

CITY OF DAYTON  
COUNCIL MEETING  
MAY 3, 2011

A regular meeting of Dayton City Council was held on Tuesday, May 3, 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	present	Member Gifford	present
Member Burns	present	City Adm. Redmond	present
Member Volter	present	City Att. Fischer	present
Member Boruske	present		

MAYOR'S REPORT:

Mayor Rankle present Dot Murphy with Proclamation 2011 – 2.

CITY OF DAYTON, KENTUCKY

**PROCLAMATION 2011- 2**

**A PROCLAMATION HONORING DOROTHY “DOT” MURPHY**

**WHEREAS**, The City of Dayton recognizes contributions of outstanding individuals; and

**WHEREAS**, DOROTHY “DOT” MURPHY’S love for Country comes from a father who was a decorated Marine in World War 1, six brothers who served in the Marine Corp and her own involvement in the Woman’s Naval Auxiliary; and

**WHEREAS**, DOROTHY “DOT” MURPHY was born and raised in the City of Dayton and choose to live her adult life in the City of Bellevue raising six children; and

**WHEREAS**, her oldest son having served our Country died on Memorial Day in 2010 from the effects of chemicals used during the Vietnam War; and

**WHEREAS**, Each year the City of Dayton and the City of Bellevue honor those who have served our Country with the Bellevue-Dayton Memorial Day Parade; and

**WHEREAS**, DOROTHY “DOT” MURPHY has served both the City of Dayton and the City of Bellevue by her contributions to the organization of the Bellevue-Dayton Memorial Day Parade for over fifty-two years and at the age of eight-nine has stepped down in her role; and

***NOW, THEREFORE,***

**BE IT PROCLAIMED BY THE CITY OF DAYTON, KENTUCKY: THAT**

**DOROTHY “DOT” MURPHY**

**IS HEREBY HONORED BY THE CITY OF DAYTON, KENTUCKY AND THE DAYTON COMMUNITY FOR HER CONTRIBUTIONS TO MAKING THE BELLEVUE-DAYTON MEMORIAL DAY PARADE A PATRIOTIC SALUTE TO THOSE WHO HAVE SERVED OUR COUNTRY AND ENCOURAGE EVERY ONE WHO LINES THE STREETS OF DAYTON AND BELLEVUE THIS 30<sup>TH</sup> DAY OF MAY, 2011 FOR THE MEMORIAL DAY PARADE TO WAIVE THE FLAG PROUDLY, THANK THOSE WHO HAVE SERVED AND THANK DOROTHY “DOT” MURPHY FOR HER CONTRIBUTIONS TO CITY AND COUNTRY**

**PROCLAIMED** by the Mayor of the City of Dayton, Kentucky this third day of May, 2011.

**CITY OF DAYTON, KENTUCKY**

by \_\_\_\_\_  
**KENNETH E. RANKLE**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Donna Leger**, its Clerk

Ms. Murphy was very pleased and thanked the city and expressed her enjoyment of being involved in the parade and with the city all these years.

**Post Office:** Residents of the city needs to start writing letters to Congressman Geoff Davis and the Post Master General in order to help save our post office.

**Pet Fair/Car Show:** Over 1000 people attended the Pet Fair at Gil Lynn Park on Saturday, April 30<sup>th</sup>. It was a beautiful day and a great time.

**Water overflow:** Seventh Avenue down Benham Street has a water overflow. From there it continues down the hill through Nancy Martin's yard on Sixth Avenue. It will be a joint effort with the city and Martins to fix this problem. A drain will be installed at the bottom of Nancy's driveway. Public Works will do the labor. Hopefully this will fix the drainage situation.

**CITY ADMINISTRATOR'S REPORT:**

**Handicap Parking Request** from Patsy Ann Wilson, 127 Eight Avenue. Ms. Wilson rents and does not drive. Based on your guidelines I recommend you do not permit the space.

**Handicap Parking Request** from John Matt Jr., 333 Fifth Avenue. Mr. Matt owes the home but does not drive. I assume a family member drives the vehicle. Based on the fact that Mr. Matt does not drive I recommend you do not permit the space.

Motion by Member Boruske, seconded by Member Hurtt to go with the recommendation of City Adm. Redmond and deny both spaces.

**Roll Call:**

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

Motion carried—so ordered.

**CONSENT AGENDA:**

Motion by Member Ashford, seconded by Member Volter to approve the minutes from the April 5, 2011 meeting as received. Member Hurtt abstained. Motion carried—so ordered.

ORDINANCES & ORDERS:

**CITY OF DAYTON, KENTUCKY**

2011 - #1

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

This ordinance amends the Dayton Code of Ordinances to clarify that no firearms or other missile projecting weapon may be fired within the city other than at a duly established shooting gallery. Officers of the law acting in the performance of their duties are exempt.

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.

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JOHN C. FISCHER

Motion by Member Boruske, seconded by Member Ashford to approve 2011#1 as read. Comments: Member Burns asked what zone you're allowed to open a duly established shooting gallery. We currently don't have a place. City Att. Fischer said he was not sure but it can be put into an ordinance.

ROLL CALL:

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

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY**

2011 - #2

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

This ordinance adopts Supplement 22 to the Dayton, Kentucky Code of Ordinances including changes due to ordinances adopted within the previous year and changes due to changes in state statute.

I, John C. Fischer, an attorney licensed to practice law in the Commonwealth of Kentucky, acting as 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.

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JOHN C. FISCHER

Motion by Member Boruske, seconded by Member Ashford to approve 2011#2 as read.

ROLL CALL:

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

Motion carried—so ordered.

DEPARTMENT HEAD'S REPORT:

**Dennis Lynn, Fire Chief**, submitted a copy of his report. Mayor Rankle said he is concerned with the number of hours some of the Fireman are working in a row. Chief Lynn said currently two people are out on workers compensation injuries. Mayor Rankle is worried about safety. Chief Lynn said the fireman in question worked three days in a row and volunteered for the extra hours.

**Officer Scott O'Brien, Police Dept.**, reported that Officer Ben Wiesner has resigned effective April 30, 2011. John Tucker, a fifteen year veteran will start on May 15, 2011. Thirty-eight applicants took the written test, fifteen will be chosen and the top 5 will be interviewed. Mayor Ranke would like the Safety Committee involved when it get down to the five applicants that will take the POPS standard test. All the applicants are un-trained and the person chosen will be sent to school.

**Don Riley, Codes Director**, submitted a copy of his report.

**Michael Giffen, Main St. Manager**, is at the Memorial Day Parade Meeting tonight. Leslie Carr, Historical Committee, reported on an upcoming event. Art on the Avenue, Saturday, June 4<sup>th</sup> from 11:00 am until 5:00 p.m. at the Town Center. Local artists will be selling goods and decorating several storefronts along Sixth Avenue. There will be food and live entertainers. Thanks to Michael Giffen and Barry Baker for all their work.

**City Adm. Redmond gave an update on the Main Street.** We have four new businesses and the pending sale of the Masonic Lodge. The Masonic Lodge is considered an existing conditional use. I've met with a housing developer that purchases blighted and foreclosure property, turning the property around. The property is not sold for rental. They'd done 54 homes in Bellevue and would like to move this way. The city needs to make some changes in their parking regulations concerning new businesses. If someone wants to purchase the Raymee Building they must produce 46 parking spaces. Buona Vita Pizzeria had to do a new site plan in order to expand, it cost around \$2,000 and a site review cost \$1,800, plus Michael Giffen and Don Riley had to find parking spaces for additional parking. If the buildings use changes the owner needs a new site plan and must meet current regulations. Michael Giffen is currently working with the owner of Millie's Drapery, Sixth & McKinney. A buyer wants to purchase the building but the building has no parking spaces. This needs to change if we want to attract business. Old towns in America depend on downtown street parking. The suggestion was to change the ordinance and do away with the necessity of a site plan for buildings that are 150 years old or older. Maybe the Main Street Board can say you don't need parking if there never was parking. Currently we have a contract with Campbell County Planning and Zoning. Member Boruske said we need to suggest to Planning & Zoning that council wants to eliminate the parking space requirements. Then bring this back to council for a vote. Mayor Rankle said a text amendment that states "parking spaces are not required in the CBD". City Adm. Redmond suggested telling the Planning Committee, if nothing changes a site plan is not required. Motion by Member Hurtt, seconded by Member Ashford to send a text amendment to Planning & Zoning that no site plan is required for existing building in the CBD and parking requirements are reviewed on new construction only. Comments: Member Volter said we should make new business owners aware of this, it could hurt them.

ROLL CALL:

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

Motion carried—so ordered.

May 21<sup>st</sup> will be paint the town prep day. June 11<sup>th</sup> is the actual painting day. We have at least 30 homes in Dayton that will be painted. Each house will have its own port-o-let, equipment and painters. The prep day reception will be held at Manhattan Harbour. Member Burns asked if there was a list of houses. Yes, Michael Giffen has the list. On May 14<sup>th</sup> the Crossroads Church in Cincinnati will be in town to help plant in front of the city building and along Dayton Pike.

**Donna Leger, Clerk/Treas**, reported on the City Wide Yard Sale. The sale is Saturday, May 7<sup>th</sup> from 9:00 – 3:00 p.m. No permit is needed.

CORRESPONDENCE:

Lincoln School PTC will be having a Spring Festival on May 16<sup>th</sup> from 5:00-7:00 pm. They are accepting help and donations.

Thank you to the Public Works Dept. from the Family of Jerry Taylor. Thank you for your kindness, time and effort in keeping the street clear in front of our home during Jerry's illness.

Thank you from Dena Siemer, Dayton Civic Club Chairperson and Roy Siemer, Dayton Park Board President to all who helped and attended the Easter Egg Hunt and Pet Fair.

STANDING COMMITTEE REPORTS:

FINANCE (Member Boruske):

Motion by Member Boruske, seconded by Member Hurtt to hire a part-time seasonal blight inspector. Motion carried—so ordered. A budget workshop will be held on May 17<sup>th</sup> at 7:00 p.m. in the council chamber.

PUBLIC SAFETY (Member Volter):

We had a road trip to review the streets for directional parking or parking the wrong way. The following is our suggestions:

Directional Parking:

1000 Block of Sixth Avenue (those addresses above the railroad tracks)  
1100 Block of Sixth Avenue  
1200 Block of Sixth Avenue  
1300 Block of Sixth Avenue  
Sixth & Benham  
400 Block of Tenth Street  
500 Block of Tenth Street  
1100 Block of McKinney  
900 Block of Dayton  
1000 Block of Dayton  
1100 Block of Dayton  
1200 Block of Dayton  
1300 Block of Dayton  
Locust Street  
Walnut Street above Railroad Tracks  
Thornton Street above Railroad Tracks  
Maple Street above Railroad Tracks  
Brooklyn Avenue

No Directional Parking on corner of 10<sup>th</sup> & McKinney  
No Directional Parking on corner of Belmont & Dayton

Request for a street light at Fourth & Clay. We reviewed the area and there is no lighting. This area could be a hazard.

Install Street Light – 800 Block of Fourth Street (Signatures received from residents.)  
Install Street Light at Fourth & Clay

City Att. Fischer will draft an executive order.

The Public Safety Committee would like to suggest we start up the take home fleet again for the Police Department. It will be tracked monthly and eight miles each way is the maximum. Member Boruske said he is totally against take home fleet. Member Ashford felt we had major abuse before but he is now in favor. Motion by Member Volter, seconded by Member Ashford to reinstate take home fleet for the Police Department, monthly reports will be given to council for review. Comments: Member Gifford has not seen the guideline yet. Member Boruske said he could understand if every other employee had the same benefit, it's not fair. Member Ashford said the problems he had are gone. We need to try and build a good Police force.

ROLL CALL:

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

Motion carried—so ordered.

PUBLIC WORKS (Member Ashford):

Rick Lucas did a wonderful job at the Pet Fair. April was the wettest April ever and there was no flooding in the city thank to public work's maintaining all the catch basins and trouble spots. Mayor Rankle said the entire public work's crew did a great job.

**PARKS & REAL ESTATE (Member Gifford):**

Opening Day for Dayton Youth Baseball is May 28<sup>th</sup>. New picnic tables have been installed at Gil Lynn Park along with some new concrete. The old tables are for sale at \$25.00 each, we still have a few left.

**ECONOMIC DEVELOPMENT (Member Hurtt):**

I'd like to have a committee meeting next week. City Att. Fischer said please let the City Clerk know so she can notify the media.

**AUDIENCE:**

**Chester Riddle, 941 Maple Avenue** has a problem with the football field wall leaking behind his home. City Adm. Redmond said this is a wet weather problem. Water is running off the school's property onto a non-gravel road. The only answer is to blacktop the road. Mayor Rankle said the school is going to be working on the wall. Member Gifford said the school has fixed the wall before but it still washes out. City Adm. Redmond said special paving is also needed in the alley behind the Chili Parlor. This year we do not have a comprehensive blacktop plan. The alley behind the Chili Parlor will need about 60 tons of blacktop. It will take thirty to forty tons to fix the area in the roadway next to the school and cost about \$2,800. The school can't fix the problem, it a wet water problem. If council has no objections the city will fix the alley behind the chili parlor and box pave the area by the school wall. Mayor Rankle suggested talking with the Sanitation District first; there was talk about a retention pond at the stadium.

**Mr. Klosterman** said he had a tree problem, sewer problem and his sidewalk is messed up. The snow plow hit a sewer lid. Because of the sewer problem Mr. Klosterman's son fixed his sidewalk and Mr. Klosterman wants the city to reimburse his son for his time. Mayor Rankle told Mr. Klosterman to call the Sanitation District. City Adm. Redmond said the sidewalks are the responsibility of the homeowner. Mr. Klosterman said the city planted the trees; it's the city's problem.

**Don Calhoun, 701 Vine**, applied for a business license and it was denied. Mayor Rankle said that 701 Vine is a residential area. City Att. Fischer said it would be a home occupational license and only ¼ of the first floor can be occupied and the business cannot create any traffic. No clients. Mr. Calhoun said it's an all organic spray tanning business and this is not fair. Council agreed it must meet the Home Occupational requirements. Mr. Calhoun said all the spray tanning will be done at other locations. So what you're saying is there will never be anyone at your house, asked Mayor Rankle. Mr. Calhoun said he did not think so. City Adm. Redmond said if he abides by all the regulations of a home occupational license, his request will be approved. Mayor Rankle told Mr. Calhoun if you have one client at your home you cannot have the license. Mr. Calhoun will resubmit the application tomorrow.

**Elmer Perry**, the school needs volunteers on May 13<sup>th</sup> from 11:30 – 1:00 p.m. at Gil Lynn Park.

Lady addressed council who lives at Speers Court; she said her daughter keeps receiving parking tickets for out of state plates. My daughter has been coming over to help me out because I have health problems plus I've been using her car. What can be done? Mayor Rankle said to call the City Clerk and setup a hearing.

**UNFINISHED BUSINESS:**

**Member Volter:** The contest to create a city flag is currently underway. The City of Dayton post office is the only post office in the region that is shutting down besides a sub-station in Newport. We need to send letters to Geoff Davis and others. I've put a letter in the Community News of who you can contact. We have an elderly population and they will have to take a bus to Bellevue and then walk up five blocks to the nearest post office. We all need to get involved and let everyone know how we feel.

**Mayor Rankle:** We need some type of ordinance that requires the Jazzy Chair/Electrical Wheel Chairs to have some type of big flag. This issue has become dangerous. Maybe the city can purchase the first 20 flags. Member Hurtt said it's bad down by Hansmans. City Adm. Redmond asked if anyone had an objection to purchase up to 20 flags & have city staff install the flag. Member Boruske said he objected.

**Member Hurtt:** Funding for the Home Consortium has decreased by 14% the down payment was \$8,000 now it's \$6,000. This program is for the lower income bracket, the program is still strong. The new money will start July 1, 2011.

Mayor Rankle entertained a motion to go into executive session to discuss KRS 61.810 (b) deliberations on 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 Gifford, seconded by Member Ashford to go into executive session. Motion carried—so ordered.

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

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

Respectfully submitted,

Donna Leger  
Clerk/Treas.

ATTEST:

Kenneth E. Rankle  
Mayor