

CITY OF DAYTON, KENTUCKY
COUNCIL MEETING
FEBRUARY 2, 2010

A regular meeting of Dayton City Council was held on February 2, 2010, 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 Brooks | Absent | City Adm. Redmond | Present |
| Member Volter | Absent | City Att. Fischer | Present |
| Member Boruske | Present | | |

MAYOR'S REPORT:

The letters that residents received in the mail about water pipe repair are a scam out of Florida.

Congressman Jeff Davis has asked the city for a list of projects for possible funding. The list includes new lights and sidewalks for the Main Street. Does anyone have any other suggestions? Member Ashford would like to give it some thought. City Adm. Redmond said the request letter needs to be postmarked by Feb. 22, 2010.

Mayor would like to get the street paving list ready for bidding.

Years ago the city needed an easement to fill in Dayton Pike and Mr. Ranshaw gave the city that easement. Council agreed to make application to Planning & Zoning for a zone change in order to get the right-of-way from Mr. Ranshaw. The Ranshaw Estate would now like council to apply for the zone change. Mayor Rankle entertained a motion to make application to Planning & Zoning to hold a public hearing for a zone change. Motion by Member Allen to make application to Planning & Zoning. Comments: City Adm. Redmond said council agreed to this in 2005, see minute book. City Adm. Redmond said while he firmly opposes this, the integrity of council would be questioned if we did not live up to our agreement with the Ranshaws. Member Allen agreed that Planning & Zoning should look at this request. City Adm. Redmond recommends that council agree with their previous commitment. Seconded by Member Gunning.

ROLL CALL:

| | | | |
|----------------|--------|----------------|-----|
| Member Ashford | Nay | Member Boruske | Aye |
| Member Brooks | Absent | Member Gunning | Aye |
| Member Volter | Absent | Member Allen | Aye |

Motion carried—so ordered.

Mayor Rankle asked for a motion to approve the following board appointments:

Park Board: Mark Donelan, Denise Smith and Roy Siemer.
Sargeant Park: Roy Siemer, Donna Leger and Mayor Rankle
Board of adjustments: John Hartman.

Motion by Member Ashford, seconded by Member Allen to approve the board appointments. Motion carried—so ordered.

People are needed on the following boards; Housing Authority, Ethic's Board, Parking Citation Board and the Code Enforcement Board. If interested call the Clerk's Office or Mayor Rankle.

CITY ADMINISTRATOR'S REPORT:

City Adm. Redmond asked for approval of the audit ending June 30, 2009. The auditors found no irregularities. Motion by Member Boruske, seconded by Member Gunning to approve the audit. Motion carried—so ordered.

Handicap parking request from Michael Sucher, 325 Fourth Avenue. He has no off-street parking and his request has been approved by his doctor. Motion by Member Ashford, seconded by Member Allen to approve the handicap parking for Mr. Sucher. He is having surgery on both of his knees, so this handicap parking space will most likely be temporary. Motion carried—so ordered.

City Adm. Redmond suggested that council approve an ordinance to regulate political signs within the city. Currently a political sign could be classified as a temporary sign. City Adm. Redmond and City Att. Fischer will have an ordinance ready for the March meeting.

City Adm. Redmond said the School Resource Officer's vehicle is broken down and cannot be repaired. The Chief is looking for a new vehicle, maybe a used four-wheel drive. Chief Werner said he has been looking on E-bay at several dealerships. He did bid on a 2007 with 43,000 miles but the bid was not accepted. A new 2010, 4x4 Ford Explorer cost \$20,600. Would council consider purchasing this vehicle, this would give us a 4x4 for the hills. This vehicle would cost no more than a decade Crown Vic. Currently when the weather is bad the Officers are walking up the hills. The Ford Explorer completely equipped will cost no more than \$25,000. Member Ashford asked Chief Werner if he has looked at the Impalas. The Impala cost less than the Crown Vic. City Adm. Redmond said the city signed a multi year premium agreement for the city's insurance and saved a lot of money. I know we have \$12,000 that could be applied to vehicles. Officer Ruebusch does not take his cruiser home under the home fleet program. Chief Werner said he has about \$15,000 extra in his budget under part-time officers, to date we have no part-time officers. Member Boruske felt the Chief should keep looking for a used vehicle. Member Ashford said a four-wheel drive vehicle will use a lot of fuel. Mayor Rankle suggested looking at the budget before a decision is made.

CONSENT AGENDA:

Motion by Member Allen, seconded by Member Ashford to accept the January 5, 2010 minutes as received. Member Boruske abstained. Motion carried—so ordered.

