

City of Dayton, Kentucky
Council Meeting
April 7, 2009

A regular meeting of the Dayton City Council was held on Tuesday, April 7, 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	absent
Member Boruske	present		

Mayor Rankle introduced Mr. Bill Scheyer, President of Southbank Partners, which includes Covington, Newport, Bellevue Dayton, Ludlow, and Ft. Thomas. Mr. Scheyer stated he was here to ask City Council for a contribution in order to hire a consultant who will help Southbank obtain federal funding. One hundred thousand dollars has already been raised for a Reconnaissance Study, which was performed by the Army Corps of Engineers. Every city that has developed its riverfront is popular and other development has taken place. With an expanded vision, this riverfront can be a true benefit for the entire region. The current plan is to include the Licking River, Devou Park, Boone County, and to connect to Cincinnati. The goal is to make this the most exciting riverfront experience in the Midwest. It will be a new way of living, thinking, and connecting our community. We will be a very powerful group when we come together. We need to ask how big, how significant we want to be, if we stand together and work together. The presentation has been shown to Triad, Vision 2015, and the Chamber of Commerce, and we will continue to tell the story to get the community on board.

We looked at six consulting firms. We have chosen 2020 Strategies whose principal is retired from Congress. Also with the firm is a lobbyist, Mike Parker who has worked for the Army Corps of Engineers and is a former Congressman. He was instrumental in obtaining the funds for the Reconnaissance Study. The firm has experienced staff people. They are non-partisan with good connections in the House and the Senate. We will have help on the local level and in Washington. Member Volter said there will be no better time because of the stimulus money available now. Mr. Scheyer noted that the federal government wants projects that are multi-jurisdictional. Mr. Scheyer said Southbank is asking its partner cities to make a one-year commitment as follows: Dayton, Ludlow and Ft. Thomas, \$5,000; Bellevue, \$10,000; and Newport and Covington, \$30,000. Southbank is asking the cities for 25% of the target amount. Southbank already has \$150,000 in pledges from developer, the Port Authority, Campbell County Progress Authority, and the Newport Aquarium. The first step was the Reconnaissance Study; the next step is a feasibility study. Dayton and Ludlow will be included in the feasibility study even though they weren't members of Southbank at the time of the Reconnaissance Study. Mayor Rankle informed the audience that he and Member Volter fought to have Dayton included in Phase I; it was originally included in Phase II. The development will come to our city. Member Volter motioned to pay Southbank \$5000 as our part of the consultant's fee, to come out of Economic Development. Member Ashford seconded the motion.

ROLL CALL:

Member Volter	aye	Member Allen	aye
Member Boruske	aye	Member Ashford	aye
Member Gunning	aye	Member Brooks	aye

Motion carried—so ordered.

CITY OF DAYTON, KENTUCKY
2009-7R

AN ORDER AUTHORIZING THE CITY TO ADOPT A MEMORANDUM OF UNDERSTANDING.

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

SECTION 1: That the City of Dayton hereby adopts a Memorandum of Understanding with the Kentucky Commerce Cabinet and Kentucky Infrastructure Authority to retain a financial consultant to review the Manhattan Harbour Tiff program for a fee \$47,000. A copy of the Memorandum is attached hereto and made part hereof by reference.

SECTION 2: The Mayor and any other necessary city official is authorized to sign said Memorandum.

SECTION 3: 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 7th day of April, 2009.

CITY OF DAYTON, KENTUCKY

By _____
Kenneth E. Rankle
Mayor

ATTEST:

Donna Leger, its Clerk

Motion by Member Ashford, seconded by Member Volter, to approve Order No. 2009-7R as read.

ROLL CALL:

Member Boruske	aye	Member Ashford	aye
Member Gunning	aye	Member Brooks	aye
Member Allen	aye	Member Volter	aye

Motion carried—so ordered.

Mr. Scheyer announced that Dayton was the first of the partner cities to make a commitment.

Mayor Rankle introduced Mr. Chris Novak, Assistant General Manager /Director of Capital Improvement Projects of Sanitation District No. 1. Mr. Novak discussed the need to eliminate sanitary sewer overflows and to control combined sewer overflows in order to comply with the Clean Water Act. The traditional approach is not affordable and will not significantly improve water quality. He explained SD1's watershed approach, which will save money and will improve water quality. He also discussed the River's Edge Interceptor Replacement Project done precipitated by Dayton's planned riverfront development.

Mayor Rankle stated that he felt Dayton has borne the brunt of the EPA compliance. We lost a playground, road, and fishing area. He asked if anything is holding SD1 up now. Mr. Novak replied there is nothing holding SD1 up now. Mr. Bill Burns asked about rate increases. SDI establishes a rate and is not subject to the Public Service Commission regulation. A rate increase of 15% has been approved for FY 2010 and FY2011 and is projected to rise 15% a year through FY2014.

When asked, Mr. Novak answered that SD1 takes care of everything below the grate on a storm sewer, and it is the highway department's responsibility to replace sewer grates that are stolen. Mr. Redmond stated that we disagree with your definition of a storm sewer.

Mayor Rankle make the following appointments: Helen Rogers to the Housing Board; Joseph Neary to the Board of Adjustment; Karen Strickley to the Ethics Board; Terry Brummett, Vic Boruske, Monte Rogers to the Planning and Zoning Board; Barbara Gibbons and John Williams to the Code Enforcement Board; Hank Boles to the Park Board, and Ann Kneipp to the Parking Citation Board..

Member Allen moved to approve the appointments and Member Ashford seconded the motion. Motion carried—so ordered.

PETITIONS:

April is Child Abuse Awareness Month. Representative from Rivernuts asked permission to block off Seventh Avenue on April 25th in order to have room for bikes to park after their 100 mile-run. Member Ashford said the area was cleaned up well after last year's event. Mr. John Williams asked for permission to use the parking lot across from the VFW for a Vietnam Vets event, also on April 25th. Member Ashford motioned to accept both events; Member Brooks seconded the motion. Motion carried—so ordered.

Residents living at 3rd Avenue and Ervin Terrace stated that balls are hitting houses from a small open area that is 43 x 79 feet. They asked for a sign to be put up stating no ball playing. Mayor Rankle stated it should be a common sense issue. Member Allen motioned to put up a sign stating 'no hardball or baseball activity. Member Ashford seconded the motion. Motion carried—so ordered.

Mr. Klosterman expressed thanks for the net being put back at Gil Lynn Park.

Mr. John Williams said he will bring the City a new POW flag for the monument flagpole.

Mr. Bill Burns asked if the retention ponds at Grant Park will be fenced in. City Administrator Redmond stated the ponds will not be more than 18 or 19 inches deep, and they will not retain water longer than 4 hours.

Resident from 909 Lincoln Road stated new blacktop is cracking. City Administrator Redmond said we will put sealer on it.

Mr. Tom Schwartz stated Opening Day for Dayton Youth Baseball is May 16th. He asked for a car stop on Friday, May 1st between 4-8:00, and on Saturday between 10-3:00. There was no objection from Council to this.

Mr. Terry Rashe stated he had 10 investors interested in purchasing foreclosed and blighted property. He asked about questions about various programs: City Administrator Redmond advised him we have no façade grants at this time; we do have a rental conversion program at \$1500 per unit; a parking grant for creating 2 new rear and non curbed parking spaces with a maximum of \$500.00; no matching streetscaping grants but we are open to the idea; we do have lists of tree species prepared. We do not have a list of blighted properties, other than what we furnish to the PVA for taxing purposes. Mr. Rashe will come in to look at our files.

Ms. Cathy Gordon said she is interested in protecting her property rights, and has started a property-owner group called "We Live Here". She asked about Phase II of the project. Mr. Peter Klear of Campbell County Building and Zoning explained that Phase I is an overall general plan, and Phase II is a more detailed plan. There is no plan for additional ground. The original agreement with the developer called for residential, commercial, rental, and healthcare on 140 acres. Mr. Redmond stated that we have no intent to impose eminent domain. Ms. Gordon asked why then state blight? Mr. Redmond said blight was used to determine if Dayton qualifies for TIF. Mr. Redmond apologized for being rude and frustrated at last meeting because he didn't understand what she was asking. Ms. Gordon stated she is concerned because her home is in the bowels of the development, so to speak, and it will obliterate views and impact life. Mr. Redmond said the city gave notice of public

meetings regarding the development, and explained publication requirements. Ms. Gordon suggested the city use its web site for informing residents of meetings. Mayor Rankle told Ms. Gordon she will receive notices of meetings if she gives Donna her name and address.

MAYOR’S REPORT

Mayor Rankle stated the recycling dumpster is working.

Our council meetings are now shown every night at 7:00, Monday through Friday.

Ms. Lisa Klette, a middle school teacher, received a \$10,000 grant for planning daylilies; she received \$5,000 for herself and \$5,000 for beautifying the area around the school.

The TIF Board met on March 26th, and approved a \$109 million grant for infrastructure which includes public parking. We have 6 years to sell the bonds. They also pre-approved \$260 million. Mayor Rankle said he is 95% certain our development will happen. The next step is that the developer needs to pay \$47,000 for the state to ascertain that the project does qualify for TIF financing. C & M Investments is very excited about the project, and is looking at vacant property to buy in the city.

The Easter Bunny will be at the park at 1:00 on Saturday afternoon

CONSENT AGENDA

Member Allen motioned to approve the minutes of the March 3, 2009 meeting and Member Brooks seconded the motion. Motion carried—so ordered.

SECOND READING:

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

Member Volter moved to approve Ordinance No. 2009-1 as read, and Member Brooks seconded the motion.

ROLL CALL:

Member Gunning	aye	Member Brooks	aye
Member Allen	aye	Member Volter	aye
Member Ashford	aye	Member Boruske	aye

Motion carried—so ordered.

FIRST READING:

CITY OF DAYTON, KENTUCKY

2009 -2

AN ORDINANCE AMENDING CHAPTER 150, SECTIONS 150.16 OF THE DAYTON CODE OF ORDINANCES SETTING BUILDING PERMIT FEES.

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

SECTION ONE: The Dayton Code of Ordinances Chapter 150, Section 150. 16 is hereby amended as follows:

The Campbell County building permit fee schedule, as amended from time to time, is hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the fee schedules and any amendments thereto shall be placed on file in the office of the City Clerk/Treasurer where they shall be available for public inspection during normal business hours. However, neither the City nor its agencies shall be required to pay any building permit fee established hereunder.

The following schedule for building permits and wrecking permits is adopted as a fee schedule for the respective permits within the city, and does apply in all situations where a permit is required with the following exceptions: 1) that the city or any of its agencies, is not required to obtain a permit nor pay a fee; 2) that those buildings exempted under the Enterprise Authority Act adopted by the city must obtain a permit but shall not be required to pay a fee.

(A) All new construction. Single family, two family, multi family dwellings, commercial, industrial, and other non residential new construction, move and set permits, based on total outside dimensions inclusive of basements, living area, garages, storage areas, sales and display areas and the like.

Rate: \$0.15 per square foot.

B) Building permit fees for additions, alteration, remodeling (support walls, exterior windows), fences, signs, bridges, patio construction without roofs and side walls, decks, accessory uses, swimming pools, tennis courts, driveways, parking areas, trailer pads, cisterns, detached out buildings (non agricultural), cellular/ telecommunication towers, and all other uses not listed a re computed by comparing the estimated construction values as submitted by applicant against Table 1 below. If estimated construction values are submitted by applicant are deemed inappropriate by the City Inspector, the construction costs shall be estimated by the City Inspector using current construction costs.

TABLE 1: VALUATION/BUILDING PERMIT FEE SCHEDULE

Valuation		Fee
\$0.00	to \$500.00	\$30.00
\$501.00	to \$1,000.00	\$35.00
\$1,001.00	To \$2,000.00	\$40.00
\$2,001.00	To \$3,000.00	\$45.00
\$3,001.00	To \$4,000.00	\$50.00
\$4,001.00	To \$5,000.00	\$55.00
\$5,001.00	To \$6,000.00	\$60.00
\$6,001.00	To \$7,000.00	\$65.00
\$7,001.00	To \$8,000.00	\$70.00
\$8,001.00	To \$9,000.00	\$75.00
\$9,001.00	To \$10,000.00	\$80.00
\$10,001.00	to \$11,000.00	\$85.00
\$11,001.00	to \$12,000.00	\$90.00
\$12,001.00	to \$13,000.00	\$95.00
\$13,001.00	to \$14,000.00	\$100.00
\$14,001.00	to \$15,000.00	\$105.00
\$15,001.00	to \$16,000.00	\$110.00
\$16,001.00	to \$17,000.00	\$115.00
\$17,001.00	to \$18,000.00	\$120.00

TABLE 1: VALUATION/BUILDING PERMIT FEE SCHEDULE (Cont'd)

Valuation	Fee
\$18,001.00 to \$19,000.00	\$125.00
\$19,001.00 to \$20,000.00	\$130.00
\$20,001.00 to \$21,000.00	\$135.00
\$21,001.00 to \$22,000.00	\$140.00
\$22,001.00 to \$23,000.00	\$145.00
\$23,001.00 to \$24,000.00	\$150.00
\$24,001.00 to \$25,000.00	\$155.00
\$25,001.00 to \$50,000.00	\$160.00 + \$4.00 per \$1,000 valuation or fraction thereof >25,000
\$50,001.00 to \$75,000.00	\$265.00 + \$3.00 per \$1,000 valuation or fraction thereof >50,000
\$75,001.00 to \$100,000.00	\$345.00 + \$2.00 per \$1,000 valuation or fraction thereof >75,000
\$100,001.00 to over	\$400.00 + \$2.00 per \$1,000 valuation or fraction thereof >100,000

(C) Demolition permits.

Item	Rate
Single and two family dwellings	\$100.00 (flat fee)
Multi-family dwellings, commercial, and other non-residential uses	\$20.00 (flat fee)

(D) Electric permit fee. Rate: \$30.00 (flat fee).

(E) City road encroachment permit fee. Rate: \$50.00 (flat fee).

(F) Minimum building permit fee. Rate: \$30.00 (flat fee)

G) When a time is requested for an inspection (street, storm sewer, excavation, footing, framing, final and the like) to be performed, everything shall be ready for that inspection. Otherwise, you will be fined according to the following scale:

Item	Rate
First Offense	Written Warning*
Second Offense	\$250.00 (flat fee)*
Each Additional Offense	\$500.00 (flat fee)*

*Records of these violations will follow developer and/or contractors from job to job. A certificate of occupancy will not be issued until all fines have been paid. You are encouraged to contact this office ahead of time to inform the Building Inspector of any deviation from the scheduled inspection date and time.

(H) Any project started before obtaining a building permit shall be charged double the regular permit rate, but still must comply with all the requirements of the city.

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:
Second Reading:

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

Donna Leger, its Clerk

CITY OF DAYTON, KENTUCKY

2009 - 3

AN ORDINANCE AMENDING CHAPTER 150, SECTIONS 150.01 and 150.02 OF THE DAYTON CODE OF ORDINANCES ADOPTING THE KENTUCKY BUILDING CODE AND KENTUCKY RESIDENCE CODE.

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

SECTION ONE: The Dayton Code of Ordinances Chapter 150, Section 150. 01 is hereby amended as follows:

150.01

The Kentucky Building Code as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; and the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments as from time to time adopted, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk/Treasurer where they shall be available for public inspection during normal business hours.

SECTION TWO: The Dayton Code of Ordinances Chapter 150, Section 150. 03 is hereby amended as follows:

150.03

The Kentucky ~~Building~~ Residence Code ~~as adopted in § 150.01, as contained in Chapter 7 Title 815 of the Kentucky Administrative Regulation~~ together with any amendments as from time to time adopted, is hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above code and any amendments thereto shall be placed on file in the office of the City Clerk/Treasurer where they shall be available for public inspection during normal business hours and is hereby declared applicable to single-family and two-family homes within the city

SECTION THREE: 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

CITY OF DAYTON, KENTUCKY

2009- 6R

AN ORDER AUTHORIZING THE CITY TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION TO PROVIDE BUILDING INSPECTION SERVICES.

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

SECTION I That the City of Dayton is hereby authorized to enter into a Contract for Services Agreement with the Campbell County & Municipal Planning and Zoning Commission to provide building inspection services to the city. A copy of the agreement is attached hereto and made part hereof by reference.

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

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 ____ day of _____, 2009.

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

Member Boruske motioned to approve the resolution, and Member Gunning seconded the motion.

ROLL CALL:

Member Allen	aye	Member Volter	aye
Member Ashford	aye	Member Boruske	aye
Member Brooks	aye	Member Gunning	aye

Motion carried—so ordered.

DEPARTMENT HEAD’S REPORT

Mayor Rankle told Fire Chief Lynn his department did a good job at the fire on Maple Avenue.

Main Street Manager Marvin Knobloch informed council the banners are back up on Sixth Avenue. He asked council’s permission to have a city-wide yard sale on Saturday, May 30th. Member Ashford motioned to approve the yard sale, and Member Boruske seconded the motion. Motion carried—so ordered. Hours will be 8:00-3:00.

Superintendent of Public Works, Bobby Fuller, said that 120 tires were disposed of during the county cleanup. The recycling dumpster is working well, but CSI asks that residents take their recyclables out of plastic bags before putting them in the dumpster, because they are not recyclable. The city received a \$31,000 grant from FEMA for damages during the windstorm. Mr. Bill Allen has resigned due to health reasons. Mr. Fuller said he hates to see him go.

Police Chief Jim Werner asked for clarification on several items.

- 1) He said he tries to keep training local if he can, but he has had a purchase ordered denied for a meal reimbursement during a training day. He feels that an officer should be reimbursed \$5 for breakfast and \$5 for lunch. Mayor Rankle said he had no issue with lunch, and no one can eat lunch for \$5. Member Volter said we need to revisit the meal allowances. Mayor Rankle asked that the matter be tabled until the next meeting. The councilmembers can think about it and the policy committee can review the policy.
- 2) There are COPS grants available that will pay salary and all benefits for a new officer position for 3 years. He asked if the city would be willing to pick up the 4th year? We have 7 fulltime, 1 part-time, and one officer in training. We have a 3 year contract with one officer. Member Volter said with new development and increasing population we may need to add an officer. Member Ashford motioned to apply for a grant for 1 officer, with the understanding the position may not last longer than 4 years. Member Volter seconded the motion. Motion carried—so ordered.
- 3) Three traffic grants are available for paying officers overtime to enforce laws for seat belts, speeding and DUI. There will be 3 2-week periods. Officers will work on their off days. Motion to apply for all three traffic grants by Member Allen, seconded by Member Volter.

Roll Call

Member Ashford	no	Member Boruske	yes
Member Brooks	no	Member Gunning	no
Member Volter	yes	Member Allen	yes

Mayor Rankle voted yes, breaking the tie, and the motion carried—so ordered.

CORRESPONDENCE

Assistant Clerk/Treasurer Barb Washington read a thank you note from Mrs. Lila Rogg for the cleanup at 1231 5th Street

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE (Member Volter): No report.
PUBLIC SAFETY (Member Allen): No report.
PUBLIC WORKS (Member Ashford): No report.
PARKS AND REAL ESTATE: (Member Brooks): No report.
PERSONNEL, LAW & PRINTING (Member Gunning): No report.
ECONOMIC DEVELOPMENT (Member Boruske): No report.

NEW BUSINESS

Request for car stop from VFW POST to hold its annual Buddy Poppy fundraiser on Friday, May 8 3-8p.m and Saturday, May 9th 10-2p.m. No objection from City Council.

Member Volter said there is a PROTECT MY KENTUCKY HOME program to help people who are in danger of losing their homes and passed out pamphlets.

EXECUTIVE SESSION

Motion by Member Allen, seconded by Member Boruske to go into executive session for the purpose of KRS 61.810 (c) discussions of proposed or pending litigation against or on behalf of the public agency and (f) discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member or student without restricting that employee's, member's or student's right to a public hearing if requested, provided that this exception is designed to protect the reputation of individual persons and shall not be interpreted to permit discussion of general personnel matters in secret. Motion carried—so ordered.

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

Motion to adjourn by Member Boruske, seconded by Member Gunning. Motion carried—so ordered.
Meeting adjourned.

Respectfully submitted,

Barbara Washington
Assistant City Clerk/Treasurer

ATTEST:

Kenneth E. Rankle, Mayor