

CITY OF DAYTON  
COUNCIL MEETING  
JANUARY 3, 2012

A regular meeting of Dayton City Council was held on Tuesday, January 3, 2012, 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:

After 37 years in the Fire Department, Chief Dennis Lynn retired on Jan. 1, 2012. Mayor Rankle asked Mike Auteri to come forward and be sworn in as the new Chief of the FDBD. Mike Auteri took the oath of office and introduced his wife, daughter and parents who were in attendance.

Motion by Member Hurtt, seconded by Member Ashford to accept Anthony Cadle's resignation from the Park Board and appoint Michelle Stenger to the Park Board. Motion carried--so ordered.

Mayor Rankle would like to add a part-time officer back into the police department budget. Mayor Rankle knows a person who recently retired and may be interested. Council would like to have more information before a decision is made. City Adm. Redmond suggested turning this issue over to the safety committee, who will come up with a budget number.

Park National Bank, River Park Properties, LLC, will be taking over 10 or so acres at the Marina. The name will need to be changed on the lease. More discussion will be held in executive session. The lease payments will be up to date by the end of the fiscal year. DCI will still hold the development agreement. City Adm. Redmond said the capital lease owed by Mr. Imboden will be sold contingent to River Park, LLC. The speed by which we change the lease is important. The new operation wants to start as soon as possible. A motion is needed to transfer the current lease with the same terms to the new property owners. The lease amount is currently \$85,000 a year. More information will be given in closed session. Member Gifford would like to look at the current lease and see what wrong.

CITY ADMINISTRATOR'S REPORT:

The city received an e-mail from FEMA about the food wall certification. The city has until Feb. 4, 2014 to complete the work needed. The city tried to hire the Corp of Engineers. The paperwork needs to be signed by Feb. 4, 2012. There is an engineering group that has been approved by the Corp. They quoted the city a cost of \$321,000. The Geo-tech who has done all the work on the floodwall, Ultra Tech, has given us a quote of \$160,000. I recommend we hire Ultra Tech, this is a Geo Technical Engineering firm which has been approved by the Corp and FEMA. I recommend we go into a contract not to exceed \$160,000 which will be paid over two different fiscal years. Payment will come from the Economic Development Account. In the meantime I'll be looking for financial help. Every floodwall in the country must be certified. Ultra Tech has already done a lot of work for the city. If this is not done, the National Food Insurance Corporation will force residents to purchase high cost flood insurance for people with mortgages. Member Burns suggested Newport and Dayton going into a contract together. Motion by Member Boruske, seconded by Member Gifford to contract with Ultra Tech not to exceed \$160,000 over two fiscal years. Comments: Member Volter confirmed that this would be over two years and the city would keep searching for funds. Motion carried--so ordered.

At the last meeting the lot next to 502 Belmont Avenue was declared surplus with a deed restriction that the lot cannot be built upon. After looking at the minutes it appears the city should advertise and sell as surplus property. Darrell & Theresa Holton would like to purchase the property. Since we are putting on a deed restriction it will have to be advertised. Ms. Holton said they previously paid to remove two trees on the lot. Mayor Rankle did not agree with a deed restriction. Mr. Holton said there is already stuff built on the lot. City Att. Fischer said we still have to advertise. Motion by Member Boruske, seconded by Member Hurtt to advertise the lot in question. Motion carried--so ordered. City Adm. Redmond said it will be an unbuildable lot with request for proposal or transfer of the lot.

CONSENT AGENDA:

Motion by Member Volter, seconded by Member Gifford to approve the minutes from the Dec. 6, 2011 council meeting as received. Motion carried--so ordered.

ORDINANCES & ORDERS:

Second Reading:

**CITY OF DAYTON, KENTUCKY**

**2011 -#14**

**AN ORDINANCE ADOPTING THE CITY OF DAYTON, KENTUCKY JOB CLASSIFICATION SYSTEM, NOVEMBER/2004, AMENDED APRIL/2006, AMENDED FEBRUARY/2007, AMENDED AUGUST/2009 EDITION, AMENDED FEBRUARY/2010, AMENDED DECEMBER/2011 EDITION; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.**

This ordinance amends the City of Dayton, Kentucky Job Classification System to amend the job descriptions for city administrator, police chief, police captain, police lieutenant, superintendent of public works, and main street manager.

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.

John C. Fischer

Motion by Member Hurtt, seconded by Member Volter to approve 2011#14 as read.

ROLL CALL:

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

Motion carried--so ordered.

First Reading:

## CITY OF DAYTON, KENTUCKY

2012-#1

**AN ORDINANCE AMENDING THE DAYTON CODE OF ORDINANCES CHAPTER 95 §95.40 AND CHAPTER 95 §§95.98 AND 95.99 , BANNING CERTAIN CONDUCT IN PARK AREAS RESERVED FOR SKATEBOARDING AND SETTING PENALTIES FOR VIOLATION THEREOF.**

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

**SECTION ONE:** The Dayton Code of Ordinances Chapter 95, Section 95.40, is hereby amended as follows:

It shall be unlawful for any person, firm, or corporation using such parks to either perform or permit to be performed any of the following acts:

(A) Willfully mark, deface, disfigure, injure, climb upon, tamper with, displace, or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities, or parts or appurtenances thereof; any signs, notices, or placards, whether temporary or permanent; monuments, stakes, posts, fences, or other boundary markers; or any other structures or equipment, facilities, or park property or appurtenances whatsoever, either real or personal.

(B) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, river, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of the waters.

(C) Bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(D) Disorderly conduct as defined under KRS 525.060.

(E) Endanger the safety of any person by any conduct or act.

(F) Commit any assault, battery, or engage in fighting.

(G) Violate any rule or regulation governing conduct in the park which has been approved by the Park Board.

(H) In any area designated for skateboarding: Be in the facility before 8:00 a.m. or after dark; Use any surfaces for skateboarding other than those designed therefore and provided by the City; Use any motorized equipment; Use the facility to the exclusion of other persons in the facility who want to use the equipment; Use profanity; fight or otherwise attack another person physically or engage in other disruptive behavior; Damage the facility or its surrounding areas; Bring beverages, including water, or food inside the facility; Be under the influence alcohol or drugs or use alcohol, drugs or tobacco in the facility;

**SECTION TWO:** The Dayton Code of Ordinances Chapter 95, Section 95.98, is hereby amended as follows:

(A) Violation of any provision of Chapter 95, §§ 95.30, 95.31, 95.32, 95.33, 95.34, 95.35, 95.36, 95.37, 95.38 or 95.39, is declared to be a civil offense. Any person violating any provision shall be fined not more than one hundred dollars (\$100.00). Any person electing not to contest citation for said offense shall be fined one hundred dollars (\$100.00). Each day of violation shall constitute a separate offense.

(B) Violation of any provision of Chapter 95 § 95.40 is declared to be a civil offense. Any person violating any provision shall be fined not more than five hundred dollars (\$500.00). Any person electing not to contest citation for said offense shall be fined five hundred dollars (\$500.00). Each day of violation shall constitute a separate offense.

(C) In addition to or in lieu of the penalty provided in paragraph (B) above, any person violating any provision of Chapter 95 § 95.40 may be banned temporarily or permanently from use of the parks or any portion thereof.

Debarment from use of the facilities may be made by any city officer authorized to issue citations or by the chair of the Park Board. Any order of disqualification from use of park facilities hereunder may be appealed to the Code Enforcement Board which shall hold hearing on the appeal and may issue any orders authorized to that Board.

**SECTION THREE:** The Dayton Code of Ordinances Chapter 95, Section 95.99, is hereby amended as follows:

(A) Any person found violating any section in Chapter 95 for which no other penalty has been specifically provided shall be guilty of a misdemeanor and shall be subject to the penalties provided in § 10.99.

(B) Any person who violates any order banning him or her from use of park facilities as described in Chapter 95 § 95.40(C) shall be guilty of criminal trespass 3<sup>rd</sup> and shall be so charged.

**SECTION FOUR:** 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:  
Second Reading:

**CITY OF DAYTON, KENTUCKY**

by \_\_\_\_\_  
Kenneth E. Rankle  
its Mayor

**ATTEST:**

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

**DEPARTMENT HEAD'S REPORT:**

Michael Auteri, Fire Chief, submitted a copy of his report to Mayor and Council. The month of Dec. was busy with 4 promotions and a new hire. Jim Richmond was promoted to Captain, Rob Duke, Chris Adkins and Brent Schafer to Lieutenant/Medics. Jeremy Lynn was hired in as a Firefighter/EMT. The FDBD adopted 10 families this year for Christmas, 5 from Dayton and 5 from Bellevue. The Ladies Auxiliary holds fundraisers for the Fire Dept. each year and the money is used for things in the station. Member Burns commended the Chief and asked if the department was up to full force. Yes.

Donna Leger, Clerk/Treas., reported the audit has been completed. Once the copies are delivered they will be put in council's mailbox.

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

Michael Giffen, Main Street Manager, will hold a Main Street meeting next Tuesday at 7:00 p.m. The meeting will be held to discuss the yearly goals.

Rick Lucas, Supt. Public Works, advised residents to bring their Christmas Trees to the public work's garage for recycling. If you need the tree picked up call the city building. Work on the spring boxes on Chateau Ridge is completed.

**STANDING COMMITTEE REPORTS:**

Public Safety (Member Volter):  
The Safety Committee met a few weeks ago.

Economic Development (Member Hurtt):  
An Economic Development meeting is scheduled for Jan. 10 at 4:30 p.m.

PETITIONS:

Member Volter announced that Duve's on the Avenue, Sixth & Berry, is open and has good food. The hours are Monday-Friday, 10:00 A.M. -7 P.M. and Saturday, 9:00 A.M. -6:00 P.M.

Darrell Holton thanked the city workers for a good job keeping the hills cleaned and the leaves picked up.

Cathy Gordon asked if the city knew the principal holders of the River Park LLC organization. City Adm. Redmond replied yes but that information is not public at this time. Ms. Gordon asked why the developers of the riverfront can't pay for the flood wall certification? Whatever fill they use will replace a portion of our flood wall. City Adm. Redmond said currently there is no federal law on recertification. There is discussion in congress every ten years. There is no recertification process at this time. DCI is still a funded corporation. Member Boruske said we have no choice we have to have the floodwall certified.

Justine, YMCA, said council has a copy of the Skate Park rules. The mentoring is going well. About 50 kids attended the YMCA over Christmas break.

Mayor Rankle entertained a motion to go into executive session to discuss KRS 61.810 (c) discussions of proposed or pending litigation against or on behalf of the public agency. Motion by Member Boruske, 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 Hurtt, seconded by Member Boruske that the City approve River Park Properties, LLC as assignee and successor in interest to DCI as Lessee under the terms of the City's lease for the marina property on the condition that all past due rental amounts from September 28, and December 28, 2011 and future rental amounts from March 28, 2012 and June 28, 2012 be paid prior to June 30, 2012 and that River Park Properties, LLC is not subject to the City's Riverfront Development Agreement with DCI. All ayes, 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