

**DAYTON TOWN COUNCIL MINUTES**  
**December 9, 2019**

**COUNCIL MEMBERS PRESENT:** Mayor Sam Lee, Jeff Daly, Todd Collier, Zachary Fletchall, Cary Jackson, Robert Ohgren, and Tara Worthy.

**ALSO PRESENT:** Jordan Bowman, Town Attorney; Angela Lawrence, Town Manager; Susan Smith, Acting Treasurer; Justin Trout, Chief of Police; and Christa Hall, Deputy Clerk.

**CALL TO ORDER:** Mayor Lee called the meeting to order at 6:01 p.m. and welcomed everyone. The Invocation and the Pledge of Allegiance were led by Mayor Lee.

**INTRODUCTIONS:** Police Chief Justin Trout introduced and welcomed Lieutenant Hooker and Officer Dean to Council.

**APPROVAL OF MINUTES FOR THE NOVEMBER 12, 2019 COUNCIL MEETING:**

A motion to approve the minutes from the November 12, 2019 Council Meeting was made by Councilman Ohgren and was seconded by Councilman Collier and approved by a roll call vote of 6 to 0, the voting recorded as follows: COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; LEE – AYE; DALY – ABSTAIN.

**MANAGER’S REPORT**

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

Manager Lawrence added that staff evaluations have been completed including self-evaluations and these will be the basis for the merit increases that were budgeted for January. Manager Lawrence requested that evaluations be done annually instead of twice per year and after Council discussion, the Town will proceed in that fashion for the next budget year.

Manager Lawrence provided an update on the status and recent meeting with the engineer in reference to the upgrades to the water treatment plant. She advised that we are progressing but still waiting for more information before a decision can be made and Council will also need to make decisions as to the procurement of the project. She recommends that the Infrastructure Committee meet and discuss prior to the next Council meeting.

Manager Lawrence brought up several items for Council consideration; the first being the limited allowed carryover of Paid Time Off (PTO) hours. Since this is combined sick and vacation time, Manager Lawrence recommends that the personnel policy be changed to allow for up to 240 hours to be carried over from one calendar year to the next. There are three employees this year that will lose time if additional carry over is not allowed. The second item for discussion is the current Town holiday schedule does not follow the state holiday schedule and her recommendation is that we change our holiday schedule to coincide with the State holiday

schedule. And finally, the current Town personnel policy does not include any allowance for bereavement leave. Manager Lawrence recommends to Council that the personnel handbook be revised to include up to three days off with pay for allowable funeral time.

Councilman Daly provided an explanation as to the history and reasoning behind the current PTO policy. After a lengthy discussion, it was determined that the PTO accrual and carry over is a topic that should be further discussed by the Personnel Committee. Manager Lawrence agreed. However, she needs to know Council's wishes on the current employees who have more than 120 hours of PTO time that they will lose at the end of the year if they aren't allowed to carry over additional time. Councilman Collier spoke up in support of allowing an exception to be made this year to allow employees to carry additional time over and not lose their earned PTO hours.

Councilman Jackson entertained a motion to allow Manager Lawrence to make special circumstances for this year with a need to re-evaluate this policy further in the coming year. Councilman Collier seconded the motion. Mayor Lee asked for further discussion. Councilman Ohgren mentioned that he feels, from a point of compassion, that PTO hours should not have to be used for funeral pay.

Councilman Jackson amended his previous motion to state that we make a one-time exception for 2019 for a cumulative balance of 200 PTO hours that may be carried over from one calendar year for all Town of Dayton employees and to adopt the State holiday schedule. Councilman Collier accepted the amendment and properly seconded the motion. The motion carried unanimously by a roll call vote of 7 to 0, the voting recorded as follows: DALY – AYE; COLLIER – AYE; FLETCHALL – AYE; JACKSON – AYE; OHGREN – AYE; WORTHY – AYE; LEE – AYE.

The bereavement pay issue will be referred to the Personnel Committee for further discussion.

### **TREASURER'S REPORT**

Acting Treasurer Susan Smith provided a written report. Acting Treasurer asked the Council to consider authorizing staff to draft a revision to the current ordinance to allow for the billing of real estate taxes once per year. Council discussed how we would advise Town property owners of the change and it was determined that if Council decided to switch to an annual billing cycle, there would be a notice in the Town newsletter informing land owners of the change. Council also asked if Acting Treasurer Smith could provide a listing of all property owners whose tax bills are not escrowed and are therefore responsible for paying their tax bill out of pocket and suggested that letters be sent to those individuals advising of the change.

### **POLICE REPORT**

Chief Justin Trout provided a written report. He mentioned that we are now at full staff and he wanted to publicly thank Officer Papatnik for his service as the fill-in fifth officer since July. Manager Lawrence commended Chief Trout for providing a security assessment to the Dayton

Market and advised that the shop owners had some very positive feedback to offer about Chief Trout and Lieutenant Hooker, mentioning how they are helpful, approachable and easy to get along with. Councilman Daly asked how the school patrols were going. Chief Trout responded that they are going well and they plan to be there as a presence every morning as long as their patrol schedule allows, mentioning that some mornings there are circumstances that prevent them from doing so. They are participating in all fire and lock down drills as requested. Manager Lawrence added that the Police Department has moved to the downstairs portion of the Town Hall building and the Public Works Department has moved upstairs. She feels this will provide for a better working environment for all staff.

### **PUBLIC WORKS**

Russell Bailey provided a written report.

### **ZONING**

Christa Hall provided a written report. Manager Lawrence advised that Christa Hall is working closely with Susan Smith to train on the responsibilities as the Town Zoning Official. Susan Smith remains the Zoning Administrator for the Town until Christa attends the Zoning Conference in the spring and completes the applicable exams. Manager Lawrence also advised that she had been contacted by the Director for Habitat for Humanity asking if they could have their water and sewer connection fees waived. In the past, they have been required to pay all the Town construction fees. Town Attorney, Jordan Bowman, advised that the Town has no authority to waive such fees, but if the Town feels compelled to assist, he recommended that it be in the form of a grant or donation.

### **EVENTS AND MARKETING**

Mike Betts provided a written report. Manager Lawrence thanked all those who attended the Town Christmas Parade and acknowledged that she had received many favorable comments about this year's parade.

### **ANNEXATION**

No report.

### **ECONOMIC DEVELOPMENT**

No report.

### **FINANCE**

No report.

## **INFASTRUCTURE**

Chairman Fletchall stated that we are still waiting for more information from the engineer on the hybrid plan for the upgrades to the Water Treatment Plant. Once that information is received, the committee will plan to meet prior to the next Council meeting with the intention to bring a recommendation to the Council in January.

## **PARKS & COMMUNITY DEVELOPMENT**

No report, however, Chairman Collier stated that the safety barrier on the Greenway near the creek needs some work to make it safer for the community.

## **PERSONNEL**

No report, however, Chairman Ohgren reported that the Committee will need to meet to discuss evaluations and therefore, a closed session will be necessary at the January meeting.

## **POLICE**

Chairman Jackson reported that the Committee met with Manager Lawrence and Chief Trout to discuss the upcoming retreat, updates on grants and the status of officers.

## **MAYOR AND COUNCIL**

Councilman Collier mentioned that this had been a year with a lot of staff turnover and he wanted to express his thanks to the staff that had been here throughout the transition. He added that the Council is impressed with the staff additions and the direction the Town is heading in and feels that the upcoming year is going to be a great one. Mayor Lee commented on how great the parade was and that he is excited to be a judge for the Holiday Decorating Contest. He also stated that he is excited with the staff addition of Officer Dean. Mayor Lee extended a thank you to those who helped make his food drive a success this year. Manager Lawrence extended a congratulatory wish to Councilman Ohgren for the addition to his family.

## **UNFINISHED BUSINESS**

Water Plant Upgrade remains as an unfinished business item as we are still awaiting information from the engineer.

## **NEW BUSINESS**

None.

**PUBLIC COMMENT**

Cheryl Lyons commented that she appreciates the online posting of the meeting agenda packets. She also reminded and invited all to attend the wreath laying ceremony at the Dayton Cemetery on Saturday. Manager Lawrence commented that the Town tries to post all current on the Town Facebook page. A question was asked about DMV coming to Dayton. Manager Lawrence provided an update that DMV will be at the Dayton Town Office on February 19, 2020. Another citizen asked about the hedge located at the intersection of Thompson and Ashby Streets prohibiting the view of vehicular traffic. The Town will look into it and contact the owners about trimming the trees and trim them back if necessary. A citizen inquired as to why taxes are due in December and the Town Attorney advised that it was pursuant to state code.

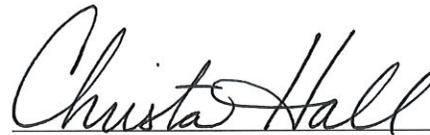
**ADJOURNMENT**

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

The meeting adjourned at 7:36 p.m.

Respectfully Submitted,

  
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Mayor, Sam Lee

  
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Deputy Clerk, Christa Hall

**Attachment to 12/9/19 DTC Meeting Minutes**

**Town Superintendent/Manager**

**Staff Report**

**November 2019**

**Personnel**

1. See Items for Consideration.
2. See police department report.
3. Staff continues to transition to new responsibilities during the Treasurer's transition period. Council will receive a recommendation for changes to positions and descriptions at the January meeting.
4. Christa attended a regional Clerks Association meeting. Dayton will host a meet next spring.

**Public Works, Roads, Facilities**

1. **The SCADA System:** See public works report.
2. **Water Plant Upgrade:** Staff met with the engineer on December 3 to review additional information and options. The engineer is expected to get additional information to staff prior to the Council meeting. A verbal report will be given at the meeting. Staff will meet with the representative for PALL on December 6.
3. **Well #4:** Staff has considered a variety of options for this well. At this time, we believe the best course of action is to camera the well and to try to flush it out, in accordance with state regulations. We are discussing with appropriate agencies now.
4. **Easements and Property Transfer:** Cove Creek plats have been received and deeds are being processed.
5. **Mill Street Project:** Easement plats have been forwarded to the attorney's office. We are still on schedule to go to bid in January. A detailed schedule and list of responsibilities will be distributed to Council separately.

**Economic Development**

**Business Community Conversation:** The next meeting is scheduled for Thursday, January 9, 2020 at 6:30 p.m.

**Other**

1. I am working with the attorney regarding the nuisance violation notices. The deadline has passed for the property that was served, with no noticeable improvement. Notices for Civil Penalty have been served for the property conditions separately from the inoperable vehicles. There is a maximum fine, which will be realized in 60 days, if no improvement is made. We will discuss necessary legal action with Council in January, if the issues have not been corrected and the penalties paid.
2. The second property that was discussed previously was making good progress without a Notice of Violation, in anticipation of the sale of the property. Due to unforeseen circumstances, nothing has been completed in the past month. I will work with the attorney to serve a Notice of Violation on that property as well.
3. Council Retreat will be held on December 11, 2019 at 1:30 p.m. at Shenandoah Valley Electric Cooperative.
4. We still have one vacancy on the Economic Development Authority.

**Items for Consideration**

Staff recommends that the following revisions be made to the personnel policies:

**VII. Employee Benefits**

**B. Leave**

**1. PTO**

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Paid time off (PTO) time starts at the time of employment by an employee. The rate that PTO is earned is by the length of service the employee has actively worked (based on the hire date). A cumulative balance of 120 **240** PTO hours may be carried over from one calendar year to the next.

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**8. Holidays**

~~The following holidays are observed by the Town.~~ Full-time employees shall be granted time off ~~for these days~~ without charging the time against leave balances **according to the Commonwealth of Virginia Employee Holiday Calendar.**

New Year's Eve	_____	Labor Day
New Year's Day	_____	Veteran's Day
Martin Luther King Jr. Day	_____	Thanksgiving Day
Presidents' Day	_____	Day after Thanksgiving
Good Friday	_____	Christmas Eve
Memorial Day	_____	Christmas Day
Independence Day		

~~Holidays falling on Saturday shall be observed on the Friday before the holiday. Holidays falling on a Sunday shall be observed the Monday after the holiday.~~

...

**10. Bereavement leave (new policy)**

**A. Eligible employees may be granted up to three consecutive paid workdays in the event of the death of a member of the immediate family without reduction to any form of accrued leave, with approval by the Town Manager.**

**B. Immediate family members include: Spouse, parent, son, daughter, brother, sister, grandparent, grandchild, stepchild, stepparent, guardian, person living in the same household as the employee, and the same relatives of the employee's spouse.**

**Rationale:**

PTO: Some employees are at risk of losing accrued time because they were not able to use time (due to staff shortages or office coverage). In addition, if someone needed surgery or other medical leave at the beginning of the calendar year, they would only be afforded a 3 week leave before they run out of combined PTO. We are the only local government in the county that uses combined PTO. Other localities use separate sick and vacation leave. The county uses either sick and vacation or PTO depending on their length of service (correlates with the VRS plan). All area localities allow a minimum

of 30 days (240 hours) sick leave plus additional vacation leave to be carried over. The minimum vacation-only carry over in those localities is 144 hours (in addition to sick leave carry-over).

Holidays: I would like to follow the state holiday schedule to be less confusing to citizens.

Bereavement: We do not have a policy and therefore cannot incorporate bereavement leave into our payroll system.

Timing: I would like to prevent two employees from losing accrued PTO before the end of this year. We need to publish the holiday schedule for the year on the website. There is a difference in holidays beginning in January.

Respectfully submitted,

*Angela A. Lawrence*