

CITY OF DAYTON, KENTUCKY
CITY COUNCIL MEETING
SEPTEMBER 1, 2009

A regular meeting of Dayton City Council was held on September 1, 2009, 7:00 p.m. in the council chamber of the Dayton City Building. Mayor Rankle opened the meeting with a moment of silent prayer and the Pledge of Allegiance.

ROLL CALL:

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

MAYOR'S REPORT:

Wednesday, Sept. 9th is the Senior Citizens Picnic at the VFW Hall. It starts at 11:00 a.m. Any Dayton resident 60 and over is welcome to attend.

The Dayton Housing Authority received \$100,000 for new air conditioning units, roofing, shower equipment, etc. This was \$100,000 not \$1,000,000 as earlier reported.

CITY ADMINISTRATOR'S REPORT:

Request for a handicap parking space from Raymond Laycock, Sr., 430 Fifth Avenue, was tabled at the last meeting. After another review it is still the recommendation of City Adm. Redmond that the request is denied. Mr. Laycock could use his garage. Motion by Member Boruske, seconded by Member Volter to deny the parking space for Mr. Laycock at 430 Fifth Avenue. Motion carried—so ordered.

Request for a handicap parking space from Alfred Johnson, 313 Sixth Avenue. Mr. Johnson does not currently live in the house. Motion by Member Boruske, seconded by Member Brooks to table this request until Mr. Johnson moves into the home. Motion carried-so ordered.

On July 17th. Mr. Don Riley was appointed as interim Code Director. At that time 300 Eighth Ave. was in foreclosure. Since July 17th Don has not given up on tracking down the person

responsible for the property. Today the financial institute in charge cleaned up the property. Member Volter spoke about the law they have in Hamilton County. City Att. Fischer said we do not have the same laws as Ohio. If they live in Florida and don't maintain their property we're in bad shape, we can't send Don to Florida. Member Ashford said he knows of property that was purchased nine months ago and it's still in the old owner's name. City Adm. Redmond said the city has been trying to select properties we can put liens on. Don Riley recently went to a court hearing to try and serve an absentee landlord, but the landlord did not show. In Hamilton County the banks are feeling the pressure and are turning the homes over to the cities. For this Hamilton County does away with the back taxes on the property. Something needs to be done this affects everyone's property value. City Adm. Redmond said maybe the cooperative effort should start with Dayton City Council. City Att. Fischer said it's harder than you believe. These companies will bid up the price. They want their money. We can go to the banks but it is not that easy. Member Volter suggested starting with our local banks. City Adm. Redmond said if it was easy everyone would be trying it, maybe everyone is not affected like the City of Dayton. City Adm. Redmond said council needs to send him on a mission, to the library, Campbell County, etc. to see if they'll accept no taxes for this program. Bobby Fuller, Supt. P.W., said more often than not the owner cannot be located and Public Works cuts the grass just to get it done. We've seen a decrease in this since Don Riley has become the Interim Codes Director; he's doing a great job. City Adm. Redmond said it will be tough but with everyone working together maybe we can solve this problem. Motion by Member Volter, seconded by Member Brooks to allow City Adm. Redmond to contact other taxing jurisdictions and see what can be done. Motion carried--so ordered.

We currently have a 30-year old tractor that cannot be repaired and a 10 year old Lexmark Mower that is bad. Motion by Member Ashford, seconded by Member Boruske to list both as surplus. Motion carried—so ordered.

Becky Shanks, First Baptist Church, would like permission to block off Dayton Avenue, between Fifth & Sixth Ave. on November 7th for a free Fall Festival. They would also like no parking on the church side of the street for the day. The times are 12:00 p.m. until 5:00 p.m. Motion by Member Ashford, seconded by Member Brooks to approve. Motion carried—so ordered. Public Works will take care of blocking off the street and the signs.

ORDINANCES & ORDERS:

CITY OF DAYTON, KENTUCKY

2009-11R

AN ORDER ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF DAYTON, KENTUCKY AND THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS.

