

CITY OF DAYTON, KENTUCKY
COUNCIL MEETING
JUNE 17, 2008

A regular meeting of the Dayton City Council was held on June 17, 2008, 7:00 p.m. in the council chamber of the Dayton City Building. Mayor Rankle opened the meeting with a silent prayer and the Pledge of Allegiance.

ROLL CALL:

Mayor Rankle	Present	Member Gunning	Present
Member Ashford	Present	Member Allen	Present
Member Hurtt	Present	City Adm. Redmond	Present
Member Volter	Present	City Attorney Fischer	Present
Member Boruske	Present		

Mayor's Report:

Mayor Rankle welcomed everyone attending the meeting.

Mayor Rankle stated that there was an interest in moving the traffic light from Ervin Terrace to Vine Street. He asked that any Dayton Citizen call the City Building and speak to one of the clerks, contact City Adm. Redmond or e-mail a city Council member to voice your opinion on this issue.

Mayor Rankle attended the Developer Day and mentioned how great of a turn out it was. There was approximately three hundred in attendance and around one hundred developers from outside the area. The cities of Ludlow, Covington, Newport, Bellevue and Dayton hosted the event. The day started at the convention center in Covington where DCI made a great presentation of their project. Then enjoyed a riverboat ride from Covington to Ludlow on up to the marina in Dayton and back. It was very nice day with a lot of positive feedback

Mayor Rankle stated that Commissioner Rehtin and the Judge Executive are talking about a Smoking Ban in the County. Member Ashford feels that it should be up to the individual establishment whether or not to ban smoking, Member Boruske agrees. Member Volter remembers about a year ago this was an issue.

Mayor Rankle thanked Peter Klear and his staff for the outstanding job they did with presenting the Riverfront Development plans for Phase II at the Planning & Zoning meeting.

Mayor Rankle recognized Dr. Barbara Cook who stated that the Main Street members attended the State Historic Preservation and Revitalization of the downtown district training. The design Committees goal is to bring more businesses in to the city as well as making it more attractive. Jeff Volter, Jr. will be on this committee; his concerns are with blight issues on the Avenue and the surrounding areas. Also, the nonconforming businesses that use storefront as storage, which in turn is not very attractive when traveling, down the avenue. Member Volter wanted to know what recourse there are to the storage issues in storefront businesses. Mayor Rankle is very appreciative of all the work going into this Committee. City Attorney Jack Fischer stated that he would check into the zoning laws, but if the business is storage then it is ok. City Admin Redmond stated with the quality of houses and business in Dayton, we should revisit the Historical zoning again, therefore we can find a fair way to protect our valuable resources. City Adm. Redmond is working with a group that would like to purchase the Masonic Lodge, there are some codes they have to meet, this building is subject to historic tax credits, Grants from Kentucky Heritage Council and US Department of Interior, but without having historical zoning it has been a real significant problem getting this building recognized. Historical Zoning is not all negative. We need to have a round table discussion and talk about the things significant to us. Member Volter feels that there was little response to Historical Preservation in the past. Danville and Bellevue are good model plans to meet needs. Mayor Rankle feels Member Volter should gather her information for this group to use as a reference. Dr. Cook noted that Main Street would have to approve all plans.

CITY ADMINISTRATOR'S REPORT:

City Administrator Redmond is working with two warring neighbors with three dogs. They have compromised and worked through their problems.

City Administrator Redmond asked the council to make a motion to make a matter of record that Dayton Planning and Zoning through an advertised public hearing voted unanimously to accept Phase I of the

Riverfront development and the one hundred forty two acres (142) with the condition of an interior traffic analysis and that the City of Dayton and Bellevue find an agreement to connect the walking/bicycle trail. There will be a meeting on July 9, 2008 to discuss this issue with some Bellevue officials. The Planning Commission will be notified of the outcome. Motion by Member Allen, seconded by Member Hurtt to record, file and make part of the record phase I of the Riverfront Development. Comments: Member Volter asked if this hinged on the Bellevue Meeting. City Adm. Redmond said no but Planning & Zoning want to know the outcome of the meeting. Mayor Rankle would like a firm commitment that the trail will connect. Motion carried—so ordered.

City Adm. Redmond talked in regards to the Two Hundred Fifty Thousand-dollar Grant we received for the downtown work that included 701 Berry, Klingenberg's building, demolition, landscaping, and some parking. We had a budget of Forty Five Thousand Dollars for 701 Berry and we brought the project in under Twenty One Thousand Dollars. We had a budget of Twenty Six Thousand Dollars for the clock and brought it in under Sixteen Thousand Dollars. This leaves about Thirty Thousand Dollars, which has an expenditure date of June 30, 08. It will be impossible to build a parking structure or lot by this deadline. We have decided that we should take the Thirty Thousand Dollars for a downtown plan with some pavement. We went to the Governors' Office and the State Transportation Cabinet to find out if we can use this money for Dayton Pike. We just finished with the curbs, sidewalk and gutters in the Seventh Avenue area.

Bobby Fuller stated that Dayton Pike is a work in progress. The road is stable and there is no slippage since the ravine has been filled in. He has contacted Bluegrass paving to amend last years paving contract. There has already been two change orders so this one will be the third change order which will not change the unit price of \$4.80 Sq. Yd. (which at this time is \$5.90), but there will be some extras for edge keys at Seventh Ave. and Riverpointe and through the intersection of Chateau. The edge keys will be an additional \$1,025.00 and the material adjustment for Gas etc. will be \$5,878.00. They are willing to come in and do the job. A&A Safety has given a price of \$1,250.00 to line stripe (double stripe) the entire length of Dayton Pike. This will include a double line from Lincoln down to Seventh Ave. and also some bad curves on Ervin Terrace. This brings the total to \$36,472.00. Member Ashford made a motion and Member Volter seconded the motion to repave Dayton Pike with extra grant money. Comments: There should not be any more heavy equipment traveling on Dayton Pike and we should have a twenty-five or thirty year road. Mayor Rankle said this would go over the existing blacktop. City Adm. Redmond stated that the grant money would not cover this project so we will use money from the General fund and the remaining money in the Infrastructure fund and about \$4,600.00 from Economic Development. Motion carried – so ordered.

Mayor Rankle and council discussed the subject of car-stops. Mayor Rankle would like to have the car-stop at one location only. After discussion council agree that car-stops would continue as is.

CONSENT AGENDA

Motion by Member Allen, seconded by Member Ashford to approve the minutes from May 6, 2008 council meeting as received. Motion carried – so ordered.

ORDINANCES & ORDERS

Second reading:

CITY OF DAYTON, KENTUCKY

2008- #8

AN ORDINANCE ADOPTING THE CITY OF DAYTON, KENTUCKY'S ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2008, THROUGH JUNE 30, 2009, & ESTIMATING REVENUES & RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.

This ordinance adopts the budget for Fiscal Year 2009 for the General Fund, Municipal Aid Fund, Park Board Fund, Park Tax Fund, Urban Renewal Fund, Sargent Park Fund, Sanitation District Reimbursement Fund, the Civic Club Fund, and the Infrastructure Fund.

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.

Motion by Member Boruske to approve Ordinance 2008#8 with the exception of a full discussion on Southbank, seconded by Member Gunning. Comments: Mayor Rankle agreed that we need to reevaluate the costs. Member Boruske stated that the support for TIF was not there from Southbank, the walking trail ended in Bellevue and did not continue into Dayton. Member Volter agrees that we need to find out what is in it for the City of Dayton.

City Admin Redmond agrees with Member Boruske, we are Associate members for \$2,000.00 per year and felt like a stepchildren, had an offer to come in as full partner at \$6,000.00 per year so we jumped at the chance. This year Dayton and Ludlow will go up to \$14,000.00, Covington stays at \$60,000.00, Newport stays at \$34,000.00 and Bellevue will decrease from \$21,000.00 to \$17,000.00. City Adm. Redmond recommends adopting the budget subject to no payment to Southbank until there is a complete discussion with the entire council. Motion carried—so ordered.

First Reading:

CITY OF DAYTON, KENTUCKY

2008 - #9

AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY RUNNING SOUTH FROM LOCUST AVENUE AND A PORTION OF SILVER STREET.

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

GROUP NOS. 30551/A3, 30551/A4, 41092/a1 & 41092/A4

PIDN NOS. 999-99-08-493.00; 999-99-08-444.00; 999-99-08-445.00

SECTION ONE: That an unnamed alley running South from Locust Avenue and that portion of Silver Street laying West of Locust Avenue be and they are hereby ordered closed and abandoned. The said rights of way are described as follows:

Situate in the City of Dayton, County of Campbell, State of Kentucky and lying at the northwest end of Locust Avenue, at the intersection of Locust Ave and Silver Street, being more particularly described as follows:

Commencing at a recovered 1/2" iron pin at the northwest end of Locust Avenue, lying on the west property line of a lot with the PID number of 999-99-09-144.00; thence from said 1/2" iron pin, South 21°34'57" West 23.62' to the actual POINT OF BEGINNING;

Thence leaving ACTUAL POINT OF BEGINNING for nine (9) calls: South 39°32'11" East a distance of 4.04 feet; South 47°13'11" East a distance of 197.73 feet; South 50°27'49" West a distance of 11.44 feet; South 39°32'11" East a distance of 300.00 feet; South 50°27'49" West a distance of 15.00 feet; North 39°32'11" West a distance of 475.00 feet; South 50°27'49" West a distance of 137.00 feet; North 39°32'11" West a distance of 25.00 feet; North 50°27'49" East a distance of 137.00 feet;

A copy of the plat of said rights of way is attached hereto and made part hereof by reference.

SECTION TWO: The City finds the above-described alleys are surplus property for public purposes. The City Attorney is directed and authorized to file an action in Campbell Circuit Court to have the said public right-of-way finally closed by judicial decree pursuant to the provisions of KRS 82.405.

SECTION THREE: Once the decree is rendered by the Court closing the said right-of-way, all plats and maps of the City of Dayton, Kentucky, including the official zoning map and all maps of the comprehensive plan of the City shall be considered amended to reflect said closing.

SECTION FOUR: Once the Court has rendered its final decree closing said public rights-of-way, a copy of said decree shall be filed of record in the Campbell County Clerk's records at Newport, Kentucky;

SECTION FIVE: The City Clerk shall notify Cincinnati Bell, Union Light, Heat, and power, and all other utilities, which may have an interest in the said property.

SECTION SIX 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:
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

Donna Leger, its Clerk

DEPARTMENT HEAD'S REPORT:

Donna Leger - Clerk / Treasurer, no report, everything running smooth.

Discussion regarding the passing of the City Auditor Jerry Hunt. City Admin Redmond said that the city is very pleased with Ryan Hunt conducting the Audit for the past several years and that the city will continue to honor the contract the City currently has.

Marvin Knobloch – Main Street Manager, said this Sunday the 22nd would be the Downtown Living Tour from 2-6 P.M., the Mainstreet Gala will be moved to the end of July. Tomorrow will be the Business owners meeting. Thank You to Bobby Fuller and Public Works for picking up and delivering the flowers to the Businesses in Dayton. This year was the largest donation of flowers.

Denny Lynn – Fire Chief, said that Lt. Henderson is retiring as of August 1, 2008. Also they are finished with the first round of interviews and will start the second round next week for the hiring of a Firefighter / Medic. Member Boruske wanted to know if there is consideration of a having a second squad. Chief Lynn responded with a yes, because of the growing communities of Bellevue and Dayton. Chief Lynn is working on a plan for the money. The adding of a second squad would require six more men and a squad with all the equipment that would cost approximately half a million dollars.

City Adm. Redmond and Council discussed the progress on the three burnt houses in the city, two on Third Avenue and one on Vine Street. Reverend Smith owns one home on Third Avenue and a lady who has been living with a daughter was in the other home on Third Avenue. She wanted to buy Mr. Smith's property and build a ranch home. But with insurance problems and other situations this did not happen. She will not be cited while she was in the process of rehabbing her home. But it has come to a time where we will send code violations and set time frames. Member Ashford feels that this lady has complied as best as she could, she deserves the benefit of the doubt. The Smith residence has put a fence up. Member Boruske feels the need to treat each as equal.

City Admin Redmond stated that Mr. Voet has been sent a letter asking for a deadline for the finish of his property on Vine Street. He would like to wait until the next Council meeting for a response from Mr. Voet to discuss this matter further, Member Volter agrees.

James Werner – Police Chief, said that Sergeant Antrobus attended a three-week command course. This was the 25th Class and Sergeant Antrobus finished with a 98.7, which was the highest grade of all the 25 classes. Dayton is very proud of Sergeant Antrobus. The authorization of a school resource officer resulted in three applicants, two of which did not qualify but the third interviewed very well. The candidate and I are going to meet Thursday with the Dayton Board of Education and I will recommend

this candidate. Mayor Rankle stated that there is a job description being written for this position. City Adm. Redmond said the city ordinance would be amended.

Bobby Fuller – Public Works, no report.

CORRESPONDENCES:

1. Note from Donna Peoples with Southbank thanking Marvin for all the work he did for Developers Day.
2. Note from Charles Dietz from Saint Bernard Church. A thank you to all for the assistance in their Corpus Christi procession.

STANDING COMMITTEE REPORTS:

FINANCE (MEMBER VOLTER): no report.

PUBLIC SAFETY (MEMBER ALLEN): no report.

PUBLIC WORKS (MEMBER ASHFORD): Floodwall looks great, parks look good, litter picked up throughout the city and all trashcans are kept emptied. Member Volter mentioned floodwall looking great and also Jeremy Lynn is a very polite employee and a great asset to the City. Also, the Monument looks wonderful with all the flowers. City Admin. Redmond noted that all the dead trees have been replaced.

PARKS & REAL ESTATE (MEMBER HURTT): Park board had a meeting and discussed Music Fest August 2, 2008 with three bands starting at 8P.M. and ending around Midnight. Kickoff at Noon with craft booths, cornhole tournaments and food. Member Hurtt would like to look at Newport's nuisance ordinance and discuss what Dayton already has and to adopt it to fit our needs.

PERSONNEL, LAW & PRINTING (MEMBER GUNNING): no report.

ECONOMIC DEVELOPMENT (MEMBER BORUSKE): no report.

Comments from the audience:

A representative from the VFW asked for permission to block Main Street between Sixth & Seventh Avenue so they could have their district picnic on August 9, 2008. Parking would be in the lot at Seventh & Main Street. The VFW representative said Bill Chandler spoke to all the neighbors and they agreed. Mayor Rankle offered the use of the park if they need it. Motion by Member Boruske, seconded by Member Gunning to block off Main Street between Sixth & Seventh Avenue for the VFW picnic. Motion carried – so ordered.

Todd Coleman spoke in regards to the Smoking Ban in the County. He does not approve and stated that he felt that there would be a significant amount of money lost for the individual establishments and possible closings due to patron decrease. He feels it should be up to the individual establishment. Member Ashford agrees.

Mayor Rankle stated for the record that the developers for Locust are selling lots and are still moving forward with this project.

Unfinished Business:
None.

New Business:
Member Hurtt wanted to mention the Northern KY Home Consortium, and that the first step in this process is to attend the "YES YOU CAN" program at Brighton Center. She also noted that next month she is going to put a list of the most frequently asked questions in the Dayton Community News. Application will begin July 1st.

Toni Daniel questioned the change of the zoning at Manhattan Harbor and wanted to know if any purchases of houses from O'Fallon to Walnut would be made. Mayor Rankle said the zoning changed approximately three months ago. The opening by the park will be bigger than at O'Fallon Ave. Maybe one or two house will be bought. The only developing in this particular area consisted of a modular wall

at the end of the floodwall up O'Fallon. City Adm. Redmond said currently there are no plans to acquire any more properties south of the floodwall.

Member Hurtt stated that the Utility Company put up a nice wall around the Electric Station on Walnut.

EXECUTIVE SESSION:

Mayor Rankle entertained a motion to go into Executive Session KRS 61.810 © discussions of proposed or pending litigation against or on behalf of the public agency. Member Boruske made the motion and Member Volter seconded it. Motion carried – so ordered.

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

ADJOURNMENT:

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

Respectfully submitted,

Joni Mallery
Clerk

ATTEST:

Kenneth E. Rankle
Mayor