

**TOWN OF DAYTON
REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS, DAYTON TOWN HALL
February 14, 2022**

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

COUNCIL MEMBERS ABSENT: Emily Estes.

ALSO PRESENT: Angela Lawrence, Town Manager; Jordan Bowman, Town Attorney; Justin Trout, Police Chief; Susan Smith, Town Treasurer; and Christa Hall, Clerk of Council and Community Development Coordinator.

CALL TO ORDER: Mayor Jackson called the meeting to order at 6:00 p.m., welcomed guests both in person and those joining remotely as the meeting is also available for live-stream viewing via Zoom. He stated that the Council would only hear public comment from those attending in-person and have signed up to speak and that speakers would be limited to five minutes each. Town Clerk Hall called the roll. Mayor Jackson led the Invocation and the Pledge of Allegiance. Mayor Jackson spoke on the recent tragic event that occurred at Bridgewater College. He commended the efforts of the Dayton Police Department. He began the meeting with a presentation of resolution in memory of the fallen officers and turned the floor over to Councilman Dyjak who echoed Mayor Jackson's sentiments and read aloud the following resolution:

RESOLUTION HONORING FALLEN BRIDGEWATER COLLEGE POLICE OFFICER JOHN PAINTER AND CAMPUS SAFETY OFFICER VASHON "J.J." JEFFERSON AND COMMENDING THE RESPONSE BY THE DAYTON POLICE DEPARTMENT:

WHEREAS, we reflect upon the selfless dedication and bravery of our local, state, and other public and private sector law enforcement agencies, as our safety and well-being is promoted by their dedication to maintaining peace and security in our communities; and

WHEREAS, Police Officer John Painter and Campus Safety Officer Vashon "J.J." Jefferson have served in the United States Air Force and Marine Corps respectively and both dedicated themselves to long and distinguished careers in law enforcement, most recently with Bridgewater College; and

WHEREAS, Officers Painter and Jefferson nobly protected the students and staff of Bridgewater College on February 1, 2022, along with the support of numerous law enforcement agencies, including our Dayton Police Chief Justin Trout and Lieutenant Travis "T.J." Hooker, each responding to the scene with bravery; and

WHEREAS, Officers Painter and Jefferson paid the ultimate sacrifice in the conduct of their duties and the entire community grieves with their families, seeking to properly memorialize their extraordinary selfless dedication to those whom they defended.

NOW, THEREFORE, BE IT RESOLVED that the Dayton Town Council and the citizens of Dayton, do hereby venerate the valiant lives of Officers Painter and Jefferson, and encourage the community to continue providing ongoing support to their families and to all impacted first responders; and

BE IT FURTHER RESOLVED, that in their honor, the Mayor and Dayton Town Council members may voluntarily pledge to individually donate a portion of their stipends and any desired additional contributions to the John Painter and Vashon “J.J.” Jefferson Memorial Student Support Fund; and

BE IT FURTHER RESOLVED to authorize the Town Police Committee to coordinate appropriate public commemorations and memorials; and

BE IT FURTHER RESOLVED that, the Dayton Town Council issues a public commendation of Chief Trout and Lieutenant Hooker for their valorous efforts in their daring response.

Councilman Seward made a motion to adopt the resolution as presented and read by Councilman Dyjak. Councilwoman Hoover seconded the motion and the motion passed by a roll call vote of 6-0, with the voting recorded as follows: DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—AYE; JACKSON—AYE; ESTES—ABSENT.

PRESENTATION: CSPDC Director of Transportation, Ann Cundy, made a presentation to Council and the Dayton Community regarding the Metropolitan Planning Organization Long Range Transportation Plan and Public Engagement Opportunities beginning with a survey.

PRESENTATION: Cheryl Lyon addressed Council to provide an overview of the upcoming Silver Lake Bicentennial Celebration.

APPROVAL OF MINUTES: Councilperson Dyjak made a motion to approve the minutes as written for the Regular Council Meeting of January 10, 2022; the motion was seconded by Councilperson Mathias and approved by a roll call vote of 6 to 0, with one member absent, the voting recorded as follows: DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—AYE; JACKSON—AYE; ESTES—ABSENT.

ACTION ITEM: CONSIDERATION OF A SPECIAL USE PERMIT FOR ROCKTOWN HISTORY & WELCOME CENTER:

Mayor Jackson asked for a motion to approve the Special Use Permit for the Rocktown History and Welcome Center as recommended by the Planning Commission. Councilperson Hoover replied so moved. The motion was seconded by Councilperson Wolz and approved by an all-in-favor vote of 5 to 0, with one abstention as Councilperson Dyjak abstained from the vote as he serves on the Board for Rocktown History.

ACTION ITEM: CONSIDERATION OF AN ORDINANCE AMENDING AND RECODIFYING THE TOWN CODE FOR THE TOWN OF DAYTON:

WHEREAS, Virginia Code § 15.2-1433 authorizes any locality to codify or recodify any or all of its ordinances; and

WHEREAS, the Town of Dayton, Virginia (the “Town”) has codified many of its ordinances into a Town Code; and

WHEREAS, although the Town regularly amends individual sections or portions of its Code to reflect changes in the law or policies of the Town Council, the Town has not performed a process called “recodification”, which is a comprehensive review and reorganization of the Code, since 1988; and

WHEREAS, the Town has retained the services of Municode to assist the Town in reviewing, updating, organizing, and recodifying the Town Code, and to thereafter provide ongoing assistance to the Town in making the Code available online and updating the Code from time to time to reflect such ordinances and amendments as are adopted by the Town Council; and

WHEREAS, in consultation with Town staff and the Town Attorney, Municode has prepared a proposed recodification of the Town Code; and

WHEREAS, the recodification adds a new Chapter entitled “General Provisions” to the Town Code, which general provisions include certain defined terms, provisions pertaining to the amendment and supplementation of the Town Code, and prescribe a general penalty for violation of Town Ordinances in instances where no other penalty is provided for; and

WHEREAS, the recodification of the Town Code by Municode does not contain any increases in taxes or any substantive changes to former Title 8, Subdivision, or former Title 9, Zoning, of the Town Code, or any fees related to former Title 8 or former Title 9, as these changes would require additional procedures under the law and are beyond the scope of the recodification.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Dayton, Virginia, that:

1. The Code entitled "Code of Ordinances, Town of Dayton, Virginia," published by Municode, consisting of chapters 1 through 30, each inclusive, is hereby enacted and adopted, including without limitation the adoption of the general penalty prescribed in Section 1-14 of the Code.
2. All ordinances of a general and permanent nature enacted on or before the date of adoption of this Ordinance, and not included in the Code or recognized and continued in force by reference therein or by reference in this Ordinance are repealed. (At the December 13, 2021, meeting of the Town Council, the Town Council increased the event fees for the Town’s Autumn Celebration from \$165.00 or \$265.00/double to

\$175.00 or \$275.00/double, and for the Town's Redbud Festival from \$75.00 or \$125.00/double to \$85.00 or \$135.00/double. This increase in event fees shall continue in full force and effect, and is hereby re-affirmed in this Ordinance. The Town Council requests and directs Municode to update Appendix A Schedule of Fees, Rates and Charges to reflect the aforesaid fees.)

3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.
4. Additions or amendments to the Code when passed in such form as to indicate the intention of the Town Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.
5. Ordinances adopted after the date of adoption of this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Mayor Jackson asked for a motion to approve the Ordinance as presented with the additional changes noted by staff, which include the following:

- The EDA name in 2-142 should be corrected so that it is the "Economic Development Authority of the Town of Dayton, Virginia".
- 14-166(b) is duplicative of 14-166(a) and should be deleted.
- 14-168. The first sentence should read: "Any person who intentionally interferes or tampers in any facility which is used to furnish oil, telegraph, telephone, electric, gas, sewer, waste water or water service to the public shall be guilty of a class 3 misdemeanor, provided that the destruction or damage may be remedied or repaired for less than \$1,000."
- In 16-8 and 16-16, the references in these Sections to the Town's "nuisances ordinance" should be specific references to Section 10-74 of the Town Code.
- In 30-295, the first sentence should say "The following uses are permitted as a matter of right in the R-2 District:"
- In 30-490, the first sentence should say "The following uses are permitted as a matter of right in the A-1 District:"
- In 30-373-(2), this language should revert to the way it reads in the Town's current ordinance with the cross-citations simply being updated to conform to the new Code. The way Municode re-wrote the sentence, it reads that a special use permit is now required where one was not before.
- In addition, the Charter as compiled by Municode needs to be corrected to reflect the Town's actual Charter. However, the Charter is not part of the Town Code.

Councilman Wolz replied so moved. The motion was seconded by Councilperson Mathias and approved by a roll call vote of 6 to 0, with the voting recorded as follows: DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—AYE; JACKSON—AYE; ESTES—ABSENT.

ACTION ITEM: AUTHORIZATION OF WATER TREATMENT PLANT CONTRACT AND BID APPROVAL:

Mayor Jackson asked for a motion to approve the lowest bidder, Waco, Inc., in the amount of \$1,799,900 for the construction of the water treatment plant and to authorize Ms. Lawrence to enter into a contract and Notice to Proceed with the contractor, after review by the Town Attorney. Councilman Dyjak replied so moved. The motion was seconded by Councilman Seward and approved by a roll call vote of 6 to 0, with the voting recorded as follows: DYJAK—AYE; HOOVER—AYE; SEWARD—AYE; MATHIAS—AYE; WOLZ—AYE; JACKSON—AYE; ESTES—ABSENT.

PUBLIC COMMENT

Russell and Sherry Jack addressed the Mayor and Council asking for Council consideration to not require that street lights be added to the Rhodes Hill Subdivision. Mr. Jack also stated that he has safety concerns with the island in the intersection of Bowman Road and College Avenue and the street sign located at Bowman Road and Rhodes Hill Drive.

Deb Crank addressed the Mayor and Council and asked that the Town Facebook posts be inclusive of all the businesses fairly. She also stated that she was working with Councilman Seward and the Parks and Recreation Committee about the possibility of hosting a community movie night. She stated that the Dayton merchants would like to host an event around Christmas and is asking the Town's assistance with sending out a mailer. The Dayton Market and Dayton downtown merchants plan to jointly host a Christmas in July event.

MANAGER'S REPORT

Town Manager Angela Lawrence provided a written report, which is attached.

Manager Lawrence reviewed several items for Council consideration. The first item was the right-of-way at Well #2 near Sunset Park that is a shared driveway with the new house located on Mason Street. Staff is questioning the possibility of donating the right-of-way back to the property owner and extending our entrance on the Sunset Park side. She is asking for Council's direction. Council requested that this matter be referred to the Infrastructure Committee for review and recommendation to Council.

The Dayton Tavern is currently using several trash cans for their waste disposal and they are all overflowing. Manager Lawrence is asking for Council consideration for the Town to allow them to place a dumpster in the Fuzzy Duck Lot or for the Town to place cardboard recycle boxes for business use in that lot. Council also referred this matter to the Infrastructure Committee.

Manager Lawrence then responded to the public comments by stating that street lights are mandated by ordinance in the Town Code and an informational letter will go out to the residents in that subdivision. She also addressed the business postings on Facebook by stating that the Town is not in the practice of promoting individual businesses.

TREASURER'S REPORT

Treasurer Susan Smith provided a written report. She asked the Council for their authorization to advertise for a Public Hearing regarding the FY21-22 Budget Amendment to be considered at the March 14, 2022 Council Meeting. Councilman Dyjak made said motion and stated that it was also the recommendation of the Finance Committee. Councilman Wolz seconded the motion. The motion passed by an all-in-favor vote of 6-0.

POLICE REPORT

Chief Justin Trout provided a written report.

PUBLIC WORKS REPORT

Public Works Supervisor Adam Meek provided a written report.

WATER DEPARTMENT REPORT

Water Plant Operator Jennifer Reppe provided a written report.

COMMUNITY DEVELOPMENT REPORT

Community Development Coordinator Christa Hall provided a written report and further explained that the Town has recently received numerous requests for signage in the B1 zoning district. The Town Code limits signage to a maximum of 100 square feet regardless of the size of the parcel. There are some areas in Town where this limitation may be too restrictive as there are large parcels containing multiple business, such as the Dayton Farmers Market and the Hair Corral complex. She asked that Council refer the sign ordinance to the Planning Commission for their consideration of increasing signage for businesses located outside of the downtown business area. Councilman Seward made the motion as requested. The motion was seconded by Councilman Dyjak and carried by an all in favor vote of 6-0.

ECONOMIC DEVELOPMENT REPORT

Economic Development Coordinator Meggie Roche provided a written report.

TOWN ATTORNEY REPORT

Attorney Jordan Bowman further explained the street light ordinance and that lights are required throughout a subdivision.

ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT

Councilman Dyjak stated the Committee is planning to meet next week to discuss the Redbud Festival and mentioned the upcoming Main Street meeting to be held on Monday, February 21st.

FINANCE COMMITTEE REPORT

Councilman Dyjak stated that the Committee met to discuss the upcoming budget amendments, the funding options for the water treatment plant and the upcoming budget process.

INFRASTRUCTURE COMMITTEE REPORT

Councilman Seward stated that the Committee had not met. However, he did attend the bid opening for the Water Treatment Plant and stated that there were three bids that were very close in pricing indicating that hopefully nothing was missed in the pricing.

PARKS, RECREATION & BEAUTIFICATION COMMITTEE REPORT

Councilman Seward stated that the Committee will hold an open meeting this week.

PERSONNEL COMMITTEE REPORT

Councilwoman Mathias stated the Committee had not met but will be meeting this week.

POLICE COMMITTEE REPORT

Councilwoman Hoover reported that the Committee met before the Council meeting. She echoed the comments that she is also proud of our police department. They discussed some possible memorial ideas, including placing a bench downtown near Mrs. Jefferson's employment. They discussed annual goals along with objectives and incentives for the Department.

MAYOR AND COUNCIL REPORT

Mayor Jackson stated that Manager Lawrence makes the Town Council proud and commended her for her leadership.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

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; motion passed unanimously. The meeting adjourned at 7:32 p.m.

Respectfully Submitted,

Cary Jackson, Mayor

Christa Hall, Clerk of Council

ATTACHMENT TO DTC 2.14.22 REGULAR MEETING MINUTES

Town Manager

Staff Report

January 2022

Personnel

- 1) Staff evaluations were completed.
- 2) A PW employee resigned. The seasonal employee is filling in three days per week. We will advertise for full-time or part-time.

Public Works, Roads, Facilities

- 1) Water Plant Upgrade:
 - a) See agenda item 4.c.
- 2) Hydrant – near Ft. Harrison:
 - a) Staff will meet with the surveyor in the coming week to prepare a plat. An easement will be created. The City will tap the line at the main water line. A contractor will be used to install the line.

Budget Preparation

- 1) Department (staff) requests are due February 11. I will meet with each department head and the Treasurer the week of February 14 to review each request. Committees will meet to review the budgets related to their committees the first week in March.
- 2) No date has been set for a council retreat, but hope to have a facilitator soon.

Other

I will be out of the office February 16-18 for the Virginia Local Government Management Association (VLGMA) Winter Conference, for which I am a co-chair.

Items for Discussion and/or Consideration

Right-of-way at Well #2.

Special Note:

I am especially proud of our Police Chief, Lieutenant, and officers for their involvement in the Bridgewater College shooting. Their extensive experience and training prepared them well. I have heard very positive comments from others in the law enforcement field regarding their involvement. Several others on our staff were affected by this incident. I am proud of the way that everyone has supported each other through this difficult time and appreciate the Council's understanding and support as well as the support received from citizens and the public.

Budgeted Capital Projects Status

Project	Status	Comments
Police Vehicle	Grant application submitted	Awaiting response. Expected March.
Greenway Project	Nothing to report	To complete fencing on existing greenway to bridge for safety.
King Street Extension Path	Field survey completed. Deed being researched.	
Wayfinding Signage Program	Planning & Design Continues	Final Design completed. VDOT initial application to be completed soon.
Sidewalks	Nothing to report at this time	Contractor may be able to get to it soon.
Parks	Nothing planned currently	For savings purposes.
Public Works Vehicle	Grant application submitted	Awaiting response. Expected March.
Ventrac Mower	Completed.	
Key Card System	Grant was denied. Will be ordered in February after updated bid needed.	
Water Line Extension	Exchanging information with City. Progressing	Extension of line near Walmart to City water for emergency purposes.
Water Plant Equipment	Equipment ordered. Bids Received.	See agenda item 4.c.
Park land acquisition	Nothing planned	For saving purposes only.
Water/Sewer Lines	Prioritizing pending engineers report	Camera and clean out done for downtown drainage from Main to 42. Significant debris and roots removed.
Hydrants	Quotes received. Survey and easement work to be completed.	Ft. Harrison area
Mobile Generator	Ordered stationary generator for well #4	
Water Dept. Service Truck	Grant application submitted	Awaiting response. Expected March.

Respectfully submitted,
Angela A. Lawrence