

CITY OF DAYTON
COUNCIL MEETING
APRIL 5, 2011

A regular meeting of Dayton City Council was held on Tuesday, April 5, 2011, 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	absent	Member Gifford	present
Member Burns	present	City Adm. Redmond	present
Member Volter	present	City Att. Fischer	present
Member Boruske	present		

MAYOR'S REPORT:

The Mayor asked Lt. Antrobus of the Police Dept. to step forward. Lt. Antrobus has been the Officer in Charge for the last five months. Lt. Antrobus is doing a great job and has had to deal with many different events in the last five months. He stepped up to all the issues and did a great job. I would now like to announce that Lt. Antrobus will be the new Chief of the Dayton Police Dept.

John Eddy, a 15 year veteran of Park Hills and the former SRO Officer, Michael Black, has recently joined the Dayton Police Department as fulltime Officers. Dimitri Baloglou will now be the SRO Officer at Dayton High School.

Mike Lenz, Parking Citation Board, reported on the hearings that were held tonight. Several tickets were given for parking against the flow of traffic. The tickets were written with no warning to the residents who have parked this way for several years. There needs to be some exceptions to the rules, especially on the hills. Anyone who showed up in front of the hearing board tonight had their ticket waived but was told they have to start abiding by the rules as of April 15th. Council discussed the issue and decided that there should be some exceptions and the Public Safety Committee will meet and give their suggestions. Mr. Lenz said if you did not setup a hearing and paid the ticket, the ticket stands. The Parking Citation Board has a few suggestions for changes in the ordinance book and will send those to council. City Adm. Redmond thanked Ann Kneipp and Mike Lenz for their service on the Parking Citation Board. Senate bill #135 will include Codes Enforcement and Parking Enforcement. The changes will take place as of June 8, 2011. After that we'll set down with City Att. Fischer about changes in the enforcement boards, these changes have been in the making for 30 years said City Adm. Redmond.

Angelica Watts, a Fifth Grader from Lincoln Elementary School would like to hold a contest for students at Lincoln Elementary to design a city flag. She would like the city to offer a gift for the winner. Council all agreed to Angelica's idea. There is a Main Street Art Festival on June 4th; maybe we can tie the two together. Jeff Volter, School Board Member, was in attendance.

Steve Watson, 818 Fourth Ave., would like a street light in the 800 Block of Fourth Avenue. This was referred to the Public Safety Committee.

Gene Fine, owner of Red 9 a business in the Industrial Park that deals with classic vintage high performance cars would like to request a text amendment to allow for contingent use for sales. Mayor Rankle said this would be for sales as long as the vehicles stay inside the building. Mr. Fine agreed, he does not want the vehicles outside. Mr. Fine said they meet the entire requirement for the State of Kentucky. We just need the ability to purchase and sell cars; we don't want to show the cars outside. Visually nothing would change. City Att. Fischer suggested referring this to the Planning Committee Staff, tell them what we want and they will come up with the text amendment and then meet to review the text. Motion by Member Ashford, seconded by Member Boruske to recommend the change to the Planning Committee Staff. Motion carried—so ordered.

Dr Barbara Cook, 613 Sixth Avenue: I'm very concerned that we are losing our Post Office. I've been here for 22 years and have seen the decline of our Main Street. I think we all need to address this, I use the Post Office regularly and I think it's a disgrace to the Carnes Family if they close the Post Office. Mayor Rankle said he did away with the city postage machine to help support stamp sales, put letters in the Community News and still some Dayton people do not support the post office. Member Burns suggested we contact Jeff Davis and Katie Stine. We have also offered space to the Post Office in the New City Building. Mayor Rankle has a meeting tomorrow night with David Keene and he will

address this issue. Member Gifford said several businesses are printing their own postage stamps through the internet.

Shawn Armstrong: Mr. Armstrong complained about the fact that his girl friend is getting parking tickets for out of state plates. She does not live here but recently had surgery and is staying here. You can't have residency in two States. Mayor Rankle said if the vehicle is garaged in the city three nights or more you need Kentucky Plates. Member Boruske said this is a State Law and there is nothing we can do. Chief Antrobus spoke with Mr. Armstrong earlier and told him he would look into the situation if given a few days. The vehicle was ticketed based on the number of times it is seen in the area. His girlfriend could not show a utility bill that proves her out of state residency.

Personnel Files: Executive Order 2011#3 sets forth new procedures when entering the personnel files. City Adm. Redmond and Donna Leger, Clerk/Treas., are the only two people allowed to enter the personnel files. I'm signing this executive order tonight so I can put this into effect immediately. The Personnel, Law and Printing Committee can call a meeting to review the executive order and make changes or suggestions.

CITY ADMINISTRATOR'S REPORT:

Handicap parking request for Timmy Burke, 425 Sixth Ave.: Mr. Burke does have an outside parking pad in the rear of his home. Because of this I recommend that you deny the request or just don't vote. Motion by Member Gifford, seconded by Member Burns to deny the request because the parking qualifications were not met. Motion carried—so ordered.

ROLL CALL:

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

Motion carried—so ordered.

CONSENT AGENDA:

Motion by Member Boruske, seconded by Member Gifford to approve the minutes from the March 1, 2011 meeting as received. Member Volter abstained. Motion carried—so ordered.

Ordinance & Orders:

First Reading:

CITY OF DAYTON, KENTUCKY

2011 #1

AN ORDINANCE AMENDING THE DAYTON, KENTUCKY CODE OF ORDINANCES, CHAPTER 130, SECTION 130.04 DISCHARGE OF WEAPONS.

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

SECTION ONE: That the Dayton, Kentucky Code of Ordinances, Chapter 130, Section 130.04 is hereby amended as follows:

It shall be unlawful to discharge any firearm or airgun, BB gun, bow and arrow, sling shot, or other device which projects lead or any other missile within the city except in a regularly established shooting gallery, ~~or under the direct supervision and control of a qualified adult.~~ This section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his or her duty.

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, Kentucky assembled in regular session.

First Reading: April 5, 2011

Second Reading: May 3, 2011

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

First Reading:

CITY OF DAYTON, KENTUCKY

2011 - #2

**AN ORDINANCE ADOPTING AND ENACTING A SUPPLEMENT TO THE
CODE OF ORDINANCES OF THE CITY OF DAYTON, KENTUCKY**

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

SECTION ONE: That the City of Dayton, being authorized by KRS 83A.060(5) that the S-1, S-2, S-3, S-4, S-5, S-6, S-7, S-8, S-9, S-10, S-11, S-12, S-13, S-14, S-15, S-16, S-17, S-18, S-19, S-20, S-21 and S-22 Supplements to the Code of Ordinances of the City of Dayton, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same are hereby adopted by reference as if set out in its entirety. Said Code and Supplements contain all ordinances of a general nature enacted since the adoption of the Code of Ordinances of the City of Dayton, Kentucky as well as revision or addition of certain sections of the Code of Ordinances which are based upon or make references to sections of Kentucky Revised Statutes.

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, Kentucky assembled in regular session.

First Reading: April 5, 2011
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DEPARTMENT HEAD'S REPORT:

Dennis Lynn, Fire Chief: Submitted a copy of his report to Mayor and Council. City Adm. Redmond reported that he has been talking with Chief Lynn about purchasing a new generator. We've tried to get two grants but did not get either. It looks like the fire department is going to purchase a generator. We've also talked about a generator for this building both upstairs and downstairs. A larger unit and changes in the electrical work is required. The Fire Department would only need a 38K, if we add the City Building we need a 48K, this raises the price about \$1,500.00 plus the cost of a switch panel. Chief Lynn said the Fire Dept. has been without a backup generator for about three years. Chief Lynn has

placed an order for a 48K generator the cost is \$19,500. To add the City Building we'll need to purchase a switch. Mayor Rankle said the city should pay for that cost.

Mark Antrobus, Police Chief: Corp. Tony Baldwin has recently joined the Campbell County Crime Scene Unit and will start training with them this month. Starting in April Officer O'Brien will be teaching Citizens on Patrol Academy at Beckfield College. Applications are downstairs.

Rick Lucas, Public Works: Thanks to Jim Bo and Chris Wiseman for all their help with the concrete work at Gil Lynn Park. The area next to the pavilion was concreted.

Donna Leger, Clerk/Treas: The City Wide Yard Sale will be on Saturday, May 7th. Space is available at the Town Center for anyone who would like to setup a table there. Call the City Building to register. The Civic Club Easter Egg Hunt is Saturday, May 23rd at Gil Lynn Park.

Michael Giffen, Main Street Manager: Michael is attending a parade meeting at the VFW tonight. The following report was submitted:

Main Street Report

I will be attending a Paint the Town meeting on April 6, 2011 and I am looking forward to seeing what stage of the selection process they are in. They have contacted several residents for interviewing, but I am curious to get a ballpark on how many homes may be selected from Dayton for the June 11th event. The event committee has chosen to use Gill Lynn Park as their staging and reception area for both the Prep Day on May 21st and the actual event day on June 11th. Those interested in volunteering can register online at www.paintthetowncincinnati.org

We have received two separate conservation grants in the last month totaling \$1,750 to be equally matched by the city in labor and/or supplies. Plants and other supplies will be purchased and used in front of the city building, while others will be used along Dayton Pike.

The Historic Preservation and Main Street Committees are looking to put on an art display in some of the vacant storefront windows this month and continue to display them throughout the spring and summer. This drive will help add another great touch to the improvement of our city's well-being and image. The committee is also planning an art festival to be held in Dayton around the beginning of June. More details will be available in the coming weeks.

Meetings are still on going regarding the designation of Dayton's first historic district. The city is currently working closely with Campbell County Planning and Zoning to work out the details for updating the comprehensive plan. A meeting is scheduled for April 11th.

City Adm. Redmond said we need to readopt the old comprehensive plan or a new one, it's been since 2005.

STANDING COMMITTEE REPORTS:

Finance (Member Boruske):

Member Boruske met with City Adm. Redmond to review the job classifications and recommend adding another Police Officer and another public work's seasonal laborer. The Police Officer will be sent to school for training. There is already one seasonal laborer, this will make two. Motion by Member Boruske, seconded by Member Ashford to add another Police Officer and another seasonal laborer in Public Works. Comments: This will be a total of two seasonal workers now in Public Works. The ordinance will need to be amended to add the additional positions.

ROLL CALL:

Member Gifford	Aye	Member Volter	Aye
Member Hurtt	Absent	Member Boruske	Aye

Member Burns Aye Member Ashford Aye

Motion carried—so ordered.

Public Safety (Member Volter):

The Public Safety committee will meet on Tuesday, April 19th at 5:00 pm. to discuss the directional parking and street light.

Public Works (Member Ashford):

Great job on the concrete work at Gil Lynn Park.

Parks & Real Estate (Member Gifford):

The new tables at Gil Lynn Park should be delivered early next week. The Park Board is selling the old table for \$25.00 each. Motion by Member Gifford, seconded by Member Ashford to declare the old tables as surplus property and sell. Motion carried –so ordered.

Organizers of the Pet-Fair are requesting the closing of Greendevil Lane from the Alley by the school to the floodwall. The only alley to be blocked is the back alley, by the floodwall.

Economic Development (Member Hurtt):

Mayor Rankle reported that Member Hurtt suggested purchasing the two empty lots on Walnut Street to construct a city park or sell to someone who wants to build and live there. Member Boruske would like time to look at the area.

UNFINISHED BUSINESS:

The city has two options for recycling. The city can purchase 96 gallon recycling carts for \$68.00 each, then the homeowner/tenant would then need to sign up for recycling with CSI and pay the \$3.00 charge per month for twice a month pickup. The second option would be an 18 gallon cart for free and the cost for recycling is \$3.50 per month for twice a month pickup paid by the homeowner/tenant. Dr. Cook said she loves to recycle and does but does not feel like she should pay the extra money to recycle. Council felt the city needs to start somewhere. The money to purchase the carts would come from the extra \$15.00 charge on rental property. Motion by Member Ashford, seconded by Member Gifford to purchase 100 – 96 gallon recycling carts. Comments: These carts will be assigned to residents once they've signed up with CSI for recycling.

ROLL CALL:

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

Motion carried—so ordered.

NEW BUSINESS:

Dayton/Bellevue V.F.W. Post #2899 holds its annual Buddy Poppy fund-raiser. We are again asking the city to allow us to have a representative to collect at a few of the area businesses. The money collected is to help area veterans in need of help. Friday, May 13 from 10:00 a.m. until 6:00 p.m. and Saturday, May 14th from 10:00 a.m. until 6:00 p.m. Council approved.

AUDIENCE:

Elmer Perry thanked everyone for their help and participation at the Reality Store.

Member Burns asked about the shed ordinance. Information was posted on the city web page; the information was wrong and has since been fixed. Sheds are allowed in the city of Dayton.

The Northern Kentucky Hockey Kids will sponsor a clinic the same hours as the Pet-Fair at Gil Lynn Park, Saturday, April 30th from 11:00 a.m. until 4:00 p.m. The clinic will be open to children from the

ages 5-14 in which they will learn about hockey and how to play. The clinic will be located at the bottom of Green Devil Lane.

Mayor Rankle entertained a motion to go into executive session to discuss KRS 61.810 © Discussions of proposed or pending litigation against or on behalf of the public agency (f) Discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member or student without restricting that employee's, member's or student's right to a public hearing if requested, provided that this exception is designed to protect the reputation of individual persons and shall not be interpreted to permit discussion of general personnel matters in secret. Motion by Member Boruske, seconded by Member Ashford to go into executive session. Motion carried—so ordered.

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

Motion by Member Boruske, seconded by Member Gifford to bid up to \$500.00 on 1020 Ervin Terrace. Motion carried—so ordered.

Motion by Member Burns, seconded by Member Boruske to list 701 Ervin Terrace with Tharp Realty for \$20,000. Motion carried—so ordered.

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

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor