

CITY OF DAYTON, KENTUCKY  
COUNCIL MEETING  
MARCH 3, 2009

A regular meeting of the Dayton City Council was held on Tuesday, March 3, 2009, 7:00 p.m. in the Council Chamber of the Dayton City Building. Mayor Rankle opened the meeting with a silent prayer and Pledge of Allegiance.

ROLL CALL:

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

MAYOR'S REPORT:

The TIF Bond vote was delayed in January because of the weather. Then the vote was to be in late February but that was delayed. City Officials went to Frankfort, now the TIF vote has been delayed until the end of March. The board members in Frankfort had a lot of questions. The staff members recommended putting the vote off until the end of March so all their questions could be addressed. We met today with investors from Portland Oregon.

Mayor Rankle welcomed Gary Rye, Supt. of the Dayton School System. Mr. Rye thanked council and the city workers for all the help they receive with snow removal. The help the school gets from the city helps us know our kids will be safe. Many of the children walk to school. Mr. Rye also thanked the city for the support of the SRO Officer. Thanks to Chief Werner for his help. Chief Werner's selection for an SRO Officer was top notch. Mayor Rankle thanked Mr. Rye for all his help with Gil Lynn Park.

CITY ADMINISTRATOR'S REPORT:

Request for a handicap parking space from Earl L. Iles, Sr., 406 Berry Avenue. Mr. Iles does qualify and City Adm. Redmond recommended approval. Motion by Member Boruske, seconded by Member Gunning to approve the handicap sign for Mr. Iles. Motion carried—so ordered. City Adm. Redmond said this makes 59 handicap signs in the city. We use to have over 70 until council made some changes.

A contractor working on Covert Run would like to park equipment in the Sargeant Park parking lot until the job is completed. Council was okay with this.

In the 2003/2004 storm sewer easement from Mr. Ranshaw, it says if the Ranshaws ask the city to ask Planning & Zoning to rezone a portion of land council would agree. Council agreed to do this so council needs to ask Planning & Zoning to rezone for the purpose of a storage facility. Member Ashford said he is dead against it – no way. City Adm. Redmond recommended that a motion is made and we honor our commitment and ask Planning & Zoning to review the request. That does not mean we can't speak up and express how we fell about the rezoning. But we must keep the promise we made. Member Ashford said he feels this is a major mistake. City Adm. Redmond said the only worst mistake to make is for someone to questions the integrity of this council. Motion by Member Volter, seconded by Member Gunning to ask Planning & Zoning to review this request. Member Volter would like everyone to be made aware of the date and time of the meeting.

ROLL CALL:

Member Ashford	Nay	Member Boruske	Aye
Member Brooks	Aye	Member Gunning	Aye
Member Volter	Aye	Member Allen	Aye

Motion carried—so ordered.

On Thursday at 5:30 p.m. Southbank will be giving a presentation at the Convention Center. This will affect all the river cities. There was an article in the Sunday paper that Southbank had some news about the stimulus. City Adm. Redmond will be going to the meeting and would like some of council to go. Mayor Rankle said we need to go and be boisterous.

ORDERS & ORDINANCES:

First Reading of 2009#1

**CITY OF DAYTON, KENTUCKY**

2009 -#1

**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, S-19 and S-20 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

**CORRESPONDENCE:**

Letter from Tom Schwartz thanking Officer Tara Howard.

Letter from the William's Family thanking Officer Ben Wiesner.

Note from Mrs. Ackerson and Tony Daniels thanking the public works crew for the great job they did on snow removal.

Letter from Lila Rogg agreeing with the purchase of the police car and public works truck in December 2008, but disagreeing with a decorative street light on Lynn Drive which has underground wiring. Ms. Rogg also thanked Council Member Ashford for sticking up for the citizens.

**CONSENT AGENDA:**

Motion by Member Allen, seconded by Member Brooks to approve the minutes from the February 3, 2009 council meeting as received. Motion carried—so ordered.

#### DEPARTMENT HEAD'S REPORT:

James Werner, Police Chief, said he is doing the best he can with the manpower he has. He would like to increase the man power in the Police Department. Pete Schierloh was hired this month and we will have another officer on the streets by August. Chief Werner said he will ask for another person in next year's budget. His goal is to hire a fulltime investigator.

Mayor Rankle asked about the procedure when contractor's park trucks and trailers on the city streets. Chief Werner said parking a trailer on the street is prohibited unless someone is actively using the trailer. There is no place in the city where a trailer is allowed to be parked. We give a day or two for the trailer to be moved and then it's towed. If someone is using the trailer for an active job, that is acceptable.

Dennis Lynn, Fire Chief, said everyone should have a copy of his report. Member Ashford said they talked about the Fire Department back pay at the last fire board meeting and the attorney does not think this issue will be a problem. It does not apply to the city.

Bobby Fuller, Public Works, said the Sanitation District is selling rain barrels. The sale lasts until March 23, 2009. This is to promote "Green Cities". Dog Stations have been put along the floodwall and at the monument. These are garbage bag dispensers so people can cleanup after their pets. We now have a recycling bin in the rear of the parking lot across from the city building. You can put cardboard, plastic 1 or 2, tin cans, glass, newspaper, magazine and phone books in the recycling bin. Please remove all lids and rinse out the containers.

#### STANDING COMMITTEE REPORT:

Finance (Member Volter):  
No report.

Public Safety (Member Allen):  
No report.

Public Works (Member Ashford):  
No report.

Park & Real Estate (Member Brooks):  
The park board met last night and would like to ask council if they would agree to pay ½ of the insurance premium on the park board pickup truck, since public works also uses the truck. The annual cost of the insurance is about \$2,000. Member Ashford said this is a perfect truck for public works. The truck has a lift and public works has used it several times. Bobby Fuller said the park truck is used for litter; the lift gate does come in handy. Member Ashford said this would be fair to the park board, if the city pays half of the premium. Member Boruske asked Bobby Fuller how often the truck is used. The truck is used to pickup dead deer, installing garbage cans and Bill Allen uses the truck when he's working. City Adm. Redmond does not like spending more for the insurance than the vehicle is worth. The park board is a blessing to the city. Public Works is now doing the maintenance to the park truck. The decision made was the park board would reimburse the city \$10,000 per year and they would not keep the truck. We have tried to get different insurance on the truck but we could not get another company that has any interest in insuring our vehicles. City Adm. Redmond said his professional opinion is we have plenty of trucks. A deal is a deal. I would not recommend it just for picking up a deer or two. Member Ashford said public works has four pickup trucks. Bobby Fuller said if Mr. Bill was here right now someone would have to drive the Kodiak. Member Ashford does not feel the Kodiak should be used to pickup litter and run around town. Motion by Member Ashford to pay for ½ of the insurance, it's only fair. Member Volter asked how much the truck was used. Bobby Fuller said we've used it several times. Member Volter seconded the motion with the comment; if we decide not to have a part time person we'll reconsider. Member Boruske said the only thing we're taking about is the insurance. The deal was the park board would pay the insurance, right now the truck is not being used, Bill is not working. Bobby Fuller said the truck was used today. It's used an hour or two several times during the week. City Adm. Redmond asked for a compromise, we'll pay approximately \$300.00 for four months this fiscal year until the new budget. This will give City Adm. Redmond four months to figure out a truck to be used by everyone, even Terry Baute, Codes Director. Member Ashford and Member Volter amended their motion to pay the \$300.00 this fiscal year. Mayor Rankle said if Mr. Bill does not return to work we will be hiring someone part-time. Motion carried—so ordered.

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

Economic Development (Member Boruske):  
No report.

PETITIONS:  
None.

UNFINISHED BUSINESS:  
The Campbell County Spring Litter Clean-Up and abatement is March 27, 28 and 29.

Member Volter said a business at 627 Monmouth, Newport, takes any paint.

Rufus thanked City Adm. Redmond and the city workers for cleaning up the underpass on Ervin Terrace, it was bad. The light at the bridge is barely on, he called the city. He is in support of the lights on the hill. It's a matter of safety. If anyone has scrap paint that is not over 3 years old he will take the paint.

What about the light at Chateau & Dayton Avenue? A work order has been issued. They think the wires maybe of been cut when Grant Park was started.

Bill Burns asked what would happen to the Riverfront if the Tif Bonds are not approved. Mayor Rankle feels we will get the Tif. Is the whole project depending upon Tif? No. There are other ways. Tif is almost like free money. The developers don't want to do a thing until that is approved. City Adm. Redmond said with DCI we want to make sure all the infrastructure is in place. Tif is so important. The infrastructure will cost \$120,000,000. This does not include any buildings, only streets, sewers, gutters, parking lots, etc. The State is questioning whether the 2,200 residential units is Economic Development. The state income tax of people moving into the Tif District goes to pay off the bond, that's economic development. They've reconstructed what our argument is; I think we're going to get to the finish line. It's time the state took a little interest in Dayton. The city still owns all the property along the Riverfront.

AUDIENCE:

Lila Rogg, Clark Street, asked if a street light can be put at the Clark Street Park. City Adm. Redmond asked if there was a pole in that area. If there is a pole it will be a lot easier.

Cathy Gordon, 300 block of Fourth Ave., read in the October or November, 2008 minutes that 50% of the property in the area between O'Fallon and Berry Avenue, is deteriorated and below income level. Where is this property? I'm trying to understand the information you're putting into the minutes. City Adm. Redmond said an inventory of the entire area was done. Yes, we can say that 50% of the homes are blighted. Ms. Gordon said of 407 PVA records, the PVA only listed 16% of the property in less than good condition. Member Volter said the PVA wants all the property great, they're taxing on this value. City Adm. Redmond said it's our opinion there are a substantial number of structures that would be considered as blight. Ms. Gordon asked if 50% of the people have received notices. City Adm. Redmond said he can't say for sure. Ms. Gordon said it's the obligation of the city to enforce this. The city sent out 1800 violation letters in 2008. Mayor Rankle said blighted could be just a busted window, a house that needs painted, some of the blight is not real bad. Ms. Gordon said she wants to protect her property rights. Ms. Gordon asked if the city has investigated the developers. It's your legal obligation. City Adm. Redmond said the developers have spent over sixteen millions dollars. We've had four open meetings. One thousand man hours and thousands of dollars have been spent. Do you doubt the people we're working with? Ms. Gordon said she did not have enough information to date. City Adm. Redmond told Ms. Gordon he respected her position but she has cast an impression on innocent people.

Terry Rashe, Woodlawn, restores and rehabs investment property for people to live in. He has investors ready and willing to invest in blighted property. Who can I speak with about finding homes? Does the city have a list? City Adm. Redmond said we have blighted property, foreclosures and properties that need attention. We have the RayMee Building at Sixth & Berry Ave. that needs immediate attention.

Penny Hurtt, presented council with a plaque for Outstanding Service and Dedication from The Northern Kentucky Home Consortium. If residents want to get on the list for the next funding cycle now is the time. The city ended up with four homes that closed in Dayton. We had our fair share. Penny would like to get Dayton into CHODO. The Community Housing Development Organization. This organization fixes up the property and owns the property. They rehab and lease to own. There is also HONK – Housing Opportunity of Northern Kentucky. They fix up, maintain, and eventually the property is owner occupied. Penny will give City Adm. Redmond the phone number. Mayor Ranke thanked Penny for her efforts.

Joe Neary, 10 Sargeant Drive, said he loves his neighborhood. It's quiet and nice. The city recently passed a motion, a little too quickly, that will affect my life. The lights on Lynn Drive. I have a street light on Sargeant Drive and I don't like it. They said it's a safety issue. Lights don't stop crime. My car was broken into under a light. The city started a dangerous precedent. Don't you have to bid out any job over \$20,000? City Att. Fischer said yes, if a project comes back at \$20,000 or more it will be bid out. Mayor Rankle said he will not spend the money until the city receives an estimate. Mr. Neary asked that council rescind the motion until they receive a firm cost. Mayor Rankle said the city has a cost. City Adm. Redmond said to put a light on the existing pole at Lynn & Lincoln Road will cost \$1,550. To put a light at the end of the street including trenching and conduit will cost \$2,650. What is the next step? Council will be given this request again tonight with the cost. Member Boruske said every citizen who lives on that street signed the petition and requested two streetlights. Lynn Drive is totally dark. Member Ashford, who owns a lot on Lynn Drive, said he did not sign the petition. I have not signed and never will. Member Ashford said the covenant of the sub division does not allow lights. Member Ashford asked if the city can override a deed restriction. City Att. Fischer said sub division regulations are the rules of the city. Later on the city can change their mind. If its deed restricted the city cannot change that. Member Ashford said he can understand the light at the intersection but not the decorative pole light. Member Volter said now precedent has been set. Member Brooks feels if you have a legitimate reason, a good reason, he understands. It's a safety issue.

John Hartman, Belmont Road, asked to address the Ranshaw Property. The only ones allowed storage sheds are the Industrial Park. I don't think it will be approved. It's not zoned properly.

Jeff Volter, Sixth Avenue, said he has would like to address the property at Sixth & Ervin Terrace, Virgil's property. He's concerned about the property, business practice and zoning ordinance. It's been two and half years since the Avenue Carry Out was torn down. Since then there has been a gravel lot. The zoning for the CBD requires a paved and market lot. The parking of vehicles outside is unsightly at times, some wrecked some not, regulations prohibit salvage materials, and junk should not be stored out in the open. In an automotive service center all business activities should be conducted within a closed building. The bay doors are open, loud noise and odors. There should not be an existing business that produces that noise and odor. Mayor Rankle asked Member Boruske if he would like to address the issue. Member Boruske said no comment. Nancy Martin said Radac is the worst. She lives on Sixth Avenue and can smell odors from Radac. Virgil's place is the most decent looking business in town. It should be for all, not just one. City Adm. Redmond said it's his responsibility and he takes full responsibility. The theory is the building was torn down, the Boruske's took the proper channels, and they still have a good and active building permit. In our pending incidents we have never forced the law to the letter. My opinion was then they were going to build and we could not enforce. Personal family problem delayed the project. I'm not going to treat Mr. Boruske any different. WillowGreen parked on gravel lots. Yes, I think the time is up. Member Boruske said he will not discuss this at a council meeting. Member Boruske said concrete has been put into several spots. I've made an honest effort to move cars, currently there are no cars on the lot and no one ever works on cars outside. Mayor Rankle said the city will send a letter to Mr. Boruske. Member Boruske said when you start the gravel issue; you need to look at the rest of the lots in the city.

Member Boruske said everyone who lives on Lynn Drive wants the light. Member Brooks said part of the reason for the light maybe safety for their children, there is potential for abduction in a wooded area. Member Ashford said they all have porch lights. The city should not pay the \$2,600. Chief Werner was asked what he thinks about lights. He said there has only been one incident in this area but lights are a deterrent. One place we need lights is in the parking lot across the street. The crime on the hill is insignificant. Member Boruske said the streets light are not for car break-ins they're for safety. Mayor Rankle disagreed. Member Boruske said Mr. Halfhill brought a paper to him with signatures and asked if he would take it to council. The paper was given to me and everyone living there wants the lights. Motion by Member Boruske, seconded by Member Gunning to install two lights on Lynn Drive for \$4,200.00 with the money coming out of the Economic Development Fund.

**ROLL CALL:**

Member Brooks	Aye	Member Gunning	Aye
Member Volter	Nay	Member Allen	Aye
Member Boruske	Aye	Member Ashford	Nay

Motion carried—so ordered.

Request to have the 80<sup>th</sup> Memorial Day Parade on May 25, 2009. Motion by Member Ashford, seconded by Member Volter to approve the Memorial Day Parade. Motion carried—so ordered.

Mayor Rankle entertained a motion to go into executive to discuss KRS 61.810 © discussions of proposed or pending litigation against or on behalf of the public agency (k) meetings which the Constitution provides shall be held in secret. Motion carried—so ordered.

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

Council will hold a special meeting on Tuesday, March 10, 7:00 p.m. to amend various ordinances to include updates to the National Building Code, National Electrical Code and International Property Maintenance Code and executive session for litigation.

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

Respectfully submitted,

Donna Leger  
Clerk/Treas.

ATTEST:

Kenneth E. Rankle  
Mayor