

CITY OF DAYTON, KENTUCKY
COUNCIL MEETING
March 4, 2008

A regular meeting of the Dayton City Council was held on Tuesday, March 4, 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 Att. Fischer	present
Member Boruske	present		

MAYOR'S REPORT

Mayor Kenneth Rankle stated that he has been trying to coordinate the celebration of Halloween with neighboring cities, but this year Halloween is on Friday night. All the mayors are in agreement that Halloween should be celebrated on the actual holiday, but not this year due to football season.

Mayor Rankle asked that if you bring your pet to the Towne Centre, you please clean up after it.

CITY ADMINISTRATOR'S REPORT

City Administrator Dennis Redmond said that 501 Belmont was in bankruptcy and did not sell at the commissioner's sale. The bank had a vested interest in it, but did not respond, so the city, in the best public interest, is having it torn down. Mr. Redmond asked Council for permission to ask City Attorney Fischer to place a lien on the property. The cost to tear the house down will be between \$7-9,000. He has asked the legislators to do something about banks not putting real estate that they have repossessed in their own name.

Member Boruske moved to put a lien on 501 Belmont, and Member Gunning seconded. Motion carried.

Mr. Redmond said he went to Frankfort regarding HB 512 which changes TIF dramatically. TIF was passed in 2007 to allow the recapture of infrastructure costs. Applications for projects submitted before December 31st, 2007 are not in jeopardy. No application was submitted for our riverfront project. Mr. Redmond met with the Appropriations Sub-committee and bill sponsor Robin Webb. Representative Dennis Keene has introduced a floor amendment in the House which will allow our project to qualify; our developer has already spent 26 million dollars.

Mr. Redmond said there was an article in the Campbell County Community Recorder which stated that the YMCA Teen Center is closed. This is not true. Mr. Bill Burns commented that was a misquote and the paper will run a retraction.

Mayor Rankle said that he wanted to thank Senator Katie Stine for watching the TIF situation. Member Volter complimented Mr. Redmond on following the legislation and taking the appropriate action.

DEPARTMENT HEADS REPORT

Fire Chief Denny Lynn said the refurbished truck is up and running. The 1983 Sutphen has been declared as surplus property and will be bid out.

Mayor Rankle said there have been discussions about consolidating police and fire between the cities of Dayton, Bellevue, and Newport. Next the department heads will get together to see if it is realistic or not.

MAIN STREET

Main Street Manager Marvin Knobloch announced that the Main Street Association recognizes businesses and this month the Bank of Kentucky is "Business of the Month". The bank has been very supportive of the Main Street Program.

Mr. Knobloch said that Duke Energy requested the numbers of the poles which will hold the banners, so he walked to every pole and made a full report. He is now waiting for the permits to come back.

He also announced the Historic Tour of Churches will be held May 10th between 2-5 p.m.

The next business meeting will be held on March 19th at 12:00.

The Main Street Board has been working on Developer's Day.

Mr. Redmond announced that the food at the new Chinese restaurant is terrific.

PUBLIC WORKS

Public Works Superintendent Bobby Fuller said as soon as 501 Belmont is down, the Klingenberg building will be torn down. The benches have been removed from the Towne Centre. The alley won't be closed unless it has to be during the demolition..

KLC has inspected the Public Works garage, and it passed with minor infractions.

Mr. Fuller said that during the last few snowstorms Public Works had equipment breakdowns, and have taken appropriate steps to fix. Every city is in dire need of salt and we are due to get some in. Meanwhile we will get some from other municipalities. Last week, all vehicles were serviced. All mowers have been maintained. Public Works will be enforcing the ordinance requiring trash not be put out more than 24 hours before pickup. Mr. Fuller also asked that people clean up after their pets.

Mayor Rankle said that after the building is torn down, blue spruce trees will be planted behind Hansmans.

CONSENT AGENDA

Member Hurtt moved to approve the minutes of the February 5, 2008 city council meeting. Member Ashford seconded the motion. Motion carried.

CORRESPONDENCE

Request for permission to have to Memorial Day Parade on Monday, May 26th, has been received by Ms.. Dot Murphy. Motion to give permission by Member Volter, seconded by Member Ashford. Motion carried--so ordered.

ORDINANCES AND ORDERS

First Reading:

CITY OF DAYTON, KENTUCKY

2008- #2

AN ORDINANCE AMENDING THE CITY OF DAYTON, KENTUCKY'S ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2007, THROUGH JUNE 30, 2008, & ESTIMATING REVENUES & RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.

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

SECTION ONE That the annual budget for the fiscal year beginning July 1, 2006, and ending June 30, 2007, is hereby amended as follows:

Resources available:	General Fund	Municipal Road Aid
Fund balance forward	710,000 <u>1,010,084</u>	0 <u>56,774</u>
Estimated revenues:		
Property tax	943,000	
Licenses and permits	1,105,500	
Intergovernmental	47,020 <u>51,353</u>	89,900
Fines and penalties	56,500	
Charges for services	310,000	
Other	754,529 <u>756,354</u>	
Interest	22,000	
Total est. revenue	3,238,549 <u>3,244,707</u>	89,900
Total resources available for appropriation	3,948,549 <u>4,254,791</u>	89,900 <u>146,674</u>
Appropriations:		
General Government	440,591	
Police Department	904,400 <u>930,908</u>	
Fire Department	687,838	
Public Works	295,394 <u>305,694</u>	
Building Services	62,477 <u>70,682</u>	
Waste Collection	197,000 <u>210,000</u>	
Professional Services	1,388,627 <u>1,395,460</u>	59,900 <u>116,674</u>
Main Street	39,224 <u>346,049</u>	
Total appropriations	4,015,549 <u>4,387,222</u>	59,900 <u>116,674</u>
Excess of resources over/under appropriations	(67,000) <u>132,431</u>	30,000
Transfers from other funds	67,000 <u>132,431</u>	
Transfers to other funds		(30,000)
Estimated fund balances	-0-	-0-
	Park Board Fund	Park Tax
Resources available		
Fund balance forward	34,052 <u>64,285</u>	-0-
Estimated revenues:		
Misc.	19,300 <u>21,559</u>	
Charges for services		
Other		
Interest	300 <u>1,420</u>	
Property Tax		71,268
Total est. revenue	19,600 <u>22,979</u>	71,268
Total resources available for appropriation	53,652 <u>87,264</u>	71,268

Appropriations:		
Salary	10,000	
Utilities	5,634	
Operations	23,300 <u>20,364</u>	
Repair/Maintenance	14,734 <u>3,000</u>	
Misc.	200 <u>1,000</u>	
Capital Outlay	<u>49,015</u>	
Total appropriations	53,868 <u>89,013</u>	-0-
Excess of resources over/under appropriations	(-216) <u>(1,749)</u>	71,268
Transfers from other funds	34,268	
Transfers to other funds		(71,268)
Estimated fund balances	34,052 <u>32,519</u>	-0-

	Urban Renewal	Sargent Park
Resources available:		
Fund balance forward	374,767 <u>708,347</u>	33,195 <u>39,333</u>
Estimated revenues:		
Charges for services	29,323	1,500
Other (Interest)	20,000	400
Intergovernmental (Tea-21)	11,970	
<u>Intergovernmental (Downtown)</u>	<u>190,000</u>	
Total estimated revenue	61,293 <u>251,293</u>	1,900
Total resources available for appropriation	436,060 <u>959,640</u>	37,095 <u>41,233</u>

Appropriations:		
Capital Outlay	140,000	
Recreation		4,000
Debt Service		
Grant-Tea-21	11,970	
Total appropriations	151,970	4,000
Excess of resources over/under appropriations	284,090 <u>807,670</u>	33,095 <u>37,233</u>
Transfers from other funds		
Transfers to other funds		
Estimated fund balances	284,090 <u>807,670</u>	33,095 <u>37,233</u>

	Sanitation District	Civic Club
Resources available:		
Fund balance forward	87,052 <u>81,158</u>	3,047 <u>4,833</u>
Estimated revenues:		
Lease Payments		6,500
Charge for service		<u>4,000</u>
Other (Interest)	2,000	
Total estimated Revenue	2,000	6,500 <u>4,000</u>
Total resources available for appropriation	89,052 <u>83,158</u>	9,547 <u>8,833</u>
Appropriations:		
Capital Outlay	500	
Debt Service	33,623	
Misc		9,500 <u>7,000</u>
Total appropriations	34,123	9,500 <u>7,000</u>

Excess of resources over/ under appropriations	54,929 <u>49,035</u>	-47 <u>1,833</u>
Transfers from other funds		
Transfers to other funds		
Estimated fund balances	54,929 <u>49,035</u>	-47 <u>1,833</u>

	Infrastructure	CDBG
Resources available:		
Fund balance forward	36,176 <u>63,664</u>	-0-
Estimated revenues:		
Intergovernmental Interest	1,000 <u>1,767</u>	5,000
Total estimated Revenue	1,000 <u>1,767</u>	5,000
Total Resources Available	37,176 <u>65,431</u>	5,000
Appropriations:	30,000	
Total Appropriations	7,176	-0-
Excess of resources over/ under appropriations		
Transfers from other funds		
Transfers to other funds	<u>65,431</u>	
Estimated fund balances	-0-	-0-

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk
CINCINNATI/145853 v.01

All of the appropriations subcategories above are for information only and not for specific appropriation. Appropriations in one subcategory may be transferred to another subcategory. Only the totals under appropriations are meant to be the limit of expenditures allowable under this budget.

SECTION TWO: This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded and published and become law at the earliest possible time.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: March 4, 2008
Second Reading: April 2, 2008

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, Clerk

CITY OF DAYTON, KENTUCKY

2008 - #3

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 and S-19 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:
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

CITY OF DAYTON, KENTUCKY

2008 -#4

AN ORDINANCE AMENDING THE DAYTON CODE OF ORDINANCES CHAPTER 110, SECTION 110.29, ELIMINATING THE EXEMPTION FOR MINISTERS OF RELIGION.

Whereas, the Kentucky Supreme Court has found that cities which impose an occupational license fee for the privilege of conducting business with that city may not exempt ministers of religion and that such an exempt would cause the entire license fee to be unconstitutional,

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

SECTION ONE: That portion of City of Dayton, Kentucky Code of Ordinances Chapter 110, Section 110.29 is hereby amended as follows:

(A) Because of the undue burden of administration, no license under this subchapter shall be required of domestic servants employed in private homes.

~~(B) No license shall be required of a minister of religion who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect, or religious organization, to teach and preach its religious doctrines or to administer its rights in public worship in the performance of one or more of those duties. However, it is not intended to exempt an ordained minister of religion from the necessity of paying a license fee for work done or services performed in the city in activities not connected with his regular duties as a minister of religion.~~

~~(1) No church, religious congregation, or religious society of any creed is required under the terms of this subchapter to withhold or deduct any sum for the wages, salaries, commissions, or other compensation due by the church, religious congregation, or religious society to its employees as salaries, wages, commissions, or other compensation. However, this failure to withhold by these employers of such license fees shall not relieve the employees of the church, religious congregation, or religious society from the payment of license fees required by this subchapter.~~

~~(2) Nothing in this section shall be construed to mean that employees of any church, religious congregation, or religious society of any creed (except duly ordained ministers) shall be relieved from the payment of an occupational license fee in compliance with all regulations established by the City Clerk/Treasurer with respect to making returns and payment of said fees.~~

SECTION TWO: This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, and become law at the earliest possible time.

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

City Attorney Fischer said that there was a suit filed in Boone County. If we don't change our ordinance, the whole ordinance will be unconstitutional due to a Supreme Court ruling.

CITY OF DAYTON, KENTUCKY

2008- 2R

AN ORDER APPROVING AN ASSIGNMENT AND ASSUMPTION AGREEMENT AMONG JENNIE F. SCHLOSSER ("SCHLOSSER"), PURE SUPPLY, INC., A KENTUCKY CORPORATION ("PURE"), JENSONS INVESTMENTS, INC., A KENTUCKY CORPORATION ("BONDHOLDER"), CITY OF DAYTON, KENTUCKY, A MUNICIPAL CORPORATION ("DAYTON") AND THE HUNTINGTON NATIONAL BANK

WHEREAS, certain industrial revenue bonds were issued by the City in 1993 known as the W&B Realty project; and

WHEREAS, the lease subject of the bonds was assigned in 1996 to Jennie Schlosser and the bonds were assigned to Jenson Investments, Inc.;
and

WHEREAS, the said Jennie Schlosser desires to assign her interest in the lease to Pure Supply, Inc., and Jenson Investments, Inc. approves of such assignment;

CINCINNATI/145853 v.01

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, THAT:

SECTION ONE: For the reasons stated above, the City of Dayton, Kentucky, approves the Assignment and Assumption Agreement between and among JENNIE F. SCHLOSSER ("Schlosser"), PURE SUPPLY, INC., a Kentucky corporation ("Pure"), JENSONS INVESTMENTS, INC., a Kentucky corporation ("Bondholder"), CITY OF DAYTON, KENTUCKY, a municipal corporation ("Dayton") and THE HUNTINGTON NATIONAL BANK which Agreement is attached hereto and made part hereof by reference.

SECTION TWO: The Mayor and any other city officer is hereby authorized to execute such Agreement and other documents necessary to give effect to this provision.

SECTION THREE: 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 4th day of March, 2008.

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

City Attorney Fischer explained that one individual who is holding the bonds and lease to TQ wants to transfer her interest to her brother.

ROLL CALL:

Member Volter	aye	Member Allen	aye
Member Boruske	aye	Member Ashford	aye
Member Gunning	aye	Member Hurtt	aye

Motion to approve Resolution No. 2008 #2R carried--so ordered.

STANDING COMMITTEE REPORTS

Finance (Member Volter): No report.

Public Safety (Member Allen): Member Allen said that a resident has requested a reflective stop sign at the intersection of Rose Drive and Dayton Pike. Mayor Rankle said Public Works Superintendent will order the signs. Grant Park has installed new signs and posts. The city will replace the wooden signs from Chateau Drive to Dayton Pike to be identical to the new ones.

Public Works (Member Ashford): Member Ashford said that the guys are doing a good job.

Parks and Real Estate (Member Hurtt): The Park passed the KLC inspection. Member Hurtt said the flags were removed at the end of the season because they get damaged during the winter months. A new one has been ordered. There will not be Mary Ingles Days this year, but the city will revisit it next year. The Pet Fair will be held again this year on April 26th. The Homes Consortium meeting which was to be held on February 21st was canceled due to weather.

Personnel, Law and Printing (Member Gunning): No report.

Economic Development (Member Boruske): No report.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Mayor Rankle stated that the Campbell County PVA has reassessed property in the city.

Mr. Bill Burns stated the dumpster at Dayton Square Apartments is not big enough to be adequate and asked that it be put back toward the alley. Member Volter responded that it needs to be located so the trucks can get to it. He also said the American flag at the Monument needs to be replaced, along with the Prisoner of War flag.

Mayor Rankle recognized Titus Byer of the YMCA Teen Center. Last Wednesday the first senior computer class was held. Mr. Byer said that the youth would like to form a mayor's advisory council, so they could see that the city does care what the youth thinks.

Mr. Klosterman asked if the riverfront development would affect his home. Mayor Rankle said that once the plans are present, we will know more. We really don't know right now.

Mayor Rankle recognized Mr. Larry Butler, owner of 904 Walnut. The property is in a single family zone. We have the property listed as a one-family because he pays one rental and one waste. He would like the two-family use back. Motion by Member Ashford, seconded by Member Hurtt to allow the two-family use if Mr. Butler pays back waste, back rental, and penalty and interest for seven years. Mr. Butler stated he is willing to pay. Mr. Redmond explained to him how much this has cost the city.

ROLL CALL

Member Boruske	nay	Member Ashford	aye
Member Gunning	nay	Member Hurtt	aye
Member Allen	nay	Member Volter	aye

Mayor Rankle broke the tie vote by voting aye, and the motion carried--so ordered.

Mayor Rankle recognized Mr. Mike Swango who mentioned that the railing is missing on the 10th Street steps. There is a lot of trash around that needs to be picked up. Mr. Swango complained that the transition away from the cable board has not been a smooth one. Mr. Redmond stated we are saving \$40,000 a year and we have not missed televising a council meeting. He said a little more patience and we'll be up and running in the next 60 days.

EXECUTIVE SESSION

Member Volter moved to go into executive session for the purpose of KRS 61.810 (2) Deliberations on the 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. Member Hurtt seconded the motion. Motion carried--so ordered.

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

Motion to adjourn by Member Boruske, seconded by Member Ashford.

Meeting adjourned.

Respectfully Submitted,

Barbara Washington

ATTEST:

Mayor Kenneth E.Rankle