ORDERS & ORDINANCES:

First Reading:

CITY OF DAYTON, KENTUCKY

2010 - #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, S-20 and S-21 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: Feb. 2, 1010
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

First Reading:

CITY OF DAYTON, KENTUCKY

2010 - #2

AN ORDINANCE ADOPTING THE CITY OF DAYTON, KENTUCKY JOB CLASSIFICATION SYSTEM, NOVEMBER/2004, AMENDED APRIL/2006, AMENDED FEBRUARY/2007, AMENDED AUGUST/2009 EDITION, AMENDED FEBRUARY/2010 EDITION; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

SECTION ONE: That the City hereby adopts the City of Dayton, Kentucky Job Classification System, November/2004, Amended, April/2006, Amended February/2007, Amended August/2009 Edition. A copy of the November/2004, Amended, April/2006, Amended February/2007, Amended August/2009, Amended February/2010 Edition is attached hereto and made part hereof by reference. The City shall keep a copy of the November/2004, Amended, April/2006, Amended February/2007, Amended August/2009, Amended February/2010 Edition on file with the City Clerk.

SECTION TWO: If any provision of the City of Dayton, Kentucky Job Classification System, November/2004, Amended, April/2006, Amended February/2007, Amended August/2009, Amended February/2010 Edition, or any provisions of its subsequent application are declared to be unconstitutional, illegal or unenforceable, all other portions shall continue in effect and, to such extent, the provisions are severable.

SECTION THREE: All other ordinances or sections of ordinances in conflict herewith be and they are hereby repealed.

SECTION FOUR: This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded and 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: February 2, 2010
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE

ATTEST:

Donna Leger, its Clerk

First Reading:

CITY OF DAYTON, KENTUCKY

2010 - #3

AN ORDINANCE AMENDING ORDINANCE 2009-#13 SETTING FORTH COMPENSATION AND NUMBER OF AUTHORIZED POSITIONS FOR EMPLOYEES UNDER THE DAYTON JOB CLASSIFICATION SYSTEM. ORDINANCES IN CONFLICT REPEALED

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

SECTION ONE: Compensation ranges for employees and number of authorized positions under the Dayton Job Classification System shall be as follows:

| Position | (No. Authorized) | Pay Range |
|--|--------------------|----------------------------------|
| City Administrative Officer | (1) | 50,000.00 - 80,000.00 |
| Assistant City Administrator | | |
| Codes Director | (0) | 22,000.00 - 36,000.00 |
| City Clerk/Treasurer | (1) | 35,000.00 - 55,000.00 |
| Ass't City Clerk/Treasurer | (1) (2) | 25,000.00 - 39,000.00 |
| Administrative Secretary | (1) | 24,000.00 - 35,000.00 |
| | | |
| Chief of Police | (1) | 45,000.00 - 58,000.00 |
| <u>Police</u> Captain | (0) | |
| <u>Police</u> Lieutenant | (1) | 39,000.00 - 49,000.00 |
| <u>Police</u> Sergeant | (1) | 39,000.00 - 49,000.00 |
| <u>Police</u> Corporal | (2) | 34,700.00 - 48,000.00 |
| Patrol <u>Police</u> Officer | (3) | 31,000.00 - 41,000.00 |
| <u>Police</u> Recruit | (0) | 30,000.00 - 33,500.00 |
| Part-time Patrol Officer | (6) | 10.00 - 14.00 per hour |
| Police Clerk | (1) | 8.00 - 15.00 per hour |
| | | |
| Superintendent, Public Works | (1) | 35,000.00 - 49,000.00 |
| Crew Leader | (1) | 25,000.00 - 33,000.00 |
| Laborer | (3) | 10.00 - 19.00 per hour |
| Laborer (23 hrs./week) | (0) | 7.00 - 12.00 per hour |
| Seasonal Laborer (4/1-10/31) (40 hrs./week) | (1) | 7.00 - 12.00 per hour |
| | | |
| City Codes Director | (1) | 22,000.00 - 37,000.00 |
| City Inspector | (0) | |
| Blight Inspector | (0) | |
| Janitor (10 hrs/week) | (1) | 7.00 per hour - 11.00 per hour |
| Recreation Director | (0) | |
| Main Street Manager (20 hrs./week) | (1) | 14.90 - 18.00 per hour |

SECTION TWO: Unless otherwise stated, the compensation stated in Section One shall be a yearly amount based upon the normal number of hours required for each position under the Job Classification System and does not include overtime pay as authorized under the Employee Personnel Policy.

SECTION THREE: City Council may, by resolution, authorize the payment of a year end bonus to any or all employees in an amount not to exceed One Hundred Dollars (\$100.00)

SECTION FOUR: Any and all ordinances