

CITY OF DAYTON
COUNCIL MEETING
JANUARY 4, 2011

A regular meeting of Dayton City Council was held on Tuesday, January 4, 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 Ashford	present
Member Hurtt	present	Member Gifford	present
Member Burns	present	City Adm. Redmond	present
Member Volter	present	City Att. Fischer	present
Member Boruske	present		

MAYOR'S REPORT:

Welcome to the new council members, Bill Burns, Jerry Gifford and Penny Hurtt.

Digital Sign: The city has a new digital sign. This is a community board, along with city business it will be used for special events. Non-profit groups are welcome to advertise.

Update on the Riverfront Development: The developer started moving 90,000 yards of dirt today. That is about 9,000 truck loads, the dirt will be put next to Queen City Riverboats heading East. The trucks are coming from 471 then down O'Fallon Avenue. They will be required to keep the dirt down.

Sanitation District: They are looking for ways to keep excess rain from going into the sewer system. They talked about a new football field with a retaining pond underneath. City Adm. Redmond said the football field is currently in a bad place, next to Gil Lynn Park would be a good place. Both the school and the YMCA have expressed a great interest in this idea.

Police Officers: The city hired two new Police Officers. They are currently riding with veteran officers.

Recycling dumpster: The recycling dumpster, across from the City Building, was installed about a year ago on a trial basis. There are many residents who are putting correct items in the dumpster, but the bad news is if one person puts garbage in the dumpster the entire bin is considered waste. Bobbie from CSI said most of our recycling dumpsters have not been recycled. Motion by Member Boruske, seconded by Member Ashford to remove the recycling dumpster. Comments: Member Volter would like to make a curb side plan first. City Adm. Redmond suggested working with CSI on cost and looking at city labor personnel, such as Public Works. The city needs a plan. Member Burns agreed; we just don't want to do away with recycling.

ROLL CALL:

Member Burns	Aye	Member Ashford	Aye
Member Volter	Nay	Member Gifford	Aye
Member Boruske	Aye	Member Hurtt	Nay

Motion carried—so ordered.

Bobbie from CSI will be contacting Donna Leger, Clerk/Treas, with the cost for recycling.

Mayor Rankle appointed the following boards and committees:

PARK BOARD: Until Dec. 2012

Roy Siemer
Denise Ashford

SARGEANT PARK: Yearly until Dec. 2011
Roy Siemer
Donna Leger
Mayor Rankle

HOUSING AUTHORITY:
Helen Rogers until Dec. 2012
Carol Boruske until Dec. 2014

ETHICS BOARD:
Karen Strickley until Dec. 2012

PLANNING & ZONING:
Bobby Allen until Dec. 2012
Monte Rogers until Dec. Dec. 2012
Carl Rogg until Dec. 2014
Lynn Adams until Dec. 2014

PARKING CITATION BOARD:
Ann Kneipp until Dec. 2012
Mike Lenz until Dec. 2012

CODE ENFORCEMENT BOARD:
Shirley Bishop until Dec. 2013
Bonnie Lindon until Dec. 2013

BOARD OF ADJUSTMENTS:
Edith Mariani until Dec. 2014

FIRE BOARD: (Yearly)
Dennis Ashford
Penny Hurtt
Jean Cole

URAN RENEWAL & COMMUNITY DEVELOPMENT: (Council every 2 years)
Dennis Ashford
Virgil Boruske
Bill Burns
Jerry Gifford
Penny Hurtt
Cathy Volter

COUNCIL COMMITTEES FOR 2011/2012

PARKS & REAL ESTATE

Jerry Gifford, Chair
Penny Hurtt
Dennis Ashford

FINANCE

Virgil Boruske, Chair
Cathy Volter
Jerry Gifford

PUBLIC SAFETY

Cathy Volter, Chair
Penny Hurtt
Jerry Gifford

PERSONNEL, LAW & PRINTING

Bill Burns, Chair
Virgil Boruske
Dennis Ashford

PUBLIC WORKS

Dennis Ashford, Chair
Virgil Boruske
Bill Burns

ECONOMIC DEVELOPMENT

Penny Hurtt, Chair
Bill Burns
Cathy Volter

OKI: Member Boruske agreed to be the city's representative on the Board of Directors of the Ohio-Kentucky-Indiana Regional Council of Government. If Member Boruske cannot attend, Michael Giffen, Main Street Manager, will represent the city. The meetings are held once a month.

Public Works Committee: Everyone on the committee needs to look at the Public Works Garage. The eating facility and restroom facility are very bad.

CITY ATTORNEY'S REPORT:

Everyone has a copy of my contract. Mayor Rankle said this will be the eighth year with no increase.

CITY OF DAYTON, KENTUCKY

2011 - 1R

AN ORDER AUTHORIZING THE CITY TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH JOHN C. FISCHER, ATTORNEY.

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

SECTION ONE: That the City of Dayton, Kentucky is hereby authorized to enter into a contract for professional services with John C. Fischer, Attorney as City Attorney. A copy of the contract is attached hereto and made part hereof by reference.

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

SECTION THREE: 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 4th. day of January, 2011.

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

PROFESSIONAL SERVICES CONTRACT

This **Contract**, entered into this 4th day of January, 2011, at Dayton, Kentucky, by and between the **CITY OF DAYTON, KENTUCKY**, by and through Kenneth E. Rankle, its Mayor, as authorized by City Council of the **CITY OF DAYTON, KENTUCKY** in Order 2011 - __ R, passed of even date herewith, said party to be hereinafter referred to as "City"; and **JOHN C. FISCHER**, Attorney, hereinafter referred to as "Attorney";

WITNESSETH, that, in consideration of the payments, promises covenants, agreements, and services rendered as required herein by the Parties hereto, said Parties agree as follows:

1. That Attorney shall provide the following: legal advice and legal counsel to the Mayor, City Council, Board Members, Commission Members, Officers, and Employees of the City when they are acting in their respective official capacities, on all legal matters pertaining to the operation of the City; to represent the City, its elected and appointed officials and employees in their official capacities, in all litigation to which the City is a party and in which the Attorney has expertise; to seek and retain, with approval of the City Council and Mayor, other qualified representation for all litigation or legal matters in which the Attorney does not have expertise, and to assist such other qualified representative; to draft all ordinances, resolutions, orders, executive orders, contracts, deeds, mortgages, leases, and any and all other documents or instruments as requested by the Mayor and City Council; to request Opinions of the Attorney General of the Commonwealth of Kentucky on matters necessary to the operation of the City, all as requested by the Mayor and City Council; to collect all delinquent taxes, fees, commissions, or other funds due to the City when such collection is referred to Attorney; to review as required by law, the City's Code of Ordinances; to recommend any and all action necessary to the legal operation of the City; and to do any and all other activities with regard to legal matters affecting the City as required by law or by the Mayor and City Council.

2. Attorney warrants that he is and will be at all times during the operation of this contract, licensed to practice law in the Commonwealth of Kentucky, and if, at any time during the operation of this contract, Attorney is not licensed to practice law in the Commonwealth of Kentucky, this Contract shall cease at such time.

3. City shall pay to the Attorney during the term of this contract the sum of Eighteen Thousand Dollars (\$18,000.00) annually in equal monthly payments. Further, as part and parcel of consideration for this contract, the City shall maintain health insurance through the City's carrier on Attorney as an individual, however, this benefit shall be renegotiated upon passage of any state or federal law regarding health insurance which makes such benefit taxable. Further, the Attorney shall be paid an hourly rate of One Hundred Dollars (\$100.00) per hour for all hours engaged in time spent regarding litigation in which the City or its officials/employees (acting in their official capacities) are involved and time spent regarding any other matter over and above those which are done in the usual course by a city attorney, the City to pay all court costs. In addition, City Council may authorize other compensation as it may deem equitable.

4. Further, Attorney shall be paid the following for services rendered which are those services which, previously, would have been rendered by the Urban Renewal and Community Development Agency of the City of Dayton, Kentucky: title searches, \$250; closings, \$100.00; deeds, \$100.00; notes and mortgages \$100.00; other real estate documents \$75.00;

5. The term of this Contract shall be from January 1, 2011 until December 31, 2012.

WHEREFORE, the Parties hereto affix their signatures on the day and date first above written.

CITY OF DAYTON, KENTUCKY

by _____

KENNETH E. RANKLE
its Mayor

JOHN C. FISCHER
Attorney

Motion by Member Ashford, seconded by Member Volter to approve 2011#1R as read.

ROLL CALL:

Member Volter	Aye	Member Gifford	Aye
Member Boruske	Aye	Member Hurtt	Aye
Member Ashford	Aye	Member Burns	Aye

Motion carried—so ordered.

CONSENT AGENDA:

Motion by Member Boruske, seconded by Member Volter to approve the minutes from the December 7, 2010 meeting as received. Motion carried—so ordered.

DEPARTMENT HEAD'S REPORT:

Police Department, Lt. Mark Antrobus: The ornaments on the tree in the hallway were made by the Second and Third Grade Classes at Lincoln Elementary. Several of the ornaments have safety messages.

The Police Department has two new officers, Jason Russell from Kenton County with 10 years experience and Ryan Biddle from Pendleton County with over two years experience. They will be out on the street at the end of the month. We still have one vacant position. City Adm. Redmond said the city will owe Pendleton County Sheriff's Department an amount not greater than \$2,874.00. This is reimbursement for part of Officer Biddle's training cost.

Lt. Antrobus would like approval to sell some old printers, towers, radio equipment and shot guns. Mayor Rankle suggested destroying the guns. Lt. Antrobus would only sell the guns to a dealer or a company. The money made would be used to outfit the new officers. Motion by Member Boruske, seconded by Member Hurtt to declare the items surplus. Only the 11 guns are good, we need a gunsmith to certify the value of the guns. The rest is junk. Motion carried—so ordered. City Att. Fischer said an ad is needed in the paper.

Member Burns asked who did the interviewing for the new officers. Lt. Antrobus said he did. Member Burns would like to see the Safety Committee involved in the interviews in the future. Also, the police cruisers need to have the same logo and the city needs to go back to green instead of blue on the cruisers. Member Boruske said it cost about \$400.00 to restripe a cruiser. Mayor Rankle said Adam from Crooks Graphics is who we use; Member Gifford suggested checking with Davis Sign in Newport. Member Volter has a concern about the interviewing process. Member Gifford said he was involved the last time he was on council and learned a lot, the safety committee should be involved. Mayor Rankle would like to involve the Safety Committee once the candidates have been narrowed down. City Adm. Redmond said what we've done in the last 6-8 weeks is not what we usually do, we didn't have the time. I did background checks and called former employers. We've hired two new good officers. Member Burns feels council should not micro manage but we need to get involved.

Dennis Lynn, Fire Dept: Chief Lynn submitted a copy of his report to Mayor and council. There are 69 fire hydrants in Dayton and Bellevue. They will be checked weekly. Because of the bad fire in November, Chief Lynn will be meeting with the Northern Kentucky Water Co. They say the FDBD is responsible for the fire hydrants. For the Record: City Adm. Redmond said there were a series of fire hydrants in that neighborhood and the frozen hydrants did not contribute to the Fire Dept. not putting out the fire sooner. It started as an electrical fire and propane tanks were involved. Propane tanks are very explosive. No one has ever seen the letter the water company said they wrote in 1999, stating that the fire hydrants are the responsibility of the fire department/city. Member Ashford asked when the homes will be torn down. We don't know at this time but Don Riley, Director of Codes, will find out tomorrow. Member Burns has had two calls that people are going in the homes at night.

Michael Giffen, Main Street Manager: The deadline for Paint the Town application is Feb. 15, 2011. If you have any questions call Michael.

Don Riley, Director of Codes: Don submitted a copy of his report to Mayor and council.

Rick Lucas, Supt. of Public Works: Public Works will be recycling Christmas trees until Jan. 12, 2011. We need to start looking at which streets the city would like to pave this year. Member Burns reported a pot hole between Sixth and Eight on Walnut Street. There is also one near Hansmans Market. Public Works will start filing pot holes tomorrow.

STANDING COMMITTEE REPORT'S:

Public Works (Member Ashford):

Thanks to Public Work's for the great job of snow removal in Dec. The new truck has worked out well; it has a lot of purpose. The Public Works garage is in very bad shape.

Economic Development (Member Hurtt):

Member Burns, Member Volter and Member Hurtt would like to meet with City Adm. Redmond on January 18, 4:30 p.m.

AUDIENCE:

Joe Neary thanked Lt. Antrobus and the Officers for a job well done while short handed. The snow removal was great but people are shoving the snow onto the plowed streets, this creates a hazard. Do we have an ordinance against this? The new digital sign looks great. The Raymee building at Sixth & Berry has a lot of water coming down in the front. City Adm. Redmond said this is being addressed. Mr. Neary agrees that posting signs on the telephone poles should not be allowed.

Elmer Perry reminded everyone that the Reality Store at Dayton High School will be held on March 4, 2011. This program is for the High School Juniors and Seniors. Please stop buy or let Elmer know if you would like to help.

UNFINISHED BUSINESS:

Member Hurtt asked about 701 Ervin Terrace. The city recently purchased the property. Rick Lucas, Supt. P. W., said it needs updated, a new furnace, a new hot water heater and storm windows. We'd like to get funds from the Newport Consortium so we can re-hab the house and then sell to an owner occupant. Mayor Rankle said this would be a good investment with a good return. Then we'll go back to the Dayton Housing Authority for help. The Park & Real Estate Committee should meet with Member Hurtt and give their ideas.

NEW BUSINESS:

Member Volter would like council to hold a retreat, to discuss where the city is now and where the city is going. City Adm. Redmond suggested doing this on the Third Tuesday of the month. It's an open meeting. Council will meet on Tuesday, Jan. 18th, 7:00 p.m. to hold a workshop. Member Gifford suggested inviting a representative from each of the boards. Mayor Rankle said he thinks we'll have enough to talk about. City Adm. Redmond said certain things will need to be kept confidential in this workshop, no minutes, no records, and no motions.

Ethelene Castor, 910 Walnut St., asked if the city has a written code about what to do if a house is not up to standard. Mayor Rankle said yes. Ms. Castor complained about her neighbor who lives next door. She said Don Riley, Codes Director, is aware of the problem.

EXECUTIVE SESSION:

Mayor Rankle entertained a motion to go into executive session to discuss KRS 61.810 (b) deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency. Motion by Member Boruske, seconded by Member Hurtt to go into executive session. Motion carried—so ordered.

Motion by Member Boruske, seconded by Member Hurtt to go back into regular session. Motion carried—so ordered.

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

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor