

**DAYTON TOWN COUNCIL AND PLANNING COMMISSION
JOINT PUBLIC HEARING MINUTES
COUNCIL CHAMBERS, DAYTON TOWN HALL
October 13, 2020**

COUNCIL MEMBERS PRESENT: Mayor Sam Lee, Jeff Daly, Bradford Dyjak, Cary Jackson, Robert Ohgren, and Dale Rodgers.

COUNCIL MEMBERS ABSENT: Tara Worthy.

PLANNING COMMISSION MEMBERS PRESENT: Chairman Hunter Barnett, Vice-Chair Heidi Hoover, Bradley Randolph, Robert Seward and Council-Liaison Bradford Dyjak.

ALSO PRESENT: Angela Lawrence, Town Manager; Christa Hall, Town Clerk and Zoning Official; Susan Smith, Town Treasurer; and Police Chief, Justin Trout.

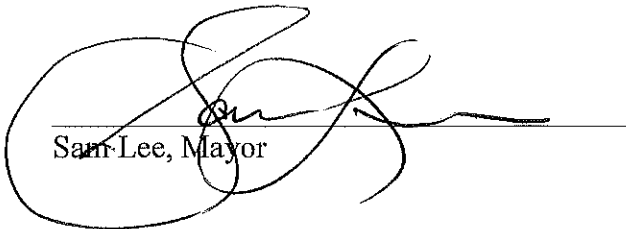
CALL TO ORDER: Mayor Lee and Planning Commission Chairman Barnett jointly called the Public Hearing to order at 5:30 p.m. and welcomed guests.

Mayor Lee announced that the purpose of the Joint Public Hearing was to hear public comments regarding proposed amendments to Title 9, Zoning, Chapter 3, Administration and Enforcement and Chapter 21, Signs, Billboards and other Advertising Structures and asked Town Manager, Angela Lawrence to provide a staff report on the proposed revisions to the Sign Ordinance.

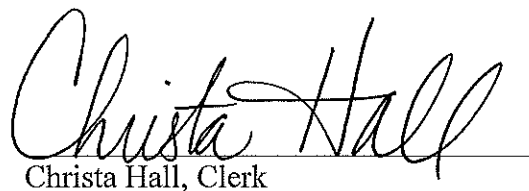
Manager Lawrence provided a staff report outlining proposed changes to the Sign Ordinance that are meant to add definitions of different types of signs, streamline requirements regarding signs between R1, R2 and R3 zoned areas, address signs in the business district and change the enforcement of the sign ordinance from criminal to civil fines and penalties.

Mayor Lee asked if there were any public comments at this time. With no further comments on the proposed changes to the ordinance, Mayor Lee adjourned the Public Hearing at 5:33 p.m.

Respectfully Submitted,



Sam Lee, Mayor



Christa Hall, Clerk

**TOWN OF DAYTON
REGULAR COUNCIL MEETING
PUBLIC HEARING – BUDGET AMENDMENT
MEETING MINUTES
COUNCIL CHAMBERS – DAYTON TOWN HALL
October 13, 2020**

COUNCIL MEMBERS PRESENT: Mayor Sam Lee, Jeff Daly, Bradford Dyjak, Cary Jackson, Robert Ohgren, Dale Rodgers and Tara Worthy.

COUNCIL MEMBERS ABSENT: None.

ALSO PRESENT: Angela Lawrence, Town Manager; Jordan Bowman, Town Attorney; Justin Trout, Police Chief; Susan Smith, Town Treasurer; and Christa Hall, Clerk, Safety & Zoning Official.

CALL TO ORDER: Mayor Lee called the meeting to order at 6:00 p.m. and welcomed guests. Mayor Lee then led the Invocation and the Pledge of Allegiance.

CONSIDERATION TO AMEND AGENDA:

Councilman Dyjak made a motion to amend the agenda to move the Unfinished Business item to be heard as Action Item 5(d). The motion was seconded by Councilman Daly and approved by a roll call vote of 7 to 0, the voting recorded as follows: DYJAK – AYE; DALY – AYE; RODGERS – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; LEE – AYE.

PUBLIC HEARING:

Mayor Lee explained that the purpose of the public hearing is to hear public comments regarding a proposed general fund amendment and supplemental appropriations in the amount of \$84,383.71 for the Coronavirus Aid Relief and Economic Security (CARES) Act to the budget for Fiscal Year 2020-2021. He asked Town Manager Lawrence to provide a staff report.

Ms. Lawrence presented the staff report, detailing the suggested distribution of received funds toward the Economic Development Authority (EDA) Small Business Grant, hazardous duty pay for police officers, public works employees and administrative staff, and coronavirus-related legal expenses, equipment, materials and supplies.

Mayor Lee opened the floor for public comments as to the proposed general fund budget amendment. As there were no public comments, Mayor Lee closed the public hearing and invited Megan Argenbright, CPA with Brown Edwards to present the Fiscal Year 2019/20 Financial Report and Audit.

PRESENTATION OF FISCAL YEAR 2019/20 FINANCIAL REPORT/AUDIT:

Ms. Argenbright explained that the report that was submitted is a draft and that the final financial statements are expected to be issued this week. She noted improvements in the organization of the Treasurer’s office and that the bank reconciliation process, which should be done monthly, had been correctly executed in the final two months of the fiscal year through the use of the Town’s software. Mayor Lee thanked Ms. Argenbright for her presentation and Councilman Daly thanked the Treasurer’s office for a job well done preparing for the audit.

APPROVAL OF MINUTES FOR THE JOINT PUBLIC HEARING WITH PLANNING COMMISSION AND REGULAR COUNCIL MEETING OF SEPTEMBER 14, 2020:

Councilman Jackson made a motion to approve the minutes from the meeting of September 14, 2020; the motion was seconded by Councilman Dyjak and approved by a roll call vote of 7 to 0, the voting recorded as follows: WORTHY – AYE; OHGREN – AYE; JACKSON – AYE; RODGERS – AYE; DALY – AYE; DYJAK – AYE; LEE – AYE.

ACTION ITEM: CONSIDERATION TO ADOPT A GENERAL FUND BUDGET AMENDMENT AND SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$84,383.71 FOR THE CORONAVIRUS AID RELIEF AND ECONOMIC SECURITY (CARES) ACT TO THE BUDGET FOR FISCAL YEAR 2020-2021:

Councilman Daly made a motion to adopt a general fund budget amendment and supplemental appropriation in the amount of \$84,383.71 for the Coronavirus Aid Relief and Economic Security (CARES) Act to the budget for Fiscal Year 2020-2021. More specifically stated as:

**FY2020-2021
Budget Amendment & Supplemental Appropriations**

CARES Coronavirus Aid Relief and Economic Security (CARES) Act

A supplemental appropriation in the amount of \$84,383.71 is requested for the Coronavirus Aid Relief and Economic Security (CARES) Act. The U.S. Department of Treasury guidance allows the CARES Act funds to be used for expenses associated with the provision of economic support in relation to the COVID-19 public health emergency. Staff has developed a plan to distribute the funds as follows:

Revenue Account: 10-3180-940 \$84,383.71

\$50,000	10-4102-700	CARES Act: EDA Small Business Grant Program
\$11,000	10-4310-100	PD Hazardous Duty Pay & Family First
\$11,000	10-4410-100	PW Hazardous Duty Pay & Family First
\$5,500	10-4102-100	Admin Hazardous Duty Pay & Family First
\$3,000	10-4310-605	PD Equipment (PPE, cleaning)
\$3,000	10-4102-301	Admin - Legal
\$883.71	10-4410-605	PW – Materials & Supplies

The motion was seconded by Councilman Jackson and approved by a roll call vote of 7 to 0, the voting recorded as follows: RODGERS – AYE; OHGREN – AYE; DYJAK – AYE; WORTHY – AYE; DALY – AYE; JACKSON – AYE; LEE – AYE.

ACTION ITEM: CONSIDERATION TO APPROVE THE LOWEST BID FOR THE MILL STREET DRAINAGE PROJECT AND AUTHORIZE THE TOWN MANAGER TO EXECUTE THE CONTRACT AGREEMENT:

Councilman Daly stated that the project bid was discussed in the Finance Committee meeting. He explained that Rockingham County will provide half of the funding for the project, meaning that the County will pay for the expenses involved with the project and then the Town will reimburse them for 50% of the total amount. The lowest bidder was A & J Development. Town Manager Lawrence stated that the project is due to be completed within 180 days of executing the Notice to Proceed and that she has scheduled a pre-construction meeting with VDOT and the project engineer, Royce Hilton, for this week. Ms. Lawrence shared that she plans to invite property owners affected by the project to a public meeting with the project engineer and contractor so that they may obtain a better understanding of the scope of the project.

Councilman Rodgers made a motion to approve the lowest bid for the Mill Street Drainage Project and to authorize the Town Manager to execute the contract agreement. The motion was seconded by Councilman Dyjak and further clarified to state that the bid will be awarded to A & J Development in the amount of \$632,693.00 and approved by a roll call vote of 7 to 0, the voting recorded as follows: DALY – AYE; WORTHY – AYE; OHGREN – AYE; JACKSON – AYE; RODGERS – AYE; DYJAK – AYE; LEE – AYE.

ACTION ITEM: APPOINTMENT TO THE ECONOMIC DEVELOPMENT AUTHORITY (EDA):

Town Manager Lawrence explained that a member of the public withdrew from the board of the EDA due to a conflict of interest because she had applied for an EDA grant, leaving a vacant seat open on that board. Mayor Lee has submitted his resignation from the EDA, so the board is again balanced between members of the Town Council and members of the public. Discussion ensued regarding appointments to the EDA after the upcoming election. No further action was taken at this time and it was determined that the EDA would operate with the vacancies until after the November election results.

ACTION ITEM: CONSIDERATION TO AMEND TITLE 9, ZONING CHAPTER 3, ADMINISTRATION AND ENFORCEMENT AND CHAPTER 21, SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES:

Councilman Dyjak made a motion to amend Title 9, Zoning Chapter 3, Administration and Enforcement and Chapter 21, Signs, Billboards, and Other Advertising Structures as recommended by the Planning Commission. More specifically, to read as follows:

CHAPTER 3
Administration and Enforcement

§ 9-9. Administrative Officer. The provisions of this Code shall be administered by the Zoning Administrator or their designated assistant who shall:

- (a) Issue all zoning permits and make and maintain records thereof.
- (b) (Repealed May 1, 1995.)
- (c) Maintain and keep current Zoning maps, and records of amendments thereto.
- (d) Conduct inspections as prescribed by this Code and such other inspections as are necessary to ensure compliance with the various provisions of this Code.
- (e) The Zoning Administrator is hereby authorized to grant a modification from any provision contained in the Town of Dayton's zoning ordinances with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the Zoning Administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The Zoning Administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the Zoning Administrator shall constitute a decision within the purview of § 15.2-2311 of the Code of Virginia, and may be appealed to the Zoning Board of Appeals as provided by that section. Decisions of the Zoning Board of Appeals may be appealed to the circuit court as provided by § 15.2-2314 of the Code of Virginia. The Zoning Administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his or her authority unless the requester has agreed to a longer period. Code of Virginia § 15.2-2286.

(Amended May 1, 1995. Amended November 11, 2013.)

§ 9-10. Permits Required. (Repealed May 1, 1995.)

§ 9-11. Zoning Permit. No person shall erect, construct, enlarge, alter, repair, or improve any building or structure—if said activities require a building permit under the Uniform Statewide Building Code—without first obtaining a zoning permit for each such building or structure. Such zoning permits shall be issued by the Town Manager or other official designated by the Council. (Amended May 1, 1995.)

§ 9-12. Forms for Zoning Permits. The applications for zoning permits shall be on such form as from time to time approved by the Council and shall indicate the location of the proposed construction, alteration, repair or improvement and shall show the dimension, height of the building and proposed use. The cost of such zoning permits shall be as established by the Council from time to time.

§ 9-13. Building Permit. (Repealed May 1, 1995.)

§ 9-14. Certificate of Occupancy. (Repealed May 1, 1995.)

§ 9-15. Amendments. The regulations, restrictions, boundaries, and options set forth in this Code may be amended, supplemented, revised, or repealed from time to time as conditions warrant, subject to the following conditions:

- (a) **Application:** An application for a proposed amendment shall be filed with the Administrator on behalf of the Council. An application may be instituted by a property owner (with respect to their own property) or their designated representative or upon motion of the Planning Commission or by resolution of the Council. The application shall contain such information and sketches as the

Administrator determines are required to fully describe the proposed change; no application shall be deemed complete until all such materials have been supplied. (Amended September 16, 1996.)

- (b) Public Hearing: Public hearings shall be held as required by state law.
- (c) Report to the Town Council: The Planning Commission shall make a recommendation to the Town Council upon all such applications and no amendment shall be passed except by a majority vote of the members of Council present and voting.
- (d) (Repealed December 10, 2007.)

§ 9-16. *Fees.* Fees shall be established by the Town Council.

§ 9-17. *Penalties.*

(a) *Civil Penalties.* Except as provided in paragraph (b) below, all violations of this Title shall carry civil penalties as prescribed by this paragraph (a).

(1) Schedule of Penalties.

- (A) For a first summons regarding a violation, the civil penalty shall be \$200 if the Town provided Notice of the violation at least three days prior to issuance of the summons. If the Town did not provide Notice, the penalty shall be \$25.
- (B) For each subsequent summons, the civil penalty shall be \$500.
- (C) Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.

(2) Process

- (A) The Zoning Administrator may issue a civil summons for any violation within this paragraph (a).
- (B) Any person summoned for such violation may make an appearance in person or in writing by mail to the Town Treasurer prior to the date fixed for trial in court.
- (C) Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.
- (D) If a person charged does not elect to enter a waiver-of-trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.
- (E) In any trial for a scheduled violation authorized by this section, it shall be the Town's burden to show the liability of the violator by a preponderance of the evidence.
- (F) If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

(3) General

- (A) "Notice" for purposes of this section shall mean a written notice (i) hand-delivered to a person found in charge of the site or, if no such person is found, posted at the site, and (ii) mailed to the address of the landowner at the mailing address listed with the Rockingham County Commissioner of the Revenue.
- (B) The existence of a civil penalty under this paragraph (a) shall not operate to preclude other enforcement actions by the Town.

(C) The penalties provided by this paragraph (a) shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.

(b) *Criminal Penalties.* Violations of this Title related to (i) activities related to land development activities or (ii) the posting of Signs on public property or public rights-of-way, shall be punishable as provided in this paragraph (b). Such violation shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000, and any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$100 nor more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

§ 9-18. *Validity.* Should any section, clause or provision of this Code be declared by the Court to be unconstitutional or invalid, this judgment shall not affect the validity of the Code as a whole or any part thereof than the part judged invalid.

§ 9-19. *Conflicts With Other Laws.* In the interpretation and application of the provisions of this Code, these provisions shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, and the general welfare. Whenever the requirements of this Code are at variance with the requirements of other lawfully adopted rules, regulations, or codes, the most restrictive, or that imposing the higher standards, shall govern.

§ 9-20. *Repealer.* Any ordinance or code now in effect that conflicts with any provisions of this Code is hereby repealed, held to be invalid, and to no effect.

§ 9-21. *Effective Date.* This Code shall take effect and be in full force after its passage and publication according to law.

CHAPTER 21
Signs, Billboards, and other
Advertising Structures
(Repealed May 1, 1995)

CHAPTER 21.1
Signs
(Enacted May 1, 1995)
(Amended and Reenacted October 13, 2020)

§ 9-194.0 *Purpose and Interpretation.* The purpose of this Chapter is to regulate the size, illumination, materials, location, height, and condition of all signs placed upon private property for exterior observation within the Town to promote the creation of a convenient, attractive and harmonious community, ensure the safety of pedestrians and motorists, and preserve property values. This Chapter is intended to allow adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This Chapter shall be interpreted in a manner consistent with the First Amendment of the United States Constitution. If any provision of this Chapter is found to be invalid, such finding shall not affect the validity of other provisions of the Chapter that can be given effect without the invalid provision.

§ 9-194.1 *Definitions.* The following definitions apply throughout this chapter:

(a) *Area.* The area of a Sign is the area of the smallest rectangle which can fully enclose the Sign. (Where multiple Signs share the same support structure, their combined area is the sum of their individual areas.) The area of a Sign designed to be viewed from two directions shall be the

area of the largest side. Nevertheless, if the two faces of the Sign are (i) more than two feet apart, or (ii) neither parallel nor at an angle of less than 45 degrees, the area of the Sign shall be the total area of both sides. The area of Signs with more than two sides shall be the total area of all sides. A Sign's support structure is not considered when calculating the area of a Sign. (a1) A-Frame Sign. A type of Portable Sign consisting of one or two Sign Faces that are connected at the top but are separated at the bottom, forming the shape of a "A". This Sign is also commonly referred to as a sandwich board sign.

- (b) Electronic Message Board. A type of Illuminated Sign that consists of electronically changing text and symbols, including but not limited to a Sign with a digital display such as an LCD, LED, or plasma display.
- (c) Ground Sign. A Ground Sign is any Sign which (1) rests directly on the ground or (2) is supported by uprights or braces placed in or upon the ground. Two separate Signs built on the same support structure shall be counted as one Ground Sign.
- (d) Height. The Height of a Sign is the vertical distance from the ground to the highest point on the Sign or its support structure. A berm built beneath the Sign shall not be counted as the "ground" for the purpose of calculating the Height of a Sign.
- (e) Illuminated Sign. Any Sign the features of which include artificial lighting. Illuminated Signs include but are not limited to neon Signs, glow-in-the dark Signs, Signs which are made up in whole or in part by lighting, and Signs which are illuminated by one or more spotlights.
- (f) Incidental Signs. Incidental Signs are Signs allowed under § 9-194.2(a). They shall not be treated as Ground Signs, Wall Signs, or Roof Signs.
- (g) Location. Location shall mean the broadest of the following: (i) a Lot, or (ii) multiple Lots, if spanned by a single entity, organization, or enterprise.
- (h) Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures, either shown on a plat of record or considered as a unit of property and described by metes and bounds.
- (i) Minor Signs. A Sign not exceeding one square foot in area and four feet in Height.
- (i1) Nonconforming Sign. A sign lawfully erected and maintained prior to the adopting of this article that does not conform with the requirements of this article.
- (i2) Off-Premises Sign. A sign erected on one location for the use or benefit of a different location, including but not limited to a billboard.
- (j) Relate. A Sign relates to a Location if it directs attention to a business, product, service, or activity conducted, sold, or offered at that Location, or if it describes certain characteristics or qualities of that Location.
- (k) Roof Sign. A Roof Sign is any Sign located upon the roof of any building or other structure.
- (l) Setback. The Setback of a Sign is the minimum distance between any portion of the Sign and any public or private street.
- (m) Sign. Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. For the purpose of clarification, example of items which do not satisfy the necessary elements of this definition include, but are not limited to, pavement markings, architectural elements incorporated into the style or function of a building, and the display of merchandise for sale on the site of the display or displays which are inside a structure and visible externally only through windows.
- (n) Temporary Signs. A Temporary Sign is either of the following:

- (1) Any Sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic, or other light materials with or without frames, intended to be displayed for a short period of time, or
- (2) Any Sign which, through the use of wheels or otherwise, is designed to be transported from place to place.

The category of "Temporary Signs" is not mutually exclusive with other categories. For example, a Temporary Sign may also be a Ground Sign. Therefore, a Temporary Sign must meet the requirements for Temporary Signs as well as other requirements which apply to the type of Sign involved.

- (o) Wall Sign. A Wall Sign is any Sign which is attached to the front, rear or side of any building or other structure.

§ 9-194.2 ***Incidental Signs.***

- (a) In addition to Signs permitted by other sections of this chapter and subject to the other limitations of this chapter, including the limitations of § 9-194.8, the following Incidental Signs are allowed in all zoning classifications:
 - (1) One Temporary Sign of not more than four feet in height and nine square feet in area on any Lot which is for sale or rent, or which a portion thereof is for sale or rent.
 - (2) One Temporary Sign of not more than four feet in height and nine square feet in area on any property with an active building permit.
 - (3) Signs not more than two square feet in area that are written into stone, masonry, or bronze.
 - (4) For subdivisions, one Ground Sign no more than five feet in height and forty square feet in area.
 - (5) Signs affixed to gasoline pumps or protective structures adjacent to such pumps, provided the sign is not larger than the pump itself.
 - (6) Two Minor Signs on any Lot.
 - (7) Flags up to 16 feet in square area.
 - (8) Signs erected by a governmental body or required by law.
 - (9) Temporary Signs posted or displayed by or under the direction of a public official or court officer in the performance of their official duties.
 - (10) One Ground Sign or Wall Sign on any cemetery plot, mausoleum, or above-ground burial vault.
 - (11) One A-Frame Sign on a Business lot is allowed to be displayed during the normal operating business hours of the business at which it is located. The Sign shall be placed so as not to impede any pedestrian or vehicular right-of-way.
- (b) Incidental Signs in any zone need only have a setback of ten feet. All Incidental Signs must be located on the same Location to which they Relate.
- (c) The Incidental Signs allowed in this section do not count against the zoning-specific allowances set forth in §9-194.3 below.

§ 9-194.3 *Allowed Signs.* Subject to all other limitations of this chapter, the following Signs are allowed:

- (a) In R-1, R-2, R-3 zones, the following Signs shall be allowed:
 - (1) One Wall Sign no larger than four square feet.
 - (2) As an alternative to the Sign permitted under paragraph (a)(1) of this section, one Ground Sign no larger than three square feet in area and no more than four feet in height.
- (b) Repealed September 14, 2020.
- (c) In all other zoning classifications, any combination of Ground, Wall, or Roof Signs is permitted, provided:
 - (1) On any Lot, Ground Signs within 25 feet of the street must be placed at least 100 feet apart, and
 - (2) The total area of wall signs located on a lot shall not exceed one and one-half (1 ½) square feet of sign area for each linear foot of main building/business frontage and such signs may be located on the main building or other structure on the lot. On a corner lot, the permitted sign area shall apply to each street frontage. The total area of Signs on any Lot shall not exceed 100 square feet in a B-1 zone; 150 square feet in a HB-1, B-2, A-1, or A-2 zone; or 200 square feet in an M-1 zone.

§ 9-194.4 *Location of Signs.*

- (a) Signs greater than 100 square feet in area must have a setback of at least 25 feet.
- (b) With the exception of Signs allowed pursuant to Section 9-192.2(8) and Section 9-192.2(9), all Signs must be placed at the Location to which they relate.

§ 9-194.5 *Drop Down Regulations.* Wherever the principal structure or use of a Lot complies with a more restrictive zoning classification than the Lot is actually zoned, the sign regulations for the more restrictive classification shall govern. However, if there are multiple uses of a principal structure or Lot, the sign regulations for the actual zoning classification of the Lot shall apply.

§ 9-194.6 *Special Use Permits.* Upon proper application, and after following the process described in Chapter 22, the Council may grant a special use permit authorizing a Sign which would otherwise be prohibited by this Chapter. The permit may contain such conditions as the Council deems proper.

§ 9-194.7 *General Provisions.*

- (a) Notwithstanding any other provision of this Chapter, no Sign shall be erected or maintained at any location where by reason of its location, size, shape, illumination, or other characteristic, there is a reasonable possibility that it will obstruct drivers' or pedestrians' view of a road, sidewalk, or traffic control device (or otherwise create a traffic hazard) such that the Sign presents an imminent or immediate threat to life or property. The Town Superintendent shall have the authority to order the removal or relocation of any Sign he finds to be in violation of this paragraph.
- (b) No Sign shall contain or make use of any word, phrase, symbol, shape, form, or character so as to interfere with, mislead, or confuse traffic.
- (c) No Sign having flashing, intermittent, or animated illumination shall be permitted. However, this prohibition does not extend to electronic message boards in which the flashing, intermittent, or illumination itself conveys information.

- (d) No Illuminated Sign shall be permitted within fifty feet of any residential district unless the illumination is so designed that it does not shine or reflect light onto residential lots within the residential district.
- (e) Where a Lot has insufficient front yard to reasonably accommodate a Sign, the Town Superintendent may, but shall not be required, to authorize the location of a Sign on or above public land. Such authorization shall be revocable and shall not import the approval of any other governmental agencies which might be interested. The Town Superintendent may condition such authorization on the applicant first obtaining any and all other required approvals.
- (f) No Sign shall exceed the maximum Height for structures in the relevant zoning classification.
- (g) All Signs shall be neatly lettered and maintained in good repair.

§ 9-194.8 *Temporary Signs.* Temporary Signs must meet the requirements of this section in addition to all other applicable requirements of this chapter.

- (a) Temporary Signs are allowed for the following periods:
 - (1) For Signs authorized by Section 9-194.2(a)(1), the time a Lot is for sale or rent, or which a portion thereof is for sale or rent, only until the Lot or the portion thereof is sold or rented.
 - (2) For Signs authorized by Section 9-194.2(a)(2), the time a Lot has an active building permit, only while the permit is active (up to a maximum of 24 months).
 - (3) For other Temporary Signs, 60 days.
- (b) Temporary Signs may be placed on Town property only with written permission of the Town Manager.
- (c) When a Temporary Sign is removed, it may not be replaced by the same or another Temporary Sign for 30 days.

§9-194.8.1 *Off-Premises Signs.* May be allowed for certain civic organizations. They generally must have approval from the property owner and the Town's Zoning Administrator.

§9-194.8.2 *Nonconforming Signs.*

- (a) Alterations. Any sign existing prior to May 1, 1995, which does not meet the requirements of this article is declared a legal nonconforming sign and may remain. Normal maintenance of a legal nonconforming sign, including changing of copy or sign face, nonstructural repairs, and incidental alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted. However, no structural alteration, enlargement, or extension shall be made to a legal nonconforming sign unless the alteration, enlargement, or extension will result in elimination or reduction of the nonconforming features of the sign.
- (b) Additional signs. Real properties with nonconforming signs are not permitted any additional signs, except that each business located in a shopping center shall be allowed one attached sign.

§194-8.3 *Erection, Maintenance and Removal of Certain Signs.*

- (a) All temporary signs are to be removed by the owner no later than three (3) days following cessation of activity for which the signs are intended. If such removal is not accomplished, the zoning administrator shall cause the removal and charge the cost to the owner on whose property the sign is located or take such other action as is permitted.
- (b) Every sign, including those exempt from the permit and fee requirements of this article, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports that are not galvanized or of a rust-resistant material. The administrator or his representative shall inspect and possess the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to the health, safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
- (c) All signs are to be removed by the owner of any business that has ceased to operate for a period of sixty (60) days. If such removal is not accomplished, the zoning administrator shall cause the removal and charge the cost to the owner on whose property the sign is located or take such other action as is permitted.

§ 9-194.9 *Application.* Except for Temporary Signs and Incidental Signs, no Sign shall be installed until a zoning permit is issued in accordance with § 9-11. The application for such a zoning permit to install a Sign must be in the form prescribed by § 9-12 and must include a sketch of the proposed Sign, along with its support structure. The application shall specify the area and height of the Sign. The Zoning Administrator shall either approve, reject, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this Chapter, this Title, the building code, and other applicable laws, regulations, and ordinances shall be approved. If an application is rejected, the Zoning Administrator shall provide a list of the reasons for the rejection in writing.

The motion was seconded by Councilman Rodgers and approved by a roll call vote of 7 to 0, the voting recorded as follows: OHGREN – AYE; JACKSON – AYE; DYJAK – AYE; DALY – AYE; WORTHY – AYE; RODGERS – AYE; LEE – AYE.

MANAGER’S REPORT

Town Manager Angela Lawrence provided a written report, which is attached. Ms. Lawrence explained that governmental guidance regarding CARES Act funding is continually evolving and additional types of qualifying expenses from this funding have been approved. She stated that after the original distribution of CARES Act funds, Rockingham County received an additional amount and chose not to distribute any of that money to the towns. Ms. Lawrence reported she has written to the County Administrator respectfully requesting that the County reconsider the decision not to allot further funds to the towns. She suggested the Mayor or Town Attorney consider writing another letter requesting additional money for towns. She offered as an example of how the Town could benefit from additional CARES funding would be the purchase of a new sound system to allow for livestreaming Council meetings on social media as well as some other expenses that would now qualify for CARES Act funds. Town Attorney Jordan Bowman stated that his preliminary opinion is that the County is obligated to disperse funds to the localities requesting a second allocation. Council advised Manager Lawrence to proceed with her request to the County.

Ms. Lawrence also advised that we are using the Town Facebook page to encourage voter registration, distribute election information and encourage shopping at local businesses.

TREASURER'S REPORT

Treasurer Susan Smith provided a written report. Ms. Smith added that the utility customers from last month whose service was interrupted have all paid their past due bills and that the next service cutoff will be on October 20, 2020.

POLICE REPORT

Chief Justin Trout provided a written report. Chief Trout added that two officers may be out of the office for medical leave in the near future and that a new temporary full-time officer, Officer Robles, has been hired to assist with the un-covered schedules.

PUBLIC WORKS REPORT

Russell Bailey provided a written report.

WATER DEPARTMENT REPORT

Adam Meek provided a written report.

COMMUNITY DEVELOPMENT REPORT

Christa Hall provided a written report. Ms. Hall added that the U.S. Census will continue to collect data through the end of October. She also stated that we will begin to explore creative options to safely enjoy the holiday events.

ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT

Councilwoman Worthy reported the committee met on September 28, 2020 and discussed the Façade Grant applications and the downtown merchant's event downtown. Chief Trout stated there were no issues reported in connection to the event.

FINANCE COMMITTEE REPORT

Councilman Daly reported the committee met on October 7, 2020 and discussed the CARES Act funding and the water plant upgrade. He stated that the Town is in a good financial position for the water plant upgrade and that a plan to resolve the debt incurred by the Mill Street Drainage Project may involve reassessing and possibly raising water rates in the future.

INFRASTRUCTURE COMMITTEE REPORT

Councilman Dyjak reported the committee met with staff on October 9, 2020 to review the Mill Street project and the proposed water treatment plant upgrade. He noted that he has received compliments from residents and commended staff on projects such as the sewer line repairs and GIS mapping project. They briefly discussed the CIP and they will get that moving forward. Discussion ensued regarding a sidewalk and pedestrian plan. Ms. Lawrence clarified that this

year's budget plans for 30,000 linear feet of sidewalk on College Street, which will stretch from King Street to Mill Street.

PARKS, RECREATION & BEAUTIFICATION COMMITTEE REPORT

No report. Mr. Rodgers stated the committee will meet next month to discuss Christmas celebration plans.

PERSONNEL COMMITTEE REPORT

No report.

POLICE COMMITTEE REPORT

No report. Mr. Jackson reported the next scheduled meeting will be December 14.

MAYOR AND COUNCIL REPORT

No report.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

The Cottage shop owner, Michael Logan, commented that his shop had been closed in March due to COVID and it reopened on October 3. He expressed an interest in signage downtown, such as signs denoting Historic Downtown and/or Old Route 42. He asked that the downtown map highlighting Town businesses be updated. He went on to say that he would like to see the Town expand its beautification efforts to include better maintenance of the flower pots downtown.

CLOSED SESSION

Councilman Jackson made a motion to convene into closed session in accordance with Section 2.2-3711(A)(7) of the state code to consult with legal counsel and be briefed by staff members or consultants about actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the local government's negotiating or litigating posture. The motion was seconded by Councilman Ohgren and approved by a roll call vote of 7 to 0, the voting recorded as follows: JACKSON – AYE; OHGREN – AYE; RODGERS – AYE; DALY – AYE; WORTHY – AYE; DYJAK – AYE; LEE – AYE. The Council recessed the open meeting at 7:15 p.m.

OPEN SESSION

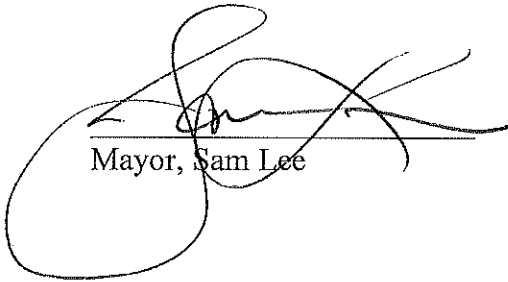
A motion to adjourn the closed session was made by Councilman Daly, seconded by Councilman Jackson, and passed unanimously. The open session reconvened at 7:33 p.m.

ADJOURNMENT

With there being no further business to come before the Council, Councilman Daly made a motion to adjourn, Councilman Jackson seconded the motion; motion passed unanimously.

The meeting adjourned at 7:35 p.m.

Respectfully Submitted,



Mayor, Sam Lee



Clerk, Christa Hall

Town Manager

Staff Report

September 2020

Personnel

1. Staff is updated on a regular basis regarding the COVID-19 situation and workplace safety.
2. Administrative staff and one public works employee attended a First Aid CPR class hosted at Town Hall.

Public Works, Roads, Facilities

1. **Water Plant Upgrade:**
 - a. VDH has approved our funding application in the estimated amount of \$1,976,000 with the final amount being set at loan closing. It will be a 20 year loan, rate determined at closing, 1% below 20 year AA Municipal Bond, 0.2% savings if we close within 12 months of award letter.
 - b. With Council concurrence, I will accept the offer and seek approval to begin the procurement process for final design and engineering.
 - c. We plan to submit Waterworks Business Operation Plan, CIP and/or Asset Management Plan as part of the process. Funds may be available for such. A recently updated Asset Management Plan and a water rate study are required to receive funding.
 - d. We do not expect to have all payments for equipment due during this fiscal year. A budget adjustment may be recommended when more information is available.
2. **Mill Street Project:** Please refer to action item on the same matter.
3. **Sewer Line Repair & Lining:** See public works report.

Economic Development

1. **CARES Act:** See budget amendment action item.
2. **EDA:** EDA met on September 17th. They elected RJ Ohgren as Chair. Since that meeting, Diane Roll has resigned, leaving us with 2 vacancies on the EDA. We currently have 3 Council members and 2 non-Council members. Council may not be the majority of members, so we had to cancel the EDA meeting that was scheduled to determine grant awards. I will send information under separate cover to Council regarding the grant applications received and possible EDA appointments.
3. **Grants:** The Small Business Grant and Façade Grant packages were distributed to appropriate businesses and property owners. Small business grants have been tabulated. The Community & Economic Development Committee will review façade grants monthly and make recommendations to Council.

Nuisance Properties

1. The Town extended the deadline for payment and property condition improvements on the Ashby Street property and more progress has been made. We will view recent photos in closed session.

Other

1. I coordinated ribbon cutting ceremonies for 3 new/expanded shops.
2. I contacted the press regarding the October 3rd activities. Two newspaper articles – one regarding the Market and one regarding the Small Town Fall Celebration – resulted.
3. I prepared committee reports and agendas.

4. I contacted the voter registrar's office regarding the mis-print of the Special Election on the ballot. We have included information regarding elections on our website and Facebook page. We are posting the results of Imagine Dayton's candidate questionnaire on the website as they are received.
5. I attended a five day virtual conference through ICMA, while working remotely.
6. I attended the BOS meeting.
7. I continue to attend as many community activities and events as possible.
8. I continue to attend HRRSA and MPO meetings. I was elected Vice-Chair of HRRSA at its annual meeting.
9. The treasurer and I have attended meetings related to the conversion of the state system for our health insurance program.
10. Working as a team, staff decorated the Town for fall.

Items for Discussion

None

Items for Consideration

None

Respectfully submitted,
Angela A. Lawrence