State Route No. 257, just west of the Town of Dayton, in Ashby District, Rockingham County, Virginia, and being more particularly described according to a survey made by Robert L. Shiflet, L.S., dated April 1, 1997, the metes and bounds description of which, together with a plat thereof, are attached hereto and recorded herewith as Exhibits A and B.

Grantor further grants unto the Town of Dayton, its successors and/or assigns, an easement twenty (20) feet in width over and across the remaining lands of the Grantor for purposes of ingress and egress and for the installation, maintenance, repair and replacement of utilities, including, but not limited to, electric and water lines. The location of the easement is more particularly described and shown on Exhibits A and B attached hereto.

The Town of Dayton, by acceptance of this instrument, agrees as follows:

1. It will repair any damage caused by any aspect of the water distribution system or utility easement project to Grantor's private roads or lanes, and will otherwise replace Grantor's property, used in connection with the water pipeline and utility easement project,

---

Prepared by Litten & Sipe L.L.P., 410 Neff Avenue, Harrisonburg, VA 22801

B 1 6 9 4 P 3 0 1

in as nearly as practicable the same condition as it was prior to the installation and/or maintenance of the water pipeline and utility easement project.

2. It will install any water pipeline and other utilities below cultivation level, except for appurtenances to the water system and utility lines, including, but not limited to, valves, hydrants and meter boxes.

3. It will indemnify the Grantor against any loss or damage which shall be caused by the exercise of the right of ingress and egress or by any wrongful or negligent act or omission of Grantee, or of its agents or employees.

The parcel herein conveyed and the real estate encumbered by the easement granted herein are a portion of the real estate acquired by the Grantor by deed dated December 19, 1995, from Daniel R. Showalter, Jr. and Vera A. Showalter, husband and wife, which deed is recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 1388, page 611.

Grantor, for itself, its successors and assigns, covenants that it shall not drill any wells on its adjacent tract(s), nor shall the Grantor, its successors and assigns, grant a license or easement to any person, firm, corporation or government entity to drill any well on or extract water from such adjacent tract(s); provided, however, that this covenant shall not preclude the drilling of any well for domestic and/or agricultural purposes which (i) is greater than one thousand feet from the well shown on Exhibit B and (ii) does not interfere with the operation or enjoyment of the Town's well shown on Exhibit B.

Reference is made to the above plat and deed for further description and derivation of title.

This deed is exempt from recordation taxes set forth under Section 58.1-801 of the Code of Virginia, 1950, as amended, pursuant to Section 58.1-811(A)3 of the Code.

IN WITNESS WHEREOF, Grantors <sup>016948302</sup> caused its name to be executed on its behalf by its duly authorized member(s)/manager(s).

**SOUTH BREEZE, L.L.C.**

By: Daniel R Showalter, Jr.  
Daniel R. Showalter, Jr., Manager

**COMMONWEALTH OF VIRGINIA**

**CITY/COUNTY OF** Rockingham, to-wit:

The foregoing instrument was acknowledged before me this 4-22-99 day of \_\_\_\_\_, 1999, by Daniel R. Showalter, Jr., Manager of South Breeze, L.L.C., a Virginia limited liability company, on behalf of the company.

My commission expires: Feb 28, 2003

[Signature]  
NOTARY PUBLIC

**ACCEPTANCE**

I, Rick L. Chandler, Town Superintendent, acting under the authority of a resolution of the Council of the Town of Dayton, accept the foregoing dedication on behalf of the Town.

Rick L. Chandler  
Rick L. Chandler, Town Superintendent

4-22-99  
Date

81694P303

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Rockingham, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction this 22 day of April, 1999, by Rick L. Chandler, Town Superintendent of the Town of Dayton, Virginia.

My commission expires: Feb 28 2003

Edgar W. Hartley Jr.  
NOTARY PUBLIC

APPROVED AS TO FORM

J. Jay Litten  
J. Jay Litten, Town Attorney

4-22-99  
Date

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Harrisonburg, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction this 22<sup>nd</sup> day of April, 1999, by J. Jay Litten, Town Attorney of the Town of Dayton, Virginia.

My commission expires: February 28 2002

Norma M. Laska  
NOTARY PUBLIC

MAIL DEED TO GRANTEEES:

P.O. Box 215  
Dayton, Virginia 22821



81694P304  
**Hill & Shiflet, inc.**  
Land Surveyors  
Dayton, Virginia 22821

Robert L. Shiflet  
Land Surveyor  
540-433-0123

W. Bernelle Hill (Retired)  
Land Surveyor

April 1, 1997

*Division Of South Breeze L.L.C. Land.*

*Located at Dayton on State Route 257 in Ashby District, Rockingham County, Virginia and is more particularly described as follows:*

*Beginning at a corner of William E. Bryan and Warren E. Lahman, found an iron rod; thence with a line of Warren E. Lahman S. 05 32 24 W. 20.02 ft. to a new corner of South Breeze L.L.C. in line of Warren E. Lahman, set a 3/4" iron rod; thence with three new lines of South Breeze L.L.C.:*  
*N. 84 27 37 W. 150.00 ft. to a 3/4" iron rod set;*  
*N. 05 49 48 E. 150.00 ft. to a 3/4" iron rod set;*  
*S. 84 27 41 E. 150.00 ft. to a 3/4" iron rod set, a new corner of South Breeze L.L.C. in a line of William E. Bryan; thence with a line of William E. Bryan S. 05 52 31 W. 129.98 ft. to the beginning, contains 0.516 acre as surveyed on April 1, 1997 by Hill & Shiflet, Inc. and as shown on a plat attached hereto and made a part of this description.*

*Also included with this conveyance is a 20 ft. right of way that leads from the land being conveyed to State Route 257. The east boundary of said right of way is described as follows:*

*Beginning at the south east corner of the 0.516 acre parcel being conveyed in a line of Warren E. Lahman, set a 3/4" iron rod; thence with a line between Warren E. Lahman and South Breeze L.L.C. S. 05 32 24 W. 240.79 ft. to a 3/4" iron rod set in the north boundary of State Route 257, a corner of Warren E. Lahman and South Breeze L.L.C.*

*Land and right of way were surveyed on April 1, 1997 by Hill & Shiflet, Inc. and are shown on a plat attached hereto and made a part of this description.*


  
Robert L. Shiflet  
Land Surveyor

EXHIBIT A

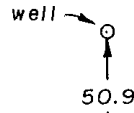
1-2	S. 05° 32' 24" W.	20.02'
2-3	N. 84° 27' 37" W.	150.00'
3-4	N. 05° 49' 48" E.	150.00'
4-5	S. 84° 27' 41" E.	150.00'
5-1	S. 05° 52' 31" W.	129.98'
2-A	S. 05° 32' 24" W.	240.79'

Tax Map 123-A-1  
 South Breeze L.L.C. 305  
 1388-611



Tax Map 123-A-1  
 South Breeze L.L.C.  
 1388-611

0.516 Acre



Tax Map 123-A-1  
 South Breeze L.L.C.  
 1388-611

William E. Bryan  
 271-170

Warren E. Lohman  
 780-722

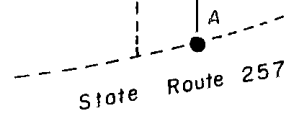
- Legend**
- Set 3/4" Iron Rod
  - △ Found Iron Rod

**DIVISION OF SOUTH BREEZE L.L.C. LAND**

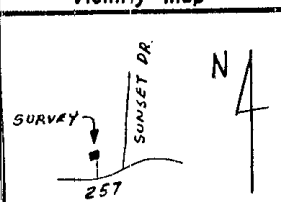
LOCATED AT DAYTON ON STATE ROUTE 257 IN ASHBY DISTRICT,  
 ROCKINGHAM COUNTY, VIRGINIA  
 SCALE: 1" = 50 FT.



SURVEYED APRIL 1, 1997  
 LAND COVERED IN D.B. 1388  
 PG. 611

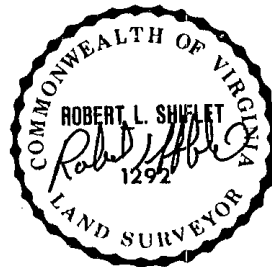


Vicinity Map



Scale: 1" = 2000 Ft.

I Hereby Certify That The Plat  
 Shown Hereon Is A True Representation  
 Of A Survey Actually Made On The  
 Ground Under My Supervision And That  
 To The Best Of My Knowledge And  
 Belief Is Correct



Given Under My Hand This 1st.  
 Day Of April, 1997

**HILL & SHIFLET Inc.**  
 Land Surveyors  
 Dayton, Va.

Drafting & Technical Supplies 62546 Form 14176

B 1 6 9 4 P 3 0 6

59 MAY -7 1961  
ROCKINGHAM COUNTY  
L. WAYNE HARPER, CLERK

010857

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County  
The foregoing instrument was this day presented in the office aforesaid, and is  
together with the certificate of acknowledgment annexed, admitted to record this  
2 day of May 1961 M. I certify that  
taxes were paid when applicable.

Sec. 58-54 -- State \_\_\_\_\_ City \_\_\_\_\_  
Sec. 58-54.1 -- State 27.50 City 27.50 Transfer 1.00  
Recording 15.00

TESTE  
L. WAYNE HARPER  
CLERK

Deed Book No. 1694 Page 300

**AN ORDINANCE AMENDING APPENDIX A  
TO THE TOWN CODE  
REGARDING FEES, RATES, AND CHARGES**

**WHEREAS**, Appendix A to the Town Code for the Town of Dayton, Virginia (the “Town”) sets forth fees, rates, and charges for services provided by the Town; and

**WHEREAS**, from time to time the Town revisits and adjusts its fees, rates, and charges for services; and

**WHEREAS**, in connection with the budgeting process for Fiscal Year 2023-2024, the Town desires to adjust (i) fees relating collection of commercial and residential refuse, (ii) water and sewer rates, and (iii) certain zoning and subdivision charges.

**NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL FOR THE TOWN OF DAYTON, VIRGINIA THAT THE FOLLOWING ACTIONS ARE TAKEN:**

1. Appendix A to the Town Code, which sets forth a schedule of fees, rates, and charges, is hereby amended as shown on the attachment hereto, which amendment increases and re-sets the fees for residential and solid refuse collection, rates for water and sewer service, and charges for rezoning applications and subdivision plat review to the amounts set forth therein.
2. The effective date of this Ordinance is July 1, 2023.

Adopted by the Town Council of the Town of Dayton, Virginia, on this 10<sup>th</sup> day of April, 2023.

**CERTIFICATE**

The undersigned Mayor and Clerk of the Town Council of the Town of Dayton, Virginia hereby certify that the foregoing constitutes a true and correct copy of An Ordinance Amending Appendix A to the Town Code Regarding Fees, Rates, and Charges adopted by the Town Council at a meeting held on April 10, 2023. A record of the roll-call vote by the Town Council is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Cary Jackson, Mayor				
Bradford Dyjak, Vice Mayor				
Emily Estes				
Susan Mathias				
Melody Pannell				
Robert Seward				
Robert Wolz				

Date: April 10, 2023

[SEAL]

ATTEST: \_\_\_\_\_  
Cary Jackson, Mayor

\_\_\_\_\_  
Christa Hall, Clerk

PART II - CODE OF ORDINANCES  
Appendix A SCHEDULE OF FEES, RATES AND CHARGES

**Appendix A SCHEDULE OF FEES, RATES AND CHARGES**

Code Section	Description	Fee Amount
Chapter 2. Administration		
2-170	Nonsufficient funds (check return)	\$25.00
Chapter 8. Businesses and Business Regulations		
8-19	Dance hall permit	\$0.00
Chapter 10. Environment		
10-22	Emergency construction permit fee	\$0.00
Chapter 14. Miscellaneous Offenses		
14-271(a)	Fireworks sales permit fee	\$0.00
14-271(b)	Fireworks exhibitions permit fee	\$0.00
Chapter 16. Solid Waste		
16-3	Collection of commercial refuse fee	<del>\$19.00</del> <del>16.00</del>
16-4	Collection of construction/demolition refuse fee	\$0.00
16-11	Collection of residential refuse fee	<del>\$19.00</del> <del>16.00</del>
	Refuse late penalty	\$5.00
Chapter 18. Streets, Sidewalks and Other Public Places		
18-45	Permit for sidewalk paving	\$0.00
Chapter 20. Subdivisions		
20-10	Review of plats and plans fee	<del>\$350.00 + \$50/acre</del> *0.00
Chapter 22. Taxation		
22-19	Ad Valorem Tax (Real Estate Tax)	\$0.08/\$100.00
	plus 5% late penalty; after a bill is delinquent 30 days, 10% interest will be added monthly	
22-63	Meals tax	5%
22-68	Plus 10% late penalty	
22-98	Event fees	
	Autumn Celebration	\$175.00 or \$275.00/double
	Redbud Festival	\$85.00 or \$135.00/double
	(Non-profit ½ price)	
22-105	Annual fee for issuance of business license: professional and occupational	
	Retail sales	\$0.15/\$100.00 of gross receipts but not less than \$20.00 total for past calendar year

PART II - CODE OF ORDINANCES  
Appendix A SCHEDULE OF FEES, RATES AND CHARGES

	Contractors	\$0.12/\$100.00 of gross receipts but not less than \$20.00 total for past calendar year
	Financial, real estate and professional services	\$0.30/\$100.00 of gross receipts but not less than \$20.00 total for past calendar year
	Repair & other services	\$0.20/\$100.00 of gross receipts but not less than \$20.00 total for past calendar year
22-152	Motor vehicle license fee	
	Motorcycle/camper/trailer	\$10.00
	Passenger vehicle/motor home	\$30.00
22-160	Penalty fee for failure to timely pay motor vehicle license fees	\$10.00 per vehicle
Chapter 24. Traffic and Vehicles		
24-77	Permit fee for parades, processions and sound trucks	\$0.00
24-251	Vehicle license fee; golf carts and utility vehicles	\$0.00
Chapter 26. Utilities		
26-21	Water and sewer rates	
	<u>Water</u>	
	0—2,000 gals.	<del>\$7.11</del> <u>6.90</u>
	2,001—350,000 gals.	<del>\$3.50</del> <u>3.40</u> per 1,000 gals.
	350,001 and up	<del>\$2.63</del> <u>2.55</u> per 1,000 gals.
	<u>Sewer</u>	
	0—2,000 gals.	<del>\$10.09</del> <u>9.80</u>
	2,001—350,000 gals.	<del>\$5.00</del> <u>4.85</u> per 1,000 gals.
	350,001 and up	<del>\$4.38</del> <u>4.25</u> per 1,000 gals.
	Minimum charge water/sewer	<del>\$17.20</del> <u>16.70</u> per month; Residential refuse, <del>\$19.00</del> <u>16.00</u> per month
26-22	Water deposit (for rentals)	\$75.00
26-23	Water/sewer, penalty for late payment	\$2.50 or 10%, whichever is greater (per each service)
	Reconnection fee	\$25.00

PART II - CODE OF ORDINANCES  
Appendix A SCHEDULE OF FEES, RATES AND CHARGES

26-87	Connection to public water system fee	
	Residential	
	¾-inch single-family	\$3,500.00
	¾-inch multifamily	
	First four units (each unit to be metered)	\$3,000.00
	Next 20 units (each unit to be metered)	\$2,500.00
	25 units and up (each unit to be metered)	\$2,000.00
	1 inch service meter	\$4,000.00
	Commercial and industrial	
	¾-inch service meter	\$3,500.00
	1 inch service meter	\$4,500.00
	1½-inch service meter	\$8,000.00
	2 inch service meter	\$12,000.00
	3 inch service meter	\$24,000.00
	4 inch service meter	\$40,000.00
	6 inch service meter	\$80,000.00
	8 inch service meter	\$135,000.00
	Time and material fee for commercial hook-ups with service meter exceeding one inch shall be charged actual time and material fees. An estimate will be given prior to work being done.	
	Note: All connections must be inspected and approved by the public works department before the completion of backfill excavation. Additional fee: There will be a \$30.00 per foot charge for all connections that require crossing a roadway. ATTENTION: Connections outside the town limits are 150% of the charges above.	
26-218	Treatment cost recovery fees	\$0.00
26-221	Wastewater discharge permit fee	\$0.00
26-288	Private sewage disposal permit and inspection fee	\$0.00
26-321(a)(1)	Building sewer permit fee, residential and commercial services fees	\$0.00
26-321(a)(2)	Building sewer permit fee, significant industrial user fee	\$0.00

PART II - CODE OF ORDINANCES  
Appendix A SCHEDULE OF FEES, RATES AND CHARGES

26-396	Connection to public sewage system fee	
	Residential	
	¾-inch single-family	\$4,000.00
	¾-inch multifamily	
	First four units (each unit to be metered)	\$3,400.00
	Next 20 units (each unit to be metered)	\$3,000.00
	25 units and up (each unit to be metered)	\$2,000.00
	Commercial and industrial	
	¾-inch service meter	\$4,000.00
	1 inch service meter	\$7,000.00
	1½-inch service meter	\$12,000.00
	2 inch service meter	\$20,000.00
	3 inch service meter	\$40,000.00
	4 inch service meter	\$68,000.00
	6 inch service meter	\$135,000.00
	8 inch service meter	\$210,000.00
	Time and material fee for commercial hook-ups with service meter exceeding one inch shall be charged actual time and material fees. An estimate will be given prior to work being done.	
	Note: All connections must be inspected and approved by the public works department before the completion of backfill excavation. Additional fee: There will be a \$30.00 per foot charge for all connections that require crossing a roadway. Note: Type of waste shall be governed by the Town of Dayton and the HRRSA regulations, which could affect sewer connection fees. ATTENTION: Connections outside the town limits are 150% of the charges above.	
Chapter 30. Zoning		
30-81	Filing fee for appeals to the board of zoning appeals	\$350.00, plus \$50.00/acre *
30-108	Zoning permit fee	
	For new construction or remodel	\$25.00 minimum or \$2.00/100 sq. ft., whichever is greater
	For accessory buildings	\$20.00 flat fee
30-135	Special use permit fee	\$350.00, plus \$50.00/acre *



PART II - CODE OF ORDINANCES  
Appendix A SCHEDULE OF FEES, RATES AND CHARGES

30-701	Special use permit fee, conversion of condominiums	\$350.00, plus \$50.00/acre *
30-766	Zoning permit fee, operation of short-term rental	\$0.00
30-792	Special use permit fee, telecommunications towers or antennas	\$350.00, plus \$50.00/acre *
30-855	Special use permit fee, signs	\$350.00, plus \$50.00/acre *
30-861	Signs permit fee, except temporary and incidental	\$20.00 flat fee
<u>30-109</u>	<u>Re-zoning Application</u>	<u>\$350.00, plus \$50.00/acre *</u>

\*Any additional advertising fees caused by the applicant at no fault of the Town shall be charged to the applicant as an additional fee and must be paid in advance of the advertisement. Examples of such additional fees include re-advertisement as a result of applicant error or delay at the request of the applicant.

**TOWN OF DAYTON, VIRGINIA  
PROPOSED BUDGET AMENDMENT FOR  
THE FISCAL YEAR  
JULY 1, 2022 - June 30, 2023**

	<b>Approved Budget FY22-23</b>	<b>Proposed Amendment FY22-23</b>	
<b>Revenues</b>			
<u>General Fund</u>			
General Property Tax	\$ 166,500	\$ 166,500	
Other Local Tax	\$ 435,450	\$ 435,450	
Other Local Revenues	\$ 376,500	\$ 1,239,707	
Federal/State Funding	\$ 84,200	\$ 146,950	ARPA & Sale of surplus vehicles Snow removal, PD vehicle & Accreditation grant
<b>Subtotal GF before transfer</b>	<b>\$ 1,062,650</b>	<b>\$ 1,988,607</b>	
Transfer from Reserves**	\$ 1,078,050	\$ 231,843	Offset for above adjustments
<b>Subtotal GF after transfer</b>	<b>\$ 2,140,700</b>	<b>\$ 2,220,450</b>	
<u>Capital Fund-General</u>			
Transfer from Water & Sewer Fund*	\$ 112,208	\$ 258,000	
Transfer from Reserves**	\$ 92,792		
<u>Water &amp; Sewer Fund</u>	\$ 3,667,500	\$ 3,667,500	
<u>Capital Fund - Water &amp; Sewer</u>			
Transfer from Water & Sewer Fund	\$ 50,000	\$ 133,180	
Transfer from Reserves	\$ 33,680		
<b>TOTAL REVENUES</b>	<b>\$ 6,096,880</b>	<b>\$ 6,279,130</b>	
<b>Expenditures</b>			
<u>General Fund</u>			
General Government	\$ 591,550	\$ 626,550	Severance & Interim TM salary
Public Safety	\$ 705,000	\$ 749,750	OT adjustment, Accreditation service & material & supplies
Public Works	\$ 491,100	\$ 491,100	
Parks, Recreation & Cultural	\$ 171,750	\$ 171,750	
Community & Economic Dev	\$ 181,300	\$ 181,300	
<b>Subtotal</b>	<b>\$ 2,140,700</b>	<b>\$ 2,220,450</b>	
<u>Capital Fund-General</u>	\$ 205,000	\$ 213,000	PD Equip for new vehicle
<u>Water &amp; Sewer Fund</u>			
Water & Sewer Operations	\$ 2,427,242	\$ 2,517,242	WTP Engineer fees
Transfer to Capital*	\$ 162,208	\$ 346,180	
Transfer to General Fund*	\$ 1,078,050	\$ 231,793	
Transfer to Reserves	\$ 617,285		
<u>Capital Fund - water &amp; Sewer</u>	\$ 83,680	\$ 133,180	Water dept service truck
<b>TOTAL EXPENDITURES</b>	<b>\$ 6,096,880</b>	<b>\$ 6,279,130</b>	

\* Note: Transfers from Water & Sewer Fund to General & Capital Funds are from operating surplus. They are listed as expense in each fund.

\*\*Note: Reflects transfer from reserve (retained earnings) for budgeting purposes. It is not new revenue.

A Budget Amendment & Adjustments for FY23 is necessary largely due to American Rescue Plan Act funds received after 6/30/2022. The amount exceeds 1% of the overall budgeted amount which requires a Public Hearing for a Budget Amendment. The total FY23 Budget Amendment & Adjustments will include the following:

**Revenues:**

General-

- Increase Other Local Revenue by \$863,207 for ARPA funds received after 6/30/2022 and for the sale of surplus vehicles.
- Increase Federal/State Funding by \$62,750 for VDOT reimbursement for snow removal and PD vehicle & accreditation grant.

**Expenditures:**

General Fund-

- Increase General Government by \$35,000 for Severance & Interim Town Manager position.
- Increase Public Safety by \$44,750 for Over-time adjustment, Accreditation service and associated materials & supplies.

Capital Fund-General-

- Increase \$8,000 for PD Vehicle Equipment

Water & Sewer Fund-

- Increase Water & Sewer Operations \$90,000 for WTP Engineer fees, WTP SCADA system & labor.

Capital Fund-Water-

- Increase by \$49,500 for water department service truck.

Transfers: Adjust Transfers related to above.

The following is a detailed breakdown by individual accounts for the above amendment/adjustments:

Revenues:

- Increase 10-3310-102 COPS Hiring Grant by \$14,250 for Accreditation Services and for materials and supplies.
- Increase 10-3180-945 American Rescue Plan Act to \$849,207 to account for ARPA funds received after 6/30/2022.
- Increase 10-3180-905 Sale of Surplus Property & Equipment by \$14,000 (from \$5,500 to \$19,500) to account for sale of trucks, speed machine, street sweeper etc.
- Increase 10-3310-100 USDA Law Enforcement by \$25,000 (from \$25,000 to \$50,000) to account for PD & PW vehicle grants.
- Increase 10-3190-200 Recovered Cost to \$23,500 for snow removal reimbursement from VDOT.

Expenditures:

- Move carry over fund 25-4910-802 Waterline Extension \$65,000 to 25-4910-850 Waterline Replacement for Westview/Summit St. project. This work will be completed by June 30, 2023.
- Increase 20-4410-300 Professional Services by \$45,000 (from \$10,000 to \$55,000) to cover cost for WTP engineering.
- Increase 20-4410-340 Contractual Services by \$45,000 (from \$45,000 to \$90,000) for new SCADA system and labor.
- Increase 10-4310-340 Contractual Services to \$12,000 for PD Accreditation service.
- Increase 10-4310-605 Materials & Supplies by \$2,250 (from \$12,000 to \$14,250) for PD Accreditation materials & supplies.
- Increase 10-4102-100 Salaries & Wages by \$35,000 (from \$255,000 to \$290,000) to account for Severance and Interim for TM position.
- Increase 10-4310-101 Overtime (PD) by \$30,500 (from \$8,000 to \$38,500) due to overtime not correctly budgeted for Holidays & Events.
- Increase 15-4910-802 PD Equipment by \$8,000 (from \$50,000 to \$58,000).
- Increase 25-4910-865 Service Truck by \$49,500 for water department service truck.

Transfers: Adjust Transfers related to above.

**AN ORDINANCE AMENDING SECTIONS 20-135; 20-138 & 20-172 OF THE SUBDIVISION ORDINANCE AND SECTION 30-817 OF THE ZONING ORDINANCE OF THE TOWN OF DAYTON, VIRGINIA**

**WHEREAS**, the Town of Dayton, Virginia (the “Town”) has a Subdivision Ordinance that regulates the division of land within the Town; and

**WHEREAS**, the Subdivision Ordinance requires the construction of certain improvements as a condition of subdivision; and

**WHEREAS**, the Town also regulates the use of land within the Town through its Zoning Ordinance, and the Zoning Ordinance contains certain development requirements that are distinct from, and in addition to, those contained within the Subdivision Ordinance; and

**WHEREAS**, the Planning Commission has recommended that the Town Council amend the Subdivision Ordinance to require installation of sidewalks under certain circumstances and to add provisions relating to storm drainage, and (ii) amend the Zoning Ordinance to require, after the date of adoption of such amendment, that front and side driveways be constructed of asphalt, concrete, or permeable pavers.

**WHEREAS**, the Town Council has carefully reviewed and considered the proposed amendments and now desires to amend the Ordinances as recommended by the Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF THE TOWN OF DAYTON, VIRGINIA:**

1. That Section 20-135 of the Town’s subdivision ordinance be amended and re-enacted as follows:

**Sec. 20-135. - Standards for street construction.**

- (a) *Design.* All streets must be designed to meet the specifications in the latest edition of the state department of transportation's subdivision street requirements, except the town requires curb, guttering, and sidewalks on all subdivision streets. On streets with speed limits less than or equal to 40 miles per hour, the curb and guttering shall be of type CG-6, as specified in the department of transportation requirements. On streets with speed limits greater than 40 miles per hour, the curb and guttering shall be of the type specified as CG-7. The subdivision street requirements make use of certain categories of streets, traffic volume, and terrain. The town shall determine which categories apply.
- (b) *Sidewalk Specifications.* Concrete sidewalks shall be provided on both sides of all new streets. Furthermore, when a new lot is created that fronts on an existing street, and adjacent property on either side has an existing sidewalk, the applicant shall construct a sidewalk that connects to the existing sidewalk. All sidewalks shall be constructed to the standards specified in the Virginia Department of Transportation’s Road Design Manual.

(c) *Installation.* Subdividers shall be required to install all streets in the subdivision. Installation of all required street signs shall also be the responsibility of the subdivider.

2. That Section 20-138 of the Town's Subdivision Ordinance be amended and re-enacted as follows:

**Sec. 20-138. - Standards for drainage.**

(a) *General requirement.* Subdivisions shall be designed in compliance with all Rockingham County stormwater management regulations and requirements, and so as not to cause or permit unreasonable drainage of surface water onto adjoining properties, whether public or private. For purposes of this subsection, the term "unreasonable drainage" means drainage which could potentially cause harm or significant inconvenience and is materially greater than would occur if the subdivided property were left in its undeveloped state. This subsection applies in addition to any other applicable law concerning surface water drainage.

(b) *Regional drainage systems; designation of land for drainage facilities.* The town will not approve any such drainage facilities unless adequate provisions are made for the maintenance thereof. Where existing storm sewers are reasonably accessible, the proposed subdivision shall connect with such storm sewers. Unless an areawide storm sewer system has been established under section 20-6 and is reasonably available, the subdivider may be required to designate land and install reasonable and necessary drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such subdivider or developer shall be entitled to reimbursement of a portion of its costs by any subsequent subdivider or developer that utilizes the installed facilities. The subdivision agent is authorized to adopt and implement reasonable policies and procedures relating to connection and required reimbursement.

(c) *General standards.* All drainage facilities shall be designed to drain foreseeable quantities of water from the streets and lots of the subdivision, and to be durable and reasonably maintenance-free town.

3. That Section 20-172 of the Town's Subdivision Ordinance be amended and re-enacted as follows:

**Sec. 20-172. – Maintenance of Improvements.**

The town has no obligation to improve, maintain, or take any action with respect to streets or other improvements not constructed, inspected, and accepted in accordance with this article. Whenever any proposed subdivision that will contain more than two residential lots includes dedicated common areas, private easements, private streets, or private stormwater facilities, the subdivider or developer shall be responsible for the management and maintenance of all such areas, easements, and improvements in the approved subdivision until the improvements are taken over by a property owners' association or condominium association formed in compliance with Subtitle IV of Title 55.1 of the Virginia Code. Prior to the sale of the lot constituting 75% of all approved buildable lots, all common areas, easements, and improvements shall be transferred from the subdivider to the property owners' association.

4. That Section 30-817 of the Town’s Zoning Ordinance be amended and re-enacted as follows:

**Sec. 30-817. – Parking and driveway standards.**

- (a) All parking spaces required by this article shall be located on the same lot with the building or use served, provided that required parking may be located on another lot if the parking spaces are not more than 500 feet from the building served (measured along lines of public access) and the parking spaces are dedicated to the use of the business served through a lease, license, or easement requiring that the town be notified at least 30 days prior to termination. Upon the termination of any lease, license, or easement for required parking spaces, the entity served by the parking must either cease doing business or obtain alternative parking conforming to this article.
- (b) Unenclosed parking spaces may be located within the required yard around buildings as herein specified.
- (c) Parking spaces must be at least nine feet wide and 18 feet in length. In addition, there shall be sufficient area for maneuvering.
- (d) Unenclosed parking spaces and driveways shall be constructed of concrete, asphalt, or permeable pavers with a suitable base, except that gravel shall be a permissible surface for the following: (i) parking or driveways, or portions thereof, that are located to the rear of the building served, and (ii) parking or driveways, or portions thereof, that existed prior to April 10, 2023.
- (e) All parking spaces shall be designed to prevent parked vehicles from extending beyond the limits of the parking area and to prevent damaging effects to adjoining or nearby properties from surface drainage from the parking facility. Lighting facilities shall be so arranged that light is reflected away from adjacent properties.
- (f) All loading spaces required under section 30-819 must be at least 12 feet wide by 25 feet in length. In addition, there shall be sufficient area for maneuvering.

Adopted by the Town Council of the Town of Dayton, Virginia on this 10<sup>th</sup> day of April, 2023.

**CERTIFICATE**

The undersigned Mayor and Clerk of the Town Council of the Town of Dayton, Virginia hereby certify that the foregoing constitutes a true and correct copy of an Ordinance Amending Sections 20-135; 20-138 & 20-172 of the Subdivision Ordinance and Section 20-817 of the Zoning Ordinance of the Town of Dayton, Virginia adopted by the Town Council at a meeting held on April 10, 2023. A record of the roll-call vote by the Town Council is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Cary Jackson, Mayor				
Bradford Dyjak, Vice Mayor				
Emily Estes				
Susan Mathias				
Melody Pannell				
Robert Seward				
Robert Wolz				

Date: April 10, 2023

[SEAL]

ATTEST: \_\_\_\_\_  
Cary Jackson, Mayor

\_\_\_\_\_  
Christa Hall, Clerk





**RESOLUTION REAFFIRMING PARTICIPATION IN THE VIRGINIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S  
VIRGINIA MAIN STREETS PROGRAM**

**WHEREAS**, the Virginia Department of Housing and Community Development administers the Virginia Main Street Program and provides an Exploring Main Street option for communities that are exploring downtown revitalization, and

**WHEREAS**, staff of the Town of Dayton submitted an application for obtaining Exploring Main Street status for the Town of Dayton in October of 2002, and

**WHEREAS**, the Town of Dayton desires to reaffirm its commitment to the Virginia Main Street program as an Exploring Main Street Community, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Dayton, Virginia that the Town authorized and endorses the Town's reaffirmation for participation in the Virginia Department of Housing and Community Development's Virginia Main Streets Program as part of the Exploring Main Street tier.

Adopted on this 10<sup>th</sup> day of April, 2023.

---

Cary Jackson, Mayor

Attest:

---

Christa Hall, Clerk of Council

**Town Manager's Report to the Town Council**  
**April 10, 2023**

Public Works:

- The Town continues to investigate possible water storage tank sites; met with landowner at site located behind The Hair Corral.
- Current water line infrastructure study planned to begin in July for the water line extension/looping project.
- Construction on the Mason Street water line upgrade should begin in April.
- Water plant treated 52.357 million gallons of water in the month of March.
- Purchased 200,000 gallons from Rockingham.
- New water plant:
  - Up and running successfully!
  - Waco will return in May to make final adjustments.
  - Cleaning out old building.
- King Street bridge. We've been working with our engineers to determine the cost of a bridge at the extension of King Street. Unfortunately, this has been shown to be a costly endeavor. Engineering could range between \$10,000 and \$150,000 depending upon problems encountered with the flood plain. For example, a flood plain study could be \$40,000 and a flood map revision could be double that amount. The construction cost of a bridge will likely be between \$275,000 and \$300,000. This makes a total project cost as low as \$285,000 but as high as \$450,000. For planning purposes I'd estimate a realistic cost in the \$400,000 range.

Treasurer's Department:

- Public Hearings will be held for fee adjustments, the FY23 Budget Amendment and the FY24 Proposed Budget. Council to adopt the amendment in April and the FY24 Budget & CIP at the May 8<sup>th</sup> meeting. The public hearing was advertised, and a budget newsletter was mailed to all residents and businesses on April 5<sup>th</sup>.
- Financials attached.

Police Department:

- The Accreditation process continues to progress.
  - Full unannounced Property & Evidence inspection – found no issues.
  - Mock assessment scheduled for June.
  - Formal assessment scheduled for August.
- The Chief continues to research and apply for any and all applicable grants to assist the Department with funding opportunities.
- Planning Cones with a Cop event in June.

Community & Economic Development:

- Wayfinding Signage: The RFP was put out in March. Bids are due May 3<sup>rd</sup> and with Bid Award to be approved by Council at May 8<sup>th</sup> meeting. Once the bid is awarded, we anticipate completion within six months.
- Downtown Revitalization Grant: Initial submission is still under DHCD review.
- Staff continues to build and strengthen business relationships in Town.
- Registration for Redbud & Dayton Days is full for both events. New vendors are waitlisted.

Town of Dayton  
 Budget v. Actual Report  
 FY23 PERIOD ENDING 3/31/2023

<u>REVENUES</u>	<u>Budget</u>	<u>MTD</u>	<u>YTD</u>	<u>Variance</u>	<u>% Rcvd</u>
<b>General Fund</b>					
Property Taxes	\$ 166,500	\$ (2)	\$ 166,564	\$ (64)	100%
Other Local Taxes	\$ 435,450	\$ 34,517	\$ 336,946	\$ 98,504	77%
Permits, Privilege Fees & Licenses	\$ 500	\$ 32	\$ 969	\$ (469)	194%
Fines & Forfeitures	\$ 43,000	\$ 7,949	\$ 32,145	\$ 10,855	75%
Rev. from use of money & prop.	\$ 2,500	\$ -	\$ 365	\$ 2,135	15%
Charges for services	\$ 160,000	\$ 13,419	\$ 107,109	\$ 52,891	67%
Other	\$ 120,500	\$ 1,979	\$ 1,008,530	\$ (888,030)	837%
State & Federal Funding	\$ 134,200	\$ 12,167	\$ 137,054	\$ (2,854)	102%
Transfer from Water & Sewer	\$ 1,078,050	\$ -	\$ -	\$ 1,078,050	0%
<b>TOTAL GF REVENUES</b>	<b>\$ 2,140,700</b>	<b>\$ 70,061</b>	<b>\$ 1,789,682</b>	<b>\$ 351,018</b>	<b>84%</b>
<b>General Capital Fund</b>					
Transfer from Water & Sewer	\$ 112,208	\$ -	\$ -	\$ 112,208	0%
Transfer from Reserves	\$ 126,472	\$ -	\$ -	\$ 126,472	0%
	\$ 238,680	\$ -	\$ -	\$ 238,680	0%
<b>Water &amp; Sewer Capital Fund</b>					
Transfer from Water & Sewer Fund	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
<b>Water &amp; Sewer Fund</b>					
Charges for service	\$ 3,625,000	\$ 330,433	\$ 2,618,674	\$ 1,006,326	72%
W&S Conn fees	\$ 30,000	\$ 7,500	\$ 26,525	\$ 3,475	88%
Interest	\$ 10,000	\$ 9,489	\$ 23,901	\$ (13,901)	239%
Misc.	\$ 2,500	\$ 1,333	\$ 6,203	\$ (3,703)	248%
<b>TOTAL W&amp;S REVENUES</b>	<b>\$ 3,667,500</b>	<b>\$ 348,755</b>	<b>\$ 2,675,303</b>	<b>\$ 992,197</b>	<b>73%</b>
	<u>Budget</u>	<u>MTD</u>	<u>YTD</u>	<u>Variance</u>	
<b>TOTAL REVENUES</b>	<b>\$ 6,096,880</b>	<b>\$ 418,816</b>	<b>\$ 4,464,985</b>	<b>\$ 1,631,895</b>	<b>73%</b>