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

SECTION ONE. That the City of Dayton is hereby authorized to enter into an Agreement with the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways for funding of resurfacing of Third Avenue, Dayton Pike, Belmont Avenue and Vine Street, Item No. 6-8502, \$150,000-JL03 Funds. A copy of the agreement is attached hereto and made part hereof by reference.

SECTION TWO. The Legislative Body of the City of Dayton, Kentucky does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Agreement and does hereby accept said Agreement and by such acceptance agrees to all the terms and conditions therein stated; and

SECTION THREE: The Mayor is hereby authorized and directed to sign said Agreement as set forth on behalf of the City Council of the City of Dayton, Campbell County, and the City Clerk of Dayton is hereby authorized and directed to certify thereto.

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 _____, 2009.

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 2009-11R as read.

ROLL CALL:

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

Motion carried—so ordered.

CITY OF DAYTON, KENTUCKY

2009-12 R

**AN ORDER AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
TRANSFER AND ASSIGNMENT OF THE SD1 STORM WATER DRAINAGE SYSTEM
WITH SANITATION DISTRICT NO. 1 OF CAMPBELL, KENTON AND BOONE COUNTIES, KENTUCKY**

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

SECTION I The City hereby enters into an Agreement, Transfer and Assignment of the SD1 Storm Water Drainage System. 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:

Tabled until after executive session.

Second Reading 2009#9

CITY OF DAYTON, KENTUCKY

2009 - #9

AN ORDINANCE ADOPTING THE CITY OF DAYTON, KENTUCKY JOB CLASSIFICATION SYSTEM, NOVEMBER/2004, AMENDED APRIL/2006, AMENDED FEBRUARY/2007, AMENDED AUGUST/2009 EDITION; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

This ordinance amends the City of Dayton, Kentucky Job Classification System to adopt the position of "City Codes Director" and set forth its job description..

I, John C. Fischer, 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. Fischer

Motion by Member Boruske, seconded by Member Ashford to approve 2009#9 as read.

ROLL CALL:

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

Motion carried -- so ordered.

CITY OF DAYTON, KENTUCKY

2009 - #10

AN ORDINANCE AMENDING ORDINANCE 2008-7 SETTING FORTH COMPENSATION AND NUMBER OF AUTHORIZED POSITIONS FOR EMPLOYEES UNDER THE DAYTON JOB CLASSIFICATION SYSTEM. ORDINANCES IN CONFLICT REPEALED

This ordinance sets forth employee positions, the salary ranges therefore exclusive of overtime as mandated by law, and the number of authorized positions. It amends to increase the pay range of the city administrative officer, city clerk/treasurer, assistant city clerk/treasurer, administrative secretary, chief of police, police sergeant, police corporal, patrol officer, police clerk, public works superintendent, public works crew leader, public works laborer, main street manager and janitor. Further adds a position of city codes director and establishes a salary range for that job. It reduces the number of police corporals, increases the number of police patrol officer, adds a position of public works crew leader, eliminates public works part time laborer and adds a position of public works seasonal laborer, eliminates the positions of blight administrator and secretary to the city inspector. Finally, it repeals all other ordinances in conflict with it.

I, John C. Fischer, 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. FISCHER

Motion by Member Boruske, seconded by Member Ashford to approve 2009#10 as read.

ROLL CALL:

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

Motion carried – so ordered.

First Reading: 2009#11

CITY OF DAYTON, KENTUCKY

2009- # 11

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, 2009 THROUGH JUNE 30, 2010.

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, 2009 through June 30, 2010, by the City of Dayton, Kentucky, the sum of .4330 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 .7500 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 .4330 on real and mixed property; .5009 on all automobile and watercraft personal property and .7500 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 .3830

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 .7500

For the acquisition and maintenance of parks within the City, the sum of .0000

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, 2009 or the full amount by January 31, 2010. 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 16, 2009 at the office of the City Clerk/Treasurer and shall be delinquent after November 6, 2009, or as otherwise provided by Council by order, and the City Clerk/Treasurer shall thereafter proceed to attach to each bill a penalty of 10%. 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, 2009, 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 1, 2009

Second Reading: September 8, 2009

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

Discussion:

The compensating rate will bring in about the same tax dollars as last year. We collected about \$627,000 in taxes last year; we billed about \$610,000 and collected another \$17,000 in delinquent taxes. In order for us to get the same amount of tax dollars as last year, our tax rate this year must be \$3.83 per \$1,000 of property value. The tax rate last year was \$3.68 per \$1,000 of property value. Last year the property was assessed at \$174,000,000 with growth of \$10,000,000. This year the same property is assessed at \$176,000,000. The new rate will cost a homeowner, whose assessment did not change last year, about \$7.50 for every \$50,000 in property value. Member Ashford said he is not in favor of a tax increase. Everyone is struggling; I'm not in favor of a tax increase. Mayor Rankle said the real estate tax revenue does not bring in enough money to run the Police or Fire Department. City Adm. Redmond said if the compensating rate is adopted you are not raising taxes as a whole. The owners of the lower assessed homes are getting a real bargain. Member Ashford said everyone in the business sector is cutting back. No one is giving pay raises and no one is paying 100% on health insurance premiums. City Adm. Redmond said as your fiduciary advisor the right thing to do is increase taxes but you can adopt the compensating rate and we'll be okay. I'd like to remind everyone that no one has been given a pay raise. There are a lot of business people in Dayton without jobs. I recommend you adopt the compensating rate and do not raise taxes.

The second reading of 2009#11 will be at a special meeting on Tuesday, September 8, 2009, 6:00 p.m. Mr. Bill Burns asked if there were any increases for anything. Yes, the tangible tax rate was increased. Mayor Rankle said he will be asking for an increase in pay wages for employees.

Cathy Gordon advised that according to her math .368 last years and .383 this year was a 4% raise. City Att. Fischer said no, the .383 will only bring in the same amount of income that it brought in last year. The 4% is based on income. In the yearly budget there is usually \$14,000 to \$18,000 that comes in late. The base rate was \$610,000 and a state law says you use the amount received which was \$627,000. City Adm. Redmond said about 98% of the taxes are collected by the Clerk's Office each year.

CONSENT AGENDA:

Motion by Member Ashford, seconded by Member Brooks to approve the minutes as received from August 4, 2009. Motion carried—so ordered.

CITY ATTORNEY'S REPORT:

The people who currently run Speers Court would like to privately refinance and pay off the bonds. The property is currently in the name of the Elderly Housing Corporation. If this goes through and the bonds are paid off, Speers Court will no longer be in the Elderly Housing Corporations' name and the property will go onto the tax roll next year. It will still be housing for Senior Citizens.

Department Head Reports:

Bobby Fuller, Supt. P.W., said he is currently one person short. Don Riley is working in the Codes Department, and his part-time employee will be working until the end of October 2009. Member Ashford said the Public Work's department truly needs another person. It's a very good department. Mayor Rankle wants to continue the way things are for awhile longer.

Dennis Lynn, Fire Chief, reported that everyone had a copy of his report and asked for questions or comments.

James Werner, Police Chief, has a new Officer, Matt Marksbury. Officer Marksbury started in the Police Academy in March, has graduated and is currently working patrol. On August 30th one of our Officers had an accident which injured his back and another Officer was assaulted and has a bad leg injury. This is a serious injury. The property owners have been notified that they will be held responsible. Member Boruske asked for clarification, he heard that one of the Officers was working off duty. Chief Werner drafted an off-duty work policy. If the Officer works private detail for less than 4 hours they must reimburse the city \$20.00 for that vehicles use. What about the wear and tear on the vehicle, asked Member Boruske? The vehicles are usually sitting and they don't use near a gallon of gas. Member Boruske said the off duty policy should be abolished; I think this was only for the 471 bridge detail. Motion by Member Boruske, seconded by Member Ashford to abolish the Off Duty Policy. Motion carried—so ordered. Member Volter asked if the Officer that works patrol at the school in the mornings could get out of the cruiser. This would make a much nicer presence. Chief Werner asked about this weeks detail for the Labor Day Fireworks. He has Officers who have signed up to work South Shore and Manhattan Harbour . Mayor Rankle said he has no problem with detail work in Dayton or Bellevue. Member Ashford said it was a community effort on the 275 bridge. Other than that, it should be home only. Member Boruske felt the cruisers should be used in Dayton or when backing Bellevue, and to and from the officers home only. It should not be used as a personal vehicle.

Don Riley, Interim Codes Director, thanked Mayor and Council for the opportunity. The job has been very interesting and rewarding. All the departments have been very helpful. Out of 24 complaints, 9 have complied. A Board of Adjustment meeting has been set for Sept. 19, 2009 for the East First Baptist Church. Don asked if residents can be fined for not wrapping mattresses in plastic before they are set out for the garbage. Can this be required by ordinance? Bed Bugs are not a health hazard but they are a nuisance to the community. They are also hitch hikers and can spread easily. Mayor Rankle said we also need to protect our Police Department and Fire Department from bed bugs. City Adm. Redmond said we can cite under the International Property Codes. Bed bugs are an infestation and we could cite under this. City Att. Fischer agreed. The Police Officers and the Code Director have the authority to cite. CSI will not take a mattress with bed bugs unless it is wrapped in plastic. City Attorney Fischer said we can and will write an ordinance that mattresses must be wrapped. Member Ashford suggested purchasing protective clothing. Ms. Gordon said an aerosol spray can be purchased to spray in the vehicles. There are several products on the market that may be beneficial to the employees.

STANDING COMMITTEE REPORTS:

FINANCE (Member Volter):

Next meeting will be August 29, at 6:00 p.m.

PUBLIC SAFETY (Member Allen):

No report.

PUBLIC WORKS (Member Ashford):

No report.

PARKS & REAL ESTATE (Member Brooks):

The Park Board made about \$5,420.00 on Music Fest. This was a one night event. The Park Board is in the process of purchasing a Tot Lot for Gil Lynn Park. This money will be used towards the Tot Lot. The cost will be above \$40,000.

PERSONNEL, LAW & PRINTING (Member Gunning):

No report.

ECONOMIC DEVELOPMENT (Member Boruske):

No report.

AUDIENCE:

Member Boruske asked, what is happening at 1232 Fourth Avenue? Don Riley said this property has several code violations including the porch, windows, siding, etc. Mr. Riley is meeting with the owner's grandson about the problems. The owner is 85 years old.

NEW BUSINESS:

Halloween will be celebrated on Saturday, Oct. 31 from 6:00 p.m. – 8:00 p.m. This will be the same in Ft. Thomas, Bellevue, and Newport. There will not be a party in the park this year but if the Civic Club want to do something they can setup on the Fire Department apron. The city has done away with a few events this year and would like to know what kind of events the residents would like, such as events the whole family would attend and enjoy.

Request from the Ladies Auxiliary of the Dayton Eagles, to block the street between Fifth & Berry up to Sixth & Berry for a Luau on September 12th. Motion by Member Ashford, seconded by Member Brooks to approve the Eagle request. Motion carried—so ordered.

CORRESPONDENCE:

Thank you to Mayor and Council from Lila Rogg. Thanks for the lighting at the park on Clark Street and all that you do for the city.

The Campbell County Cooperative Extension Service conducted a five week program called Totally Twisted Thursdays with the kids at Jamestown Housing Authority. The children were well behaved and delightful, we truly enjoyed them. We were also impressed with the way Jamestown is taken care of; it was a great place to have a program. Roxanne was always helpful and accommodating. Thank you, Barb Heck.

EXECUTIVE SESSION:

Mayor Ranke entertained a motion to go into executive session to discuss KRS 61.810 © discussions of proposed or pending litigation against or on behalf of the public agency. Motion by Member Brooks, seconded by Member Ashford to go into executive session. Motion carried—so ordered.

Motion by Member Ashford, seconded by Member Brooks to go back into regular session. Motion carried –so ordered.

Motion by Member Boruske, seconded by Member Ashford to authorize City Att. Fischer the authority, based upon the City Attorney's legal opinion, to enter the current court case involving the Sanitation District #1 and the City of Cold Spring. Member Gunning & Member Allen absent. Motion carried—so ordered.

Motion by Member Boruske, seconded by Member Ashford to adopt 2009#12R as previously read. All in favor. Member Gunning & Member Allen absent. Motion carried—so ordered.

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