

**DAYTON TOWN COUNCIL AND PLANNING COMMISSION
JOINT PUBLIC HEARING MINUTES
September 14, 2020**

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

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.

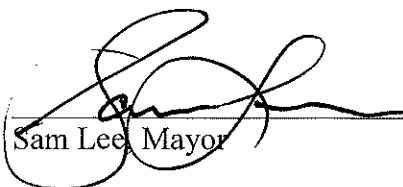
Manager Lawrence provided a staff report explaining that the proposed ordinance changes are not directed at the content of political signs and are meant to add definitions of different types of signs, streamline requirements regarding signs between R1, R2 and R3 zoned areas, and change the enforcement of the sign ordinance from criminal to civil fines and penalties.

Councilman Daly suggested that written notices of violation of the ordinance be both hand-delivered and mailed to violators.

Manager Lawrence added that the Town Attorney's office has recommended that, due to the advertisement not containing vital specific information as to the proposed revisions, a second joint public hearing should be advertised and action be taken on the ordinance after such hearing.

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 closed the Public Hearing at 5:51 p.m.

Respectfully Submitted,



Sam Lee, Mayor



Christa Hall, Clerk

**DAYTON TOWN COUNCIL
MEETING MINUTES
September 14, 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; Jason Ham, 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 6:04 p.m. and led the Invocation and the Pledge of Allegiance.

APPROVAL OF MINUTES FOR THE JOINT PUBLIC HEARING WITH PLANNING COMMISSION AND THE REGULAR COUNCIL MEETING OF AUGUST 10, 2020, AND THE JOINT MEETING WITH ECONOMIC DEVELOPMENT AUTHORITY AND SPECIAL CALLED COUNCIL MEETING OF AUGUST 24, 2020:

Councilman Jackson brought up the discussion from last meeting about the election signs that were put up at Pit Stop and asked for a follow up to this discussion for the record. Councilman Daly stated that it was simply a miscommunication between Willie at the Pit Stop, Chief Trout and him and they have cleared it up.

A motion to approve the minutes from the meetings of August 10, 2020, and August 24, 2020, was made by Councilman Daly and seconded by Councilman Jackson 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.

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 table the consideration of amendments to the sign ordinance until the next regular council meeting to allow time for the additional advertising. The motion was seconded by Councilman Ohgren 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.

MANAGER'S REPORT

Manager Angela Lawrence provided a written report, which is attached. She added that the County had met to discuss additional funding to localities and that it was likely from their meeting that the Town will not receive any additional CARES Act funding. However, she has respectfully requested that they reconsider and award the Town with additional funds. Manager Lawrence also added that the Town will only be enforcing sign ordinance violations on a

complaint basis and to date, the Town has not addressed any political signs or any VDOT right-of-way signs unless complaints were received.

Manager Lawrence asked for clarification as to what Council wants when changes are needed to be made to existing job descriptions. Councilman Ohgren stated that he is in favor of allowing the Town Manager to make changes to the existing job descriptions as the Manager is aware of the day-to-day operations and the most effective way to get things done. He feels that this can be handled by the Town Manager and the Personnel Committee and does not need to go to the entire Council. Councilman Daly asked what changes would come to Council. Councilman Ohgren stated that all new positions would go to Council and asked Manager Lawrence for additional input. Manager Lawrence stated that any new positions that need to be budgeted for will go to Council for their approval. Councilman Daly would like for any changes to pay scales and pay structures to go to Council for approval. Councilman Dyjak stated that he too felt that decisions as to changes like these, as long as we stay within the budgeted amount should fall upon the Town Manager and the Personnel Committee but they will keep the Council apprised of any and all such changes. Councilman Ohgren agreed and further stated that as Personnel Committee Chair he relies on the opinion and experience of the Town Manager to make these changes based on the fact that the Manager supervises the individuals and knows more about the daily operations. After discussion, Council decided that job description changes could be at the discretion of the Town Manager. However, if such changes result in a pay scale change, those would need Council approval.

ITEM FOR CONSIDERATION: APPROPRIATION OF CARES ACT FUNDS TO THE ECONOMIC DEVELOPMENT AUTHORITY

Manager Lawrence provided a staff report to Council about the appropriation of CARES Act funding to the Economic Development Authority and highlighted the changes that had been made to the grant application package for local Dayton businesses. After discussion, Councilman Jackson made a motion to appropriate \$50,000 to the Economic Development Authority of the Town of Dayton, Virginia (the "EDA") contingent upon (i) the EDA using such funds by December 10, 2020, for support for eligible local small businesses and local non-profit organizations with locations within the Town's corporate limits, which support is reimbursable under the CARES Act, (ii) the EDA providing documentation to the Town sufficient to prove that such expenses are payable under the CARES Act, (iii) that the EDA comply with all other applicable laws, United States Treasury guidance, and County and Town requirements concerning the expenditure of the funds, (iv) that criteria for the grants will be based on revenues for the past three years, or other available financial information, (v) that recipients of grants must not be delinquent on any tax, fee or other sum owed to the Town of Dayton, and (vi) approval of all expenditures by the Town Council. The motion was seconded by Councilman Rodgers 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. Councilman Daly summarized that grant applications would be sent out later in the week and should be reviewed and awarded in October.

ITEM FOR CONSIDERATION: CARRYOVER OF PAID TIME OFF FOR EMPLOYEES

Manager Lawrence presented research comparing the Dayton’s employee benefits to those of other localities. Councilman Jackson noted the Town ranked significantly lower than other municipalities in carryover allowance of paid time off. Discussion ensued regarding the options of allowing greater carryover of paid time off versus converting a percentage of accrued vacation or sick leave to cash payments. There was also Council discussion on the possibility of allowing employees to “cash in” a portion of their PTO time and receive compensation without taking advantage of the time off. After much discussion, it was determined that Council did not want to offer that as an option. Councilman Daly offered a history of the thinking that went into the current personnel policies as written. He further stated that he was concerned with a high accrual amount and the financial liability for the Town if they have to pay out a large PTO pay out upon employee termination and suggested that we limit the amount of payout that the Town gives upon termination or re-evaluate how much leave we give to our employees. Councilman Jackson stated that he was looking at it the wrong way and that we need to look at it as a way to reward and thank our employees. Manager Lawrence added that this time of year is particularly difficult for her as she has several employees who have a lot of time that they need to use or lose at this time. After a very lengthy discussion, Councilman Ohgren made a motion to amend the Town of Dayton Employee Handbook, Section VII(B)(1) Leave Paid Time Off (PTO), as presented by Manager Lawrence and as follows: Carry-over of PTO shall be allowed based on years of service: Years 1-5: 200; Years 6-9: 240; Years 10-15: 288; Years 16+: 336. The motion was seconded by Councilman Jackson 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.

Manager Lawrence continued her verbal staff report and added that she had received an additional application for the vacancy on the EDA. She advised that it may be beneficial to hold off on filling the vacancy until after the election to see the changes in the EDA members that will be held by Council members. Council agreed to table this matter until after the elections.

TREASURER’S REPORT

Treasurer Susan Smith provided a written report and added information to her report as to delinquent water accounts.

POLICE REPORT

Chief Justin Trout provided a written report. Chief Trout confirmed that the Police National Night Out will take place on October 6, 2020, with some restrictions due to COVID-19 concerns. Councilman Dyjak thanked Chief Trout for his updates and efforts on the grants and inquired about the upcoming National Night Out event. Chief Trout stated that due to COVID, the event would not be at the park as he had hoped. It will be more of a mobile event with the officers driving around handing out goodies for the kids.

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 noted that we have added one final concert to the calendar for October 3, 2020. Danczet Rock Band will be at Dove Park that evening to follow the shopping events that will be going on in town that day. She also stated that the fall newsletter will be released soon which will highlight events for October, November and December. Due to COVID, discussion followed regarding cancelling the Christmas Parade and the residents' Christmas party and shifting focus to the promotion of home and business holiday decorating. There was also an offer from local business owner, Susie Swecker, to sponsor the decorating contest with the purchase of trophies. The holiday events will be further discussed by the Parks, Recreation & Beautification Committee. Councilwoman Worthy asked about Halloween and if the Town should address how it will be handled this year due to COVID. After discussion, it was decided that the Town should leave any decisions about Halloween participation to individual residents and not get involved.

ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE REPORT

No report.

FINANCE COMMITTEE REPORT

No report.

INFASTRUCTURE COMMITTEE REPORT

Councilman Dyjak reported that the Committee met several weeks ago to discuss the Mill Street project, VDOT coordination of the paving of town streets and cleaning up the fence along Route 42, the VDH grant, and the CIP.

PARKS, RECREATION & BEAUTIFICATION COMMITTEE REPORT

Councilman Rodgers reported that the Committee met and had a productive discussion regarding future enhancements to the Town. He also noted that Silver Lake Mill will be holding its 200th bicentennial in fall, 2022, and we need to keep that in mind and how the Town wants to participate to enhance the celebration and draw people to the area. Mayor Lee asked if a date had been set yet. Mill representative and long-time town resident, Cheryl Lyon stated that it will likely be in October of 2022.

PERSONNEL COMMITTEE REPORT

Mr. Ohgren stated that they had addressed several items electronically this month and that Council had already covered everything that they had discussed.

POLICE COMMITTEE REPORT

Councilman Jackson stated that the Committee did not meet this past month but that they continued to work on the recruitment and selection procedures electronically and that Chief Trout would be finalizing those. The next Committee meeting is set for December 14, 2020. Councilman Ohgren stated that he was proud of the changes they were making to the Department's hiring policy and the caliber of officers that the policy will require. He further stated that they had made changes prior to the State telling them to do so, which he was also proud of.

MAYOR AND COUNCIL REPORT

Councilman Dyjak reminded everyone to complete the US Census. He stated that data collection has been difficult this year with COVID and thanked staff for their efforts in helping locally to get the word out. Councilman Ohgren reminded everyone to vote and stated that early voting was open and available at the Rockingham County Office Building. Councilwoman Worthy asked if there would be a local election forum as there has been in the past. Manager Lawrence stated that the Town does not get involved in local election forums, but that she had spoken to Cheryl Lyon to see what type of forum would be held this year and that it would need to be a different format due to COVID. Ms. Lyon was working on that and more details will be forthcoming as to this year's format.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

Town resident, Janet Matthews, who lives at the corner of Thompson and Eastview addressed the Council to comment that Town employees had recently stopped in front of her residence and were loud enough to disturb her children who were at home for distance learning via Zoom. She wanted to ensure that the Public Works employees continued to go where they needed to be and did not stop in front of anyone's home to congregate. She personally addressed these employees and asked them to move on. She asked that the employees be respectful of neighborhoods and try to keep the noise level down. Mayor Lee thanked Ms. Matthews for her comments.

Susie Swecker, owner of Mane Street Salon, addressed the Council to ask about what is going to be allowed on October 3rd this year since Dayton Days will not be held. She stated that she had invited

additional vendors to come into her shop since 2012 and it had not been a problem until this year and she didn't understand why it was suddenly a problem. Manager Lawrence stated that vendors operating within the Town limits are required to have a Town Business License. Manager Lawrence stated that this has always been the case and perhaps hasn't been enforced in previous years. The Town has made some exceptions to this rule for October 3rd since Dayton Days was postponed to include some previous Dayton Days craft vendors and a limited number of food trucks in an effort to increase traffic at Town businesses, but that this would not extend to other outside businesses. A lengthy conversation ensued. Mayor Lee thanked Ms. Swecker for her comments and advised that Manager Lawrence will follow up further with her. Ms. Swecker thanked the Council for allowing her to be heard.

CLOSED SESSION

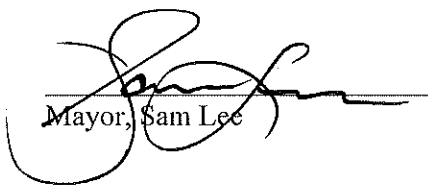
None needed as all topics were able to be covered in the open meeting.

ADJOURNMENT

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

The meeting adjourned at 8:14 p.m.

Respectfully Submitted,


Mayor, Sam Lee


Clerk, Christa Hall

Town Manager

Staff Report

August 2020

Personnel

1. Staff is updated on a regular basis regarding the COVID-19 situation and workplace safety.
2. Changes were made to separate the water department from the public works department. The Lead Water Plant Operator now reports directly to me. I am coordinating work plans between the departments. The water department is operating and maintaining the treatment plant as well as mowing and maintaining the facilities and grounds at all water system related properties such as the water tower and well/pump house properties. The Lead Water Plant Operator will be assisting with the transition to the new water plant.
3. I attended PD staff meeting to provide updates.
4. Public Works attended a First Aid CPR class hosted at Town Hall. A second class for administrative staff will be held in September.

Public Works, Roads, Facilities

1. **Water Plant Upgrade:** VDH has confirmed that they are awaiting an additional review before making announcements for financing, expected any day now. We fully expect to get financing through VDH and hope to begin the process soon.
2. **Mill Street Project:** VDOT is working with the County to secure the additional funding needed to proceed with the project. It is expected that we will be able to begin soon.
3. **Sewer Line Repair & Lining:** See public works report.

Economic Development

1. **CARES Act:**
 - a. The county awarded additional retail businesses in Dayton a \$5,000 grant in round 2 of their business grant cycle. They are now in round 3.
 - b. The Town received \$84,383.71 to use for qualifying expenses. The CARES Act provides that payments may be used to cover costs that: 1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); 2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and 3. were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Although the Town may not use the funds to recoup lost revenue, we may use them to recoup fees for supplies purchased and used for COVID and to assist businesses who have experienced losses due to COVID-19. The Community and Economic Development Committee will review a proposal in greater detail when more information is available.
 - c. The Council needs to approve an amount to make transfer to the EDA for the small business grant as well as other expenses so that we can advertise a public hearing since the revenue is more than 1% of the budget.
 - d. It is not likely that the Town will receive any additional monies from the county, although they received additional funds. I have requested additional funding.

- e. During discussion at the last meeting, a comment was made that we don't need funding because Cargill has increased water revenue. Although it is true that water revenues have increased because of Cargill's increased production, there are also increased expenses such as water filters (\$6,000+), water purchased from county, chemicals for the plant, increase staff time to maintain filters, and so on.

2. **Sign Grant:** Work continues. The deadline has been extended.

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. I will inspect prior to the council meeting again.
2. Other properties have recently been notified of nuisance violations as well.

Budget Process

1. The CARES Act funding exceeds 1% of our budget and therefore will require a budget amendment. Because of the new information regarding a potential change in the CARES Act funding, the finance committee has not met to discuss the budget amendment.

Other

1. I met with The Dayton Market Merchants Group regarding pop-up shops and requirements and parameters, as determined by Community & Economic Development Committee. I also communicated with individual downtown business owners. A small town fall celebration, including a sidewalk sale and food vendors is planned for October 3rd. Because Dayton Days was cancelled, we are waiving the fees for food truck vendors and pop-up shop vendors (Dayton Days) at The Dayton Market. All must follow social distancing guidelines and requirements. The Town is not involved with any planning or implementation of the activities. We will be having a concert that evening at Dove Park.
2. I prepared committee reports and agendas.
3. I attended a virtual Chamber of Commerce meeting.
4. I met with Bridgewater regarding the Bridgewater to Dayton trail concept.
5. I attended a webinar regarding the COVID Emergency Temporary Standard requirements and have written a plan. I also attended an Employee Handbook webinar.
6. Met with Blue Ridge Christian School regarding future plans.
7. Administrative and PD Department Heads met with Virginia Institute of Government virtually to learn more about their services, introduce them to the Town of Dayton, and discuss ways we can work together.

Items for Discussion

1. Job Descriptions: Clarification is needed regarding when the Council needs to approve changes to the job descriptions. Personnel issues are generally considered administrative duties. While there was a past need to create job descriptions and pay scales, generally personnel decisions are an administrative function and changes to existing job descriptions are made, as needed, by the Town Manager. New positions would go through a special request, generally during the budget process, with Council understanding the purpose of the new position and the key components of the job.

Items for Consideration

1. CARES Act Funding: Based on Council discussions, I recommend the following use of the CARES Act funding of 84,383.71. Once there is a consensus, we will move forward with an advertised public hearing to be held at the next Council meeting on Tuesday, October 13 (held on Tuesday due to Monday holiday).
 - a. Small business grant program. \$50,000
 - b. Hazardous Duty Pay for front line workers: \$2,000 for full-time police and public works (prorated for new employee and part-time), \$1,000 for other staff. \$25,500
 - c. COVID-19 related expenses such as legal fees, modifications to building, purchase of PPE and cleaning, Family First mandated pay. \$8,883.71
 - d. If additional funding is received, we may add to the grant program, if there is need and reimburse additional expenses.
2. Carry-over of PTO: Staff respectfully requests that the personnel policies be amended to allow carry-over to increase as follows:
 - a. Years 1-5: 200
 - b. Years 6-9: 240
 - c. Years 10-15: 288
 - d. Years 16+: 336

Respectfully submitted,
Angela A. Lawrence