<u>EXPENDITURES</u>	<u>Budget</u>	<u>MTD</u>	<u>YTD</u>	<u>Variance</u>	<u>% Used</u>
General Government	\$ 591,550	\$ 63,939	\$ 467,649	\$ 123,901	79%
Public Safety	\$ 705,000	\$ 71,980	\$ 535,895	\$ 169,105	76%
Public Works	\$ 491,100	\$ 43,162	\$ 339,324	\$ 151,776	69%
Parks, Rec & Culture	\$ 171,750	\$ 9,135	\$ 109,081	\$ 62,669	64%
Community Development	\$ 181,300	\$ 12,482	\$ 107,142	\$ 74,158	59%
<b>TOTAL GF EXPENDITURES</b>	<b>\$ 2,140,700</b>	<b>\$ 200,698</b>	<b>\$ 1,559,091</b>	<b>\$ 581,609</b>	<b>73%</b>
<b>Capital Projects</b>					
PD Equipment	\$ 50,000	\$ 6,217	\$ 12,069	\$ 37,931	24%
Sign Program	\$ 50,000	\$ -	\$ 3,082	\$ 46,918	6%
Sidewalks	\$ 30,000	\$ -	\$ 22,020	\$ 7,980	73%
Land Acquisition & Amenities	\$ 25,000	\$ -	\$ -	\$ 25,000	0%
PW Service Truck	\$ 50,000	\$ 2,545	\$ 2,545	\$ 47,455	5%
WTP Equipment	\$ 33,680	\$ 33,680	\$ 33,680	\$ -	100%
Generator	\$ 50,000	\$ -	\$ 45,850	\$ 4,150	92%
<b>TOTAL CAPITAL PROJECTS</b>	<b>\$ 288,680</b>	<b>\$ 42,442</b>	<b>\$ 119,246</b>	<b>\$ 169,434</b>	<b>41%</b>
Operating	\$ 578,500	\$ 56,906	\$ 521,548	\$ 56,952	90%
HRRSA	\$ 1,823,742	\$ 141,567	\$ 1,295,846	\$ 527,896	71%
Water Fund Contingency	\$ 25,000	\$ -	\$ 21,610	\$ 3,390	86%
<b>TOTAL W&amp;S EXPENDITURES</b>	<b>\$ 2,427,242</b>	<b>\$ 198,473</b>	<b>\$ 1,839,004</b>	<b>\$ 588,238</b>	<b>76%</b>
Transfer to General	\$ 1,078,050				
Transfer to Capital-Water & Sewer	\$ 162,208	\$ -	\$ -	\$ 162,208	0%
<b>TOTAL CAPITAL TRANSFER</b>	<b>\$ 1,240,258</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 162,208</b>	<b>0%</b>
	<u>Budget</u>	<u>MTD</u>	<u>YTD</u>	<u>Variance</u>	
<b>TOTAL EXPENDITURES</b>	<b>\$ 6,096,880</b>	<b>\$ 399,171</b>	<b>\$ 3,398,095</b>	<b>\$ 2,698,785</b>	<b>56%</b>
<b>NET TOTAL</b>	<b>\$ -</b>	<b>\$ 19,645</b>	<b>\$ 1,066,890</b>		

## Budget vs Actual

**Town of Dayton**  
**Period Ending 3/31/2023**  
**15 & 25 Carry-Over Capital Projects**

Description	Balance @ 6/30	Mnth	YTD	Variance	Prcnt Used
15-4910-802 Equipment PD	\$ 5,331	\$ -	\$ 5,331	\$ -	100%
15-4910-810 Greenway Project	\$ 4,438	\$ -	\$ -	\$ 4,438	0%
15-4910-820 King Street Extension Path	\$ 25,649	\$ -	\$ -	\$ 25,649	0%
15-4910-840 Sign Program	\$ 75,894	\$ -	\$ 3,082	\$ 72,812	4%
15-4910-850 Sidewalks	\$ 30,000	\$ -	\$ 22,020	\$ 7,980	73%
15-4910-860 Land Acquisition & Amenities	\$ 50,000	\$ -	\$ -	\$ 50,000	0%
25-4910-802 Water Line Extension	\$ 65,000	\$ -	\$ -	\$ 65,000	0%
25-4910-840 Water Plant Upgrade	\$ 2,005,167	\$ 56,639	\$ 1,795,728	\$ 209,439	90%
25-4910-850 Water/Sewer Line Replacement	\$ 140,446	\$ 330	\$ 14,201	\$ 126,245	10%
25-4910-865 Service Truck	\$ 45,000	\$ -	\$ 49,492	\$ (4,492)	110%