

CITY OF DAYTON, KENTUCKY
COUNCIL MEETING
SEPTEMBER 18, 2007

A regular meeting of Dayton City Council was held on Tuesday, September 18, 2007, 7:10 p.m. in the council chamber of the Dayton City Building. Mayor Rankle opened the meeting with the Pledge of Allegiance and a moment of silent prayer asking that everyone remember Miles Vaught, who is currently ill, in their prayers.

ROLL CALL:

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

MAYOR'S REPORT:

We had about 80-85 seniors at the Senior Citizens Picnic on Sept. 12th. Mayor Rankle thanked all the volunteers for their help and the VFW for allowing us to use the hall.

CITY ADMINISTRATOR'S REPORT:

Walter Morris, 933 O'Fallon Avenue, applied for a handicap parking space in front of his home. At the last meeting this request was denied because of off street parking. I went to his house and there is a neat driveway on the left hand side of his house. He also listed on the application that he had off-street parking. Mr. Morris said he made a mistake on his application, he does not have any off-street parking, and the driveway belongs to his neighbor. I now recommend that Mr. Morris's handicap sign be approved. Motion by Member Boruske, seconded by Member Gunning to approve the handicap sign for Mr. Morris at 933 O'Fallon Ave. Motion carried—so ordered.

The city's waste collection contract will end this year. The city is getting new specs for garbage and waste pickup for 30 months fixed, after that it can renew up to 8 years. It will be 30 month contract instead of a 24 month contract so we can switch over to a fiscal year. You can meet with any of the bidders if you want to make changes after the contract is approved. Also, we have designated a Wednesday only pickup day. The reason is now we seem to have two pretty messy days. Member Hurtt said a single day pickup should help the city get a better cost because of fuel cost. Member Volter asked if more trucks would be on the one-day route. City Adm. Redmond said yes, it would take more manpower and machinery. Member Hurtt said the City of Bellevue has up to 12 porta-potties per year included in their contract. She would like this included in our contract also. City Adm. Redmond said we have included extra dumpsters and extra cardboard containers. He will include Member Hurtt's request. Member Volter requested pickup after 8:00 a.m. on the Avenue because of the school bus and work traffic. We currently have this now. City Adm. Redmond will take care of this request. What about lawn clippings? City Adm. Redmond said yard waste is a recyclable item in the body of the contract. We need to start thinking about issues such as waste. It's a serious problem in this county. We've become a disposable society. Motion by Member Ashford, seconded by Member Hurtt to put the waste contract out for bids. Motion carried—so ordered.

CITY OF DAYTON, KENTUCKY

2007- 18

AN ORDINANCE AMENDING THE CITY OF DAYTON, KENTUCKY'S ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2006, THROUGH JUNE 30, 2007, & ESTIMATING REVENUES & RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.

This ordinance adopts the budget for Fiscal Year 2007 for the General Fund, Municipal Aid Fund, Park Board Fund, Park Tax Fund, Urban Renewal Fund, Sargent Park Fund, Flood Levee Fund, 1972 General Obligation Fund, Dayton Public Properties Corporation Fund, Sanitation District Reimbursement Fund, the Civic Club Fund, the COPS Grant Fund, the Infrastructure Fund and the CDBG Fund. The budget ordinance is amended to confirm a prior authorized expenditure which was expected to be made in the next fiscal year, but due to unforeseen circumstances, was required to be made in fiscal year July 1, 2006 through June 30, 2007

I, John C. Fisher, 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. Fisher

Motion by Member Hurtt, seconded by Member Volter to approve 2007#18 as read.

ROLL CALL:

Member Allen	Absent	Member Volter	Aye
Member Ashford	Aye	Member Boruske	Nay
Member Hurtt	Aye	Member Gunning	Aye

Motion carried—so ordered.

CITY OF DAYTON, KENTUCKY

2007- # 19

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, 2007 THROUGH JUNE 30, 2008.

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, 2007 through June 30, 2008, by the City of Dayton, Kentucky, the sum of .4790 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 .7440 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 .4790 on real and mixed property; .5009 on all automobile and watercraft personal property and .7440 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 .4290
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 .6940
For the acquisition and maintenance of parks within the City, the sum of .0500

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, 2007 or the full amount by January 31, 2008. 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 18, 2007 at the office of the City Clerk/Treasurer and shall be delinquent after November 6, 2007, or as otherwise provided by Council by order, and the City Clerk/Treasurer shall thereafter proceed to attach to each bill a penalty of 20%. 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, 2007, 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: September 4, 2007
Second Reading: September 18, 2007

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

Motion by Member Boruske, seconded by Member Ashford to approve 2007#19

ROLL CALL:

Member Ashford	Aye	Member Boruske	Aye
Member Hurtt	Aye	Member Gunning	Aye
Member Volter	Aye	Member Allen	Absent

Motion carried—so ordered.

CITY OF DAYTON, KENTUCKY

2007- 21 R

AN ORDER AUTHORIZING THE CITY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR PREPARATION OF AN APPLICATION FOR DESIGNATION AS A SIGNATURE PROJECT/TIF FINANCING UNDER KENTUCKY LAW.

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

SECTION I That the City is hereby authorized to enter into a professional services contract for the preparation of an application for designation under Kentucky law as a Signature Project qualifying for TIF financing.

SECTION TWO: That the Mayor shall enter into such a professional services contract with a highly qualified professional after due diligence in determining his/her/its qualification to provide said services.

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

SECTION FOUR: 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 ____ day of _____, 2007.

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

Motion by Member Boruske, seconded by Member Gunning to approve 2007#21R as read.

ROLL CALL:

Member Hurtt	Aye	Member Gunning	Aye
Member Volter	Aye	Member Allen	Absent
Member Boruske	Aye	Member Ashford	Aye

Motion carried—so ordered.

Mayor and Council have received the minutes from the last Planning and Zoning Meeting. This meeting covered signage and riverfront development. If council wants to have the first reading of ordinance 2007#20 and 2007#21 tonight they cannot have any input from the audience. They must rely on the information from the Planning and Zoning Minutes, application and staff recommendation. Council could accept input from the audience but they will have to advertise for a special meeting afterwards. Mayor Rankle said the signage is a new issue. We've had 3-4 public hearings on the Riverfront Development. How does everyone feel? Member Boruske said he agrees with Planning and Zoning on the signage but does not agree on the Riverfront. I want to vote. Member Volter asked we must rely on just the minutes, right? City Att. Fischer said yes.

CITY OF DAYTON, KENTUCKY

2007 - #20

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DAYTON
CHAPTER 154, SECTIONS 154.176, CLASSIFICATION OF SIGNS**

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

Whereas, any changes in a proposed text amendment which has been duly advertised should ordinarily be required to give adequate notice of the changes to the public by an additional advertised public hearing; and

Whereas, in the instant case, the advertisement stated the general nature of the change but did not specify the exact wording of the text amendment, but did make reference to the specific details being available for inspection at the office of Campbell County Planning and Zoning; and

Whereas, the person in control of the office of Campbell County Planning and Zoning has certified in writing that no member of the public inquired of the exact working of the text amendment;

Now, therefore, City Council finds that there could be no prejudice to members of the public and public knowledge of the amendments prior to adoption and adopts the following:

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 154.176(F), Classification of Signs, is amended as follows:

(F) Class 6. The following signs meeting the following specifications shall constitute Class 6 and shall be only business or identification signs, as defined herein.

(1) Structural type: Flat or projecting sign; single or double faced.

(2) Maximum size of single sign: one square foot of area for each horizontal linear foot of the building wall on the street frontage not to exceed twenty (20) square feet.

(3) Maximum height above grade at top of sign: Attached to building, but shall not extend above the top or ends of the wall surface on which the sign is placed. All projecting signs shall be a minimum of eight (8) feet above any public sidewalk and may extend into the public right-of-way over the sidewalk up to ~~one half of the width of the sidewalk~~ six (6) inches from the edge of pavement/outside curb of the street.

(4) Limitation on number of signs: One sign for each street frontage of the lot on which the primary use is located. Where a complex of buildings is so constructed and maintained that the complex of buildings is an attached shopping complex or an attached group of buildings, only one sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one firm, company or incorporation having separate ownership or separate rental or lease. A professional office building within a complex, if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one sign regardless of how many firms, companies or incorporation's having separate ownership, rental or lease within the office building.

(5) Other Limitations:

(a) The sign shall be neither flashing nor animated.

(b) May be illuminated, but only from a concealed light source, and the light source shall not be internal.

(c) Shall not have removable or interchangeable letters.

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: September 18, 2007
Second Reading: October 2, 2007

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

Motion by Member Boruske, seconded by Member Ashford to accept 2007#20 as read. City Att. Fischer suggested a roll call on the first reading. This shows the intent of the council. In the late 1980's there were votes on both readings. We'll have another vote on the second reading.

ROLL CALL:

Member Volter	Aye	Member Allen	Absent
Member Boruske	Aye	Member Ashford	Aye
Member Gunning	Aye	Member Hurtt	Aye

Final roll call after the second reading.

Mayor Rankle asked if anyone would like to address council? Dr. Cook asked if there would be a second reading before the ordinance is final. City Adm. Redmond said yes, and then the ordinance has to be published, then its law.

CITY OF DAYTON, KENTUCKY

2007 - #21

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DAYTON

Whereas, an application for rezoning of an approximately fifty-nine and five-tenths (59.5) acre area of Dayton from CO, R-4 and R-O zone to MLU has been made; and

Whereas, the Dayton Planning and Zoning Commission, after duly advertised public hearing, has denied said request; and

Whereas, Dayton City Council has reviewed the record of the application, recommendations by planning staff and minutes of the public hearing; and

Whereas, said review of the record has led the Dayton City Council to make a different determination;

Now, Therefore, the Dayton City Council finds as follows:

1. That Campbell County Planning and Zoning staff found the proposed change to be in conformance with the comprehensive plan;
2. That no evidence was provided by at the public hearing to dispute the said staff finding;
3. That the map amendment is consistent with previous action of the City in rezoning the adjacent eighty-two and two hundred seventy-three one-thousandths (82.273) acres in which rezoning the Dayton Planning and Zoning Commission recommended in favor of said map amendment based upon the same fact presented in the present application.
4. That the reasons given by the Dayton Planning and Zoning Commission as basis for the denial of the application are such that their objections can be alleviated or diminished during later applications which must be made under the ordinance;
5. That, therefore, the recommendations of the Dayton Planning and Zoning Commission should be overruled and, thus, City Council adopts the following ordinance:

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

SECTION ONE: That the official zoning map of the City of Dayton be amended in that the zone of an approximately fifty-nine and five-tenths (59.5) acre area located on the north side of Dodd Drive, Mary Ingles Highway and along Burma Road, and more fully described in the metes and bounds description and plat map created by Cardinal Engineering dated June 29, 2007 and which is attached hereto an made part hereof by reference be designated as MLU

SECTION TWO: The Dayton City Council declares that that a Stage I and Stage II Development Plan must be submitted and approved prior to any development.

SECTION THREE: The Mayor and Codes Officer are hereby authorized and directed to make the necessary changes to the Official Zoning Map of the City of Dayton to reflect the above.

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, Campbell County, Kentucky assembled in regular session.

First Reading: September 18, 2007
Second Reading: October 2, 2007

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

Motion by Member Hurtt, seconded by Member Boruske to accept 2007#21 as read.

ROLL CALL:

Member Boruske	Aye	Member Ashford	Aye
Member Gunning	Aye	Member Hurtt	Aye
Member Allen	Absent	Member Volter	Aye

Final roll call at the second reading.

Mayor asked if anyone would like to address council on the River's Edge issue? Monte Rogers said he was glad the ordinance was passed. Glad to see something happening downtown. What we need in the city is more people and higher priced real estate. I also agree with the tax rate. City Adm. Redmond thanked Mr. Rogers for his leadership. Member Hurtt said council is aware of Planning & Zoning's concerns; they would like to see more green space in the Riverfront Development. Mr. Rogers said the Planning & Zoning Board never has a full membership at he meetings. He doesn't know why some of the people are on the board.

CONSENT AGENDA:

Motion by Member Gunning, seconded by Member Ashford to approve the minutes from the September 4, 2007 meeting. Member Volter abstained. Motion carried—so ordered.

DEPARTMENT HEAD'S REPORT:

Marvin Knobloch, Main Street Manager, showed council a sample of the new street banner the businesses will be voting on tomorrow. Marvin and Davis Sign Company in Newport designed the banner. The businesses will pay for the banners. Marvin asked if public works can install the brackets and banners. Mayor Rankle said yes. Marvin said Duke Energy has been contacted. The name of the business will be on the bottom of the banner. Marvin thanked the Civic Club for getting this started. The banner will cost \$200.00 but we do not know the price of the bracket at this time. This will be opened up to all businesses in Dayton. Mayor Rankle suggested opening it up to citizens also.

The next business owners meeting will be held on September 19, 12:00 p.m. at Cherry Creek Cabinets, hosted by Sue. Sue was complemented on the new paint job at Cherry Creek. Marvin said a lot is happening on the avenue and he will keep council updated.

Mayor Rankle and City Adm. Redmond spoke with a representative from Duke Energy. They will be rebuilding the existing sub-station. Bill Burns said it's not a sub-station it's a tower. There will be a concrete wall 110' long by 10' tall. They came to the city and asked for our opinion. We asked that it be as attractive and inviting as possible. We don't have much of a choice, it needs to be built based upon need.

CORRESPONDENCE:

None.

Mayor Rankle asked if anyone in the audience would like to speak?

Bill Burns asked about the land on Dayton Pike that has large piles of dirt and rock. Mayor Rankle spoke with Brad Austin last week. The city plans to use this area for green space. A dirt berm will be build and landscaped to hide the city garage. Maybe a walking trail or playground. The rock will not be

taken out; the land can never be build upon. But the rock will be hidden. Member Hurtt suggested looking for a grant to help with the cost. City Adm. Redmond said the city and county could apply for a Trails Grant. A joint grant between the city and county will get a lot more notice. This will be a passive park, a place to walk, sit and read. There is the possibility of a sidewalk. River Pointe residents have asked for a safe way to get to the city. Mayor Rankle has already received a \$10,000 match. He is going to ask Town Properties to help with the grading and Coppage Construction for topsoil. Mr. Sherman will also be approached for help. Dayton Pike needs to be built into a nice street.

Nancy Martin said the next meeting of Jamestown Neighborhood Council will be October 26, 7:00 p.m. A memorial service at the monument is being planned for Nicholas Carnes. Nancy asked if yellow ribbons could be put on the poles? Yes, no problem. The memorial is October 14th weather permitting, if not October 20th. Anyone who is interested in helping please contact Nancy. Mayor Rankle thanked Nancy and asked that she keep the city informed. If police help is needed let us know.

Dr. Cook thanked everyone for approval of the sign ordinance.

Member Hurtt said work on the basketball courts at Gil Lynn Park is in full swing. There will be an opening ceremony at the end of October. Mayor Rankle thanked the Park Board for all their hard work.

City Adm. Redmond has received a request from the local supermarket for a digital sign. The supermarket is currently remodeling the store inside and outside. This is good for the community. Based upon a decision in 2001, if the sign is the same size and density it would be approved. Upon further discussion they now want to replace the front stanchion sign. Not just the sign on the building. An electrical sign is not in our ordinance. We need to discuss pro and cons of an electrical sign. Member Ashford said our sign ordinance is not up to date. The digital school sign looks good. Member Volter said the sign is too slow. City Adm. Redmond said we have no objection to the school sign, it's informative. Member Boruske said the ordinance needs to be changed. Teresa Holton has worked for Riverside Market for 20 years. She said Vic Dawn could not be here tonight. The sign will be tastefully done. We are currently modernizing and remodeling the store. The sign will go on at 6:30 a.m. and go off at 12:30 a.m. It's neighborhood friendly. We have one at our new store in California, Kentucky. Ms. Holton gave council a drawing of the sign. Between now and the next meeting City Adm. Redmond and City Att. Fischer will review the sign ordinance.

Teresa Holton, 502 Belmont Road, asked about the vacant house owned by the Turner's on Belmont. Kids and cats are going in the house. Mayor Rankle said we would contact animal control. City Adm. Redmond said the city knows about the problems at 501 Belmont. We have tried to make contact with the owner. City Att. Fischer suggested the Fire Chief, Dennis Lynn, declare the house a fire hazard, have a hearing and if need be tear it down. But, if the city pays to tear it down we will never recover our money. The cost to tear it down could be as high as \$15,000. Mayor Rankle said we'd check into this.

Mayor Rankle said Carl Tabar is doing an excellent job.

Mayor Rankle entertained a motion to go into executive session to discuss KRS 61.810 (k) meetings, which the constitution provides, shall be held in secret. Motion by Member Volter, seconded by Member Hurtt to go into executive session. Motion carried—so ordered.

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

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

