

CITY OF DAYTON, KENTUCKY
COUNCIL MEETING
JULY 6, 2010

A regular meeting of Dayton City Council was held on Tuesday, July 6, 2010, 7:00 p.m. in the council chamber of the Dayton City Building. Mayor Rankle opened the meeting with a moment of silent prayer and led the Pledge of Allegiance.

ROLL CALL:

Mayor Rankle	present	Member Gunning	present
Member Ashford	present	Member Allen	present
Member Brooks	absent	City Adm. Redmond	present
Member Volter	present	City Att. Fischer	present
Member Boruske	present		

MAYOR'S REPORT:

Mayor Rankle announced the City is debt free. We made the last payment to the CERS buyback. We do owe a small payment on a leased copier. The city has never been in better financial shape, I'm really proud of that.

Southbank will be having a dinner and Founder's Day Awards on July 15, at the Drees Pavilion. The cost is \$40.00 per person. Let Donna know if you would like to attend, the deadline is tomorrow.

CITY ADMINISTRATOR'S REPORT:

The council video camera has been connected directly into the sound system so everyone watching on television will be able to hear the meetings much better.

Request from Joe Johnson, 406 Kenton Street, for a handicap parking space. Based on the criteria, City Adm. Redmond recommended that council approve the sign. Motion by Member Boruske, seconded by Member Allen to approve a handicap parking space for 406 Kenton Street. Motion carried – so ordered.

Request from Robert and Janice Gastright, 945 O'Fallon Avenue for a handicap parking space. They do have off –street parking but the garage is located in the rear of the house and it's almost impossible for Mrs. Gasright to push Mr. Gastright's wheelchair. Approval of this request would be outside of your ordinance. Motion by Member Ashford, seconded by Member Boruske to approve the handicap parking space for 945 O'Fallon Avenue. Motion carried—so ordered.

CONSENT AGENDA:

Motion by Member Volter, seconded by Member Boruske to approve the minutes from the June 1, 2010 council meeting as received. Motion carried-so ordered.

Motion by Member Allen, seconded by Member Ashford to approve the minutes from the June 15, 2010 council meeting as received. Member Volter abstained. Motion carried—so ordered.

ORDINANCES & ORDERS:

Second Reading:

CITY OF DAYTON, KENTUCKY

2010 -#9

AN ORDINANCE AMENDING OTHER CHAPTER 150, SECTION 150.03 OF THE DAYTON CODE OF ORDINANCES ADOPTING THE 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

This ordinance amends Section 150.03 of the Dayton Code of Ordinances to adopt the 2006 Edition of the International Property Maintenance Code and make it applicable to Dayton, replacing the 2003 Edition. It amends the code itself to permit the Dayton Code Enforcement board to hear appeals of notices of violation and amends the penalty section to provide:

(C) (1) Section PM-106.3 Penalty: is hereby amended as follows: Any person, firm or corporation who shall violate any provision of this code in addition to the penalties found in Dayton Code of Ordinances Chapter 150, Section 150.98 shall, upon conviction thereof, be subject to a fine of not less than \$50, nor more than \$250, or imprisonment for

a term not to exceed 30 days, or both, at the discretion of the court. The violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violations, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of the code or the order or direction made pursuant thereto. Any action taken by the City, its agents and assigns, on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

I, John C. Fischer, an attorney licensed to practice law in the Commonwealth of Kentucky, as City Attorney for the City of Dayton, Kentucky, do hereby certify that this summary was prepared by me at the direction of the Council of the City of Dayton, and that said summary is a true and accurate summary of the contents of the ordinance.

JOHN C. FISCHER

Motion by Member Boruske, seconded by Member Gunning to approve 2010#9 as read.

ROLL CALL:

Member Boruske	Aye	Member Ashford	Aye
Member Gunning	Aye	Member Brooks	Absent
Member Allen	Aye	Member Volter	Aye

Motion carried—so ordered.

CITY OF DAYTON, KENTUCKY

2010- 3 R

AN ORDER DESIGNATING THE MAYOR AS AGENT UNDER THE DISASTER RELIEF ACT.

BE IT RESOLVED, by the City Council of Dayton, Kentucky that Mayor Kenneth E. Rankle, Agent, is hereby authorized to execute for an in behalf of the City of Dayton, a public entity established under the laws of the Commonwealth of Kentucky, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise from the President's Disaster Relief Fund.

THAT, the City of Dayton, a public entity established under the laws of the Commonwealth of Kentucky, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the required assurances and agreements.

This order shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this 6th day of July, 2010.

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

Motion by Member Boruske, seconded by Member Volter to approve 2010#3 as read.

ROLL CALL:

Member Gunning	Aye	Member Brooks	Absent
Member Allen	Aye	Member Volter	Aye
Member Ashford	Aye	Member Boruske	Aye

Motion carried—so ordered.

CITY OF DAYTON, KENTUCKY

2010-4 R

AN ORDER AUTHORIZING THE CITY TO ENTER INTO A SALE AND DEVELOPMENT AGREEMENT WITH SECOND & YORK REAL ESTATE, LLC, A KENTUCKY LIMITED LIABILITY COMPANY AND MARTIN NEWELL JR., FOR SALE AND DEVELOPMENT OF CITY OWNED PROPERTY AT BOUNDED BY THIRD AVENUE, BENHAM STREET, FOURTH AVENUE AND CLARK STREET.

BE IT ORDERED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY

SECTION I That City Council of the City of Dayton, Kentucky does find as follows:

That it is in the best interests of the people of the Dayton to enter into this an agreement for development of property owned by the City bounded by Third, Benham, Fourth and Clark and that such development will promote further economic development and create jobs and/or residential housing opportunities;

That it is in the best interest of the people of Dayton to develop the property for industrial purposes;

That the Property is surplus property, is not necessary for the effective government of the City and is appropriate to dispose of the Property in accordance with KRS 82.083 without competitive bidding or auction;

The City desires to have the property re-developed in a timely manner by a highly qualified and experienced developer and, therefore, intends to transfer the property to Martin P. Newell, Jr., or his nominee pursuant to KRS 82.083(3)(b);

The City offers to sell the property and Martin P. Newell, Jr., or his nominee has offered to purchase and develop the property, subject to and in accordance with the terms, covenants and conditions of this an Agreement previously adopted;

SECTION TWO: The City of Dayton is hereby authorized to enter into a Sale and Development Agreement with Martin P. Newell, Jr., or his nominee. A copy of the agreement is attached hereto and made part hereof by reference.

SECTION THREE: The Mayor, City Clerk and any other necessary official is authorized to sign all documents necessary to effect the above provisions.

SECTION FOUR: This order shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this ____ day of _____, 2010.

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

Mayor Rankle asked City Adm. Redmond to explain. This will conclude the sale of the Radac Property. This means they will take over the property and make assurances to the trustee and bond holders. They currently have 33 employees. They will add 12 right away and more in the next 24 months. After the 33 employees the city and county are giving 1/2 of 1% of the payroll tax back to the company for the same period as the State. Active Radiator is closing a plant somewhere else and coming to Dayton. Fortunately we have them and their business plans include Dayton. Motion by Member Boruske, seconded by Member Ashford to approve 2010-4R as read.

ROLL CALL:

Member Allen	Aye	Member Volter	Aye
Member Ashford	Aye	Member Boruske	Aye
Member Brooks	Absent	Member Gunning	Aye

Motion carried—so ordered.

DEPARTMENT HEAD'S REPORT:

Fire Department: Chief Lynn submitted his monthly report to Mayor and Council.

Police Department: Chief Werner submitted his monthly report to Mayor and Council. In June there were 28 arrests. Five of the arrests stood out. Two were for possession of marijuana with a total of nine pounds of marijuana confiscated, one arrest was for cultivation and two was for heroin. We've made a conditional offer to a candidate for the School Resource Officer position. Mayor Rankle said the Police Department is taking drugs in the city very seriously and it's great that some drugs have been taken off the streets.

Clerk/Treasurer's Office: Donna Leger, Clerk/Treas., announced that Joni Mallery, Asst. Clerk/Treas., has received the Dave Smith Scholarship, offered by the Kentucky Municipal Clerks Association's Governing Board to attend the 2010 Kentucky Municipal Clerk's Institute. The amount of the scholarship is \$450.00, which will cover most of the registration cost.

Main Street Manager: Michael Giffen is currently working on recertification of the Main Street Program. Michael is looking for a location for a book bindery that wants to come to Dayton. Mayor Rankle said the old Masonic Lodge at Sixth & Vine has a very limited use. We may need a zoning amendment. Currently this is a single family zone. Member Boruske said we need to be a little creative with the use; Member Ashford would like to wait and see what come to us and then amend. The city needs to start thinking of uses for the Masonic Lodge, the Raymee building and the old Dayton High School. The old high school is on the National Register but does not meet any guidelines. Michael has an inventory of all store fronts along the avenue, what we have available and who owns the buildings. City Adm. Redmond said to be certified in Main Street we need a board, over the last four months the

Historic Preservation Committee has been serving as the Main Street Board. This board includes Jennifer Sierra, Lynn Adams, Barry Baker, Tom Ranson and Leslie Carr. We appreciate this and thank them. Mayor Rankle appointed these six people to the Main Street Board. Mayor Rankle would like to include Joe Neary on this board. Motion by Member Allen, seconded by Member Boruske to approve Joe Neary to the board. Motion carried—so ordered.

Public Works: Rick Lucas reported the paving is done on Ervin Terrace. Bluegrass paving was a great company to work with and everything will be finalized this week. Public Works will be working in alleys next week. Member Volter said the utility cuts on Ervin Terrace between Sixth and Eighth Avenue are starting to sink. Rick Lucas said there is also a problem at Eighth & McKinney. Public Works will start reviewing several areas. Mayor Rankle reported a sink hole in the parking lot of Ameristop. Rick Lucas said Don Riley already spoke with Ameristop. Charlie Adams reported a large area at Fourth & Ervin Terrace in the middle of the street and Eighth and McKinney St.

Cathy Gordon, Façade Board, said the Façade money has been disbursed. A fair number of applicants did not accept the money; they felt it was not enough. The committee will review the applications again to redistribute the money not accepted. The deadline for the concrete grant is July 15, 2010. To date we have 7 applications.

Mr. Klosterman, Berry Street, asked if DCI and the Sanitation District had settled their lawsuit and what progress there is on the Riverfront. Mayor Rankle said to date the lawsuit had not been settled and currently nothing on the Riverfront has changed. The project is still alive and Mayor Rankle has had several meetings with developers.

Mrs. Klosterman complained about a house in her neighborhood that has been repossessed. The property has been vandalized and she feels the bank should be responsible for fixing up the property.

Penny Hurtt gave an update on the Home Consortium. Dayton was number one in home buyer activity last year, receiving 11 loans. Newport was second with 9 loans. This is a very beneficial program, there are some changes for next fiscal year, and there will be \$4,000 less. The maximum cost for a home that can be purchased is \$120,000 - \$130,000. Penny passed out a three page proposal asking Dayton to be involved in the home buyer's development project, there is \$64,000 available. Example: If the city would purchase a home for \$25,000 fix it up for \$30,000 (the \$30,000 would come from the program) and then sold it for \$70,000 all you would have to payback to the program would be the \$30,000. \$147,000 was given to the City of Newport to rehab a home that Newport purchased for \$20,000. City Adm. Redmond said the Newport Housing Authority saw the opportunity and put up the \$20,000 to purchase the home. Member Boruske suggested talking with the Dayton Housing Authority. They have the money to purchase these homes. I don't see why they would not be interested. City Adm. Redmond knows of two or three homes on Ervin Terrace that would be perfect for this project, they are destroying the entire neighborhood. The city does not have money to purchase homes. This idea will be brought up at the next Housing Authority meeting. Member Boruske said it's a great project, a win win for all.

STANDING COMMITTEE REPORTS:

Finance (Member Volter):
No report.

Public Safety (Member Allen):
No report.

Public Works (Member Ashford):
The blacktop went well, it was an excellent job and done quickly. Rick Lucas and his crew did a tremendous job. Mayor Rankle said there were a few problems. Member Ashford felt for what we had to work with the job was great.

Personnel, Law & Printing (Member Gunning):
No report.

Economic Development (Member Boruske):
No report.

E-mail from Coach Dittus asking permission to hold a Tail Gate Party for his Dayton High School class reunion. We are in need of a location, a park, parking lot or other area. If granted we will express it is alcohol free. Member Gunning said they would like to do this before a football game. Not sure how many cars. Member Ashford suggested the railroad property on Vine Street by the football field. Mayor Rankle said the city will help out in any way. City Adm. Redmond did not think the railroad

would have a problem. The city would barricade off the property and provide parking. Member Gunning will call Mr. Dittus with council's suggestions.

Congratulations to Tom and Melody Dilts for having three children graduate from Dayton High School as the valedictorian of their classes.

AUDIENCE:

Barry Baker reported on the River City Photo contest. The contest will consist of photographs from the cities of Dayton, Bellevue and Newport. Winning photos from each city will be included in a final judging of all photos. The photo shooting in Dayton will be August 7th & 8th, Bellevue August 14th & 15th and in Newport on August 21st. & 22nd. Mr. Baker thanked Member Ashford, Member Boruske and Member Volter for their sponsorship.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Motion by Member Boruske to phase out the police department's home fleet. New hires would not have a take home cruiser. Nothing will change for the Police Officers currently here. It's a start. Mayor Rankle would like to have more time to think about the issue. Member Volter would like to look at the figures. Member Boruske said he's open to talking about it but we need to start somewhere. The money can be used elsewhere. Mayor Rankle would like to turn the issue over to the Public Safety Committee. Member Boruske withdrew his motion.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

Motion by Member Boruske, seconded by Member Volter to adjourn. Motion carried—so ordered.

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor