

CITY OF DAYTON, KENTUCKY
COUNCIL MEETING
AUGUST 17, 2010

A regular meeting of Dayton City Council was held on Tuesday, August 17, 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 the Pledge of Allegiance.

ROLL CALL:

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

First Reading:

CITY OF DAYTON, KENTUCKY

2010 - #10

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DAYTON
CHAPTER 154, SECTIONS 154.053, OUTDOOR SWIMMING POOLS**

Whereas, the Dayton Planning and Zoning Commission has held a hearing and made recommendation for acceptance of a zoning text amendment;

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:

SECTION ONE: The Code of Ordinances of the City of Dayton Chapter 154, Section 154.053, Outdoor Swimming Pools, is amended as follows:

(A) Private swimming pools. All private swimming pools shall be regulated according to the following requirement:

(1) Except as herein provided, no swimming pool or associated equipment shall be permitted within any minimum front, side, or rear ~~lot line~~ yard depth nor within any public utility right-of-way easement. Above ground pools, including the apparatus and equipment pertaining to the operation of the swimming pool, shall be permitted within any minimum side or rear ~~lot line~~ yard depth of the lot or easement; provided, however, that if at any time construction, repair, or maintenance is necessary within the easement, removal of the pool will be at the owner's expense.

(2) Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or the property on which the pool is located. The fence or wall shall be at least four feet, but not more than seven feet in height (only classes 1, 3, 4, or 5 fences are permitted, as regulated in s§ 154.135 through 154.145); these fences or walls shall be constructed *in* a manner so that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.

(3) (a) Swimming pools which are located above ground shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or property upon which the pool is located. The fence or wall shall be at least four feet, but not more than seven feet in height (only classes I, 3, 4, and 5 are permitted as regulated by §§154.135 through 154.145). The fence or wall shall be constructed in a manner so that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door. The wall may be the wall of the above ground pool providing that the wall is at least four feet in height above the surrounding ground level.

(b) Any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing or self-locking door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder.

(4) Glare from lights used to illuminate the swimming pool area shall be

directed away from adjacent properties.

(5) All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city. Water used in the swimming pool which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.

(6) All swimming pools existing at the time of adoption of this chapter which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this chapter within 60 days after its adoption.

(B) Public, semi-public, and commercial swimming pools. All public, semi-public, and commercial swimming pools shall be regulated according to the following requirements:

(1) Except as herein provided, no swimming pool and associated equipment shall be permitted within any required yards or within the limits of any public utility right-of-way easement.

(2) The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing and self-latching door or gate (only classes 1, 3, 4, and 5 fences are permitted, as regulated by §§ 154.135 through 154.145). The fence or wall shall be at least five feet in height, but not exceeding the height as permitted herein, and of that construction that a small child may not reach the pool from the street or from adjacent property without climbing the wall or fence or opening a door or gate.

(3) Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.

(4) All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the legislative body. Water used in the operation of the swimming pool, which is obtained from a public source, shall be approved of by the Northern Kentucky District Health Department.

(5) No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties.

SECTION TWO: This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, 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.

First Reading:
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

Ryan Hutchinson, Campbell County Planning & Zoning, said the reason for this ordinance was a change in verbiage to meet our setbacks so we follow our own definitions. We had lot lines in the previous ordinance but what we meant was setback lines.

First Reading :

CITY OF DAYTON, KENTUCKY

2010 - #11

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DAYTON
CHAPTER 154, SECTIONS 154.052, SCREENING AREAS**

Whereas, the Dayton Planning and Zoning Commission has held a hearing and made recommendation for acceptance of a zoning text amendment;

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:

SECTION ONE: The Code of Ordinances of the City of Dayton Chapter 154, Section 154.052, Screening Areas, is amended as follows:

§ 154.052 SCREENING AND DUMPSTER AREA.

Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.

(A) Screening area requirements. All screening areas shall be approved by the City Inspector/Zoning Administrator (or Planning Commission, where required by this chapter) according to a submitted site plan as regulated by the applicable requirements of § 154.054. Screening areas shall be designed, provided, and maintained according to the following:

(1) Where vegetative or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain those conditions. In those cases, additional screening may not be required, provided that provision is made for maintenance of the condition to the satisfaction of the City Council.

(2) Wherever screening is required in this chapter, all trees shall be evergreen.

(3) All trees shall be a minimum of ten feet in height when planted unless otherwise required according to the submitted site plan.

(4) All hedges shall be a minimum of three feet in height when planted unless otherwise required according to the submitted site plan.

(5) All trees, shrubs, and other planting materials shall be living plants (not artificial) and shall be suitable to the Northern Kentucky area and the specific conditions of the site in question, such as but not limited to, soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed. The City Council may require review of the proposed screening plan from the U.S. Soil Conservation Service, or the applicable County Agricultural Extension Service.

(6) Screening areas are to be provided within the required minimum yard setback as required in each district's regulations. In the case where property is located adjacent to another governmental jurisdiction, screening requirements shall be the same as if the zone in the adjacent legislative body (or a zone containing the most similar types of permitted uses as provided herein) were located within this city.

(7) In the case where a zoning map change occurs resulting in adjacency to a different zoning district than was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and screening requirements (as required in each district's regulations) shall be provided for the property in the district where the zone change occurred.

(B) Provision and maintenance. Required screening areas shall be provided as a condition of development by the owner or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.

(C) Inclusion on site plan or subdivision improvement drawings.

Areas to be set aside as screening areas shall be identified on the required site plans, as regulated in § 154.054, and where applicable, on the improvement drawings as regulated by the subdivision regulations. Sufficient bond, adequate to cover the required improvements as determined by the City Council, may be required to be posted. It shall

be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

(D) Dumpster Screening: Dumpsters, including grease traps and compactors, shall be designed, constructed and maintained according to the following.

1. Dumpsters shall be located behind the principal structure a minimum of 2 feet from the lot line.

2. Dumpsters shall have an enclosing lid or cover.

3. Dumpster location and details of construction shall be shown on site plans (see Section 154.054).

4. Dumpsters shall be located within an enclosure that meets the following design standards:

(a) The enclosure shall be a minimum of twelve (12) feet by twelve (12) feet in size.

(b) The pad of the enclosure shall be constructed of six (6) inches of reinforced concrete pavement that shall extend six (6) feet beyond the gate to support the front axle of a refuse vehicle.

(c) The enclosure shall be a minimum of three (3) sides with a gate on the fourth side.

(d) The enclosure shall be provided with a self latching gate.

(e) The minimum height of the enclosure walls shall be six (6) inches taller than the dumpster.

(f) The enclosure walls shall be solid and suitable for outdoor use. The enclosure design must be compatible with the principal structure.

(g) Bollards shall be installed at the opening to prevent damage to the enclosure.

(h) This does not apply to existing dumpsters, unless they are relocated.

SECTION TWO: This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, 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.

First Reading:
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

Member Volter questioned if this would work for recycling dumpsters. There is more than one slot to drop items into. City Att. Fischer said it can be referred back to Planning & Zoning after the second reading. Motion by Member Volter, seconded by Member Ashford to refer this back to planning and zoning that recycling dumpster are not to be included. Motion carried—so ordered.

Ordinance 2010#12 is for a 4% increase from last year on the real estate tax rate. In 2009 the increase taken was 2.4% and in 2008 the increase taken was 2.1%. Most tax payers will have a \$20.00 per year increase on their real estate tax bill based on a \$50,000 home. The 4% is needed for the 2010/2011 budget. Mayor Rankle reported that several pieces of property in Dayton have been decreased drastically.

919 Maple Avenue from \$75,600 to \$24,500
904 Fifth Avenue from \$108,900 to \$15,000 and this is a two family.
1207 Dayton Avenue from \$91,000 to \$40,000
403 McKinney Street from \$73,500 to \$10,300
815 Walnut Street from \$110,700 to \$59,800 and this is a three family.
634 Brooklyn Ave from \$72,300 to \$8,000
440-7 Riverpointe Dr. from \$339,900 to \$278,421
1231 Fifth Avenue from \$98,000 to \$43,000

City Adm. Redmond wrote a letter to Daniel Braun, PVA Administrator, telling him the city was very concerned about the property values and would like to know his position. Mr. Braun was very offended that the city questioned his evaluations. Mr. Braun said he does not have to explain the way he values property. I cannot believe an official office holder can say they do not have to give us any reason. This year's budget needs the 4% increase. Mayor Rankle said of the eight homes listed above six are rental property. Member Ashford said we've tried to upgrade our housing but this puts us back at ground zero.

First Reading:

CITY OF DAYTON, KENTUCKY

2010- # 12

AN ORDINANCE PROVIDING FOR THE IMPOSITION, LEVY, COLLECTION AND APPORTIONMENT OF TAXES FOR THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011.

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:

SECTION ONE: There shall be imposed, levied and collected for the Fiscal Year July 1, 2010 through June 30, 2011, by the City of Dayton, Kentucky, the sum of .4730 under the General Chapter of said City, as amended, and also an Act concerning the assessment and valuation for taxation of the corporate franchise and intangible properties, as amended, on each \$100.00 valuation of real and mixed property; .5009 on all automobile and watercraft personal property and .7500 on all other personal property, choses in action, evidence of debt, and corporate franchises within said City as certified by the Property Valuation Administrator to Council, as assessed and returned for taxation to said City by the State Railroad Commission, the State Board of Valuation and Assessments and the Revenue Cabinet and certified by the State Auditor to the Council; if for any reason property has not been listed for taxation, then by the Mayor and Council; further, upon such property within the corporate limits of said City subject to taxation, except the deposits of Banks and Trust Companies, hereinafter mentioned.

SECTION TWO: Said levy and assessment of .4730 on real and mixed property; .5009 on all automobile and watercraft personal property and .7500 on all other personal property on each \$100.00 valuation as set out above, shall be imposed, collected, levied and apportioned to and for the following purposes, and in the following proportions:

Real Property:

For the current general and incidental expenses of said City the sum of .4230
For the acquisition and maintenance of parks within the City, the sum of .0500.

Personal Property:

For the current general and incidental expenses of said City the sum of .7500
For the acquisition and maintenance of parks within the City, the sum of .0000

Automobiles and Watercraft:

For the current general and incidental expenses of said City the sum of .5009;

SECTION THREE: There shall be imposed and collected for said City, as permitted under KRS 136 on the taxable fair cash value of bank deposits within the city as assessed, corrected, altered, certified and returned by the Revenue Cabinet or as assessed by the Mayor and Council, if for any reason said deposits have not been listed in any manner for taxation, sum equal to twenty-five thousandths of one percent (.025%) of those deposits. The levy called for in this Section shall be imposed, levied, collected and apportioned for payment of incidental expenses of the City. Those banks upon which the above tax is imposed may pay the sum due less 2% if paid by December 31, 2010 or the full amount by January 31, 2011. Thereafter the penalty and interest shall be imposed.

SECTION FOUR: All revenues received are hereby apportioned as in the preceding Sections and set apart and shall be apportioned and set apart exclusively for the several purposes therein mentioned. Any transfer of such funds are hereby prohibited.

SECTION FIVE: The City Clerk/Treasurer shall make out the tax bills in accordance with the altered, corrected and returned assessment list in books provided for that purpose and said City Clerk/Treasurer shall show in the books of the City the total amount of taxes collectable for the year. Further, the City Clerk/Treasurer shall publish all notices of taxes due as required by law, if any, according to the requirements of KRS Chapter 424.

SECTION SIX: The taxes hereby levied shall be due and payable on and after September 15, 2010 at the office of the City Clerk/Treasurer and shall be delinquent after November 6, 2010, or as otherwise provided by Council by order, and the City Clerk/Treasurer shall thereafter proceed to attach to each bill a penalty of 10%. The City Clerk/Treasurer shall proceed to collect the delinquent taxes as provided by law until such time as the Council shall instruct the City Clerk/ Treasurer to refer all delinquent bills to the City Attorney for collection by taking legal action, if necessary. Interest at the rate of 12% per annum shall be charged on the account of such tax from November 6, 2010, or as otherwise provided by Council by order, to the date of payment.

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

PASSED by City Council of the City of Dayton, Kentucky assembled in regular session.

First Reading: August 17, 2010

Second Reading: September 7, 2010

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

Michael Giffen, Main Street Manager, gave a 30 minute presentation on Historic Preservation. In attendance were the Historic Preservation Board, Lynn Adams, Jennifer Sierra, Tom Ranson, Leslie Carr, Joe Neary and Barry Baker. Member Volter is also involved with the board. Member Volter said its fun working with such a diverse group of people. Mayor Rankle said the board has done a great job. The Historic Preservation Board is also the Board of Architectural Review. Michael Giffen passed out and overlay map of the Historic District and the Historic preservation guidelines. The map shows the area which has been approved by the board. It starts at Sixth and O'Fallon and continues to Sixth and Main Street with other properties added in that are not on Sixth Avenue but connected to Sixth Avenue.

If you're in the Historic District and want to do any work on the exterior of your property which is visible to the public you must submit your plans to the committee. This includes all property in the zone, even if your property is not on the National Register of Historic Places. The committee will work with the property owner to make the changes and keep the character of the property as it was built.

The committee needs to be looked at as a resource not a control. We have talented people who will be able to help you with ideas and plans. This ordinance is a mellow attempt not to control but to be a resource to the residents.

Owners of property that is on the National Register of Historic Places can apply for tax credits. The Historic Zone and Historic Registry are two different issues. The first issue is the Historic Zone.

Information will be put on the city's web-site about the Historic District and guidelines.

City Adm. Redmond said council needs to recommend this to the Planning & Zoning Board. Planning & Zoning will then hold a public hearing. A copy of the written guidelines were passed out and City

Att. Fischer advised the committee that if the guidelines are not specific that may be a problem. If not specific the guidelines maybe interpreted wrong.

What about property that is not included in the district but is older and historical? There is no spot zoning in the overlay plans. Everything must be connected. The zone can be expanded at a later date with council's approval.

Motion by Member Ashford, seconded by Member Volter to recommend the Historic Overlay and Guidelines to Planning & Zoning. Since Mayor Rankle, Member Volter and Member Boruske all own property in this zone they asked if it was a conflict of interest for them to vote. City Att. Fischer said no the zone could be expanded and include anyone. Motion carried—so ordered.

Ryan Hutchinson, Planning & Zoning, will get back tomorrow with City Adm. Redmond and Michael Giffen, Main St. Manager, about the public hearing.

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

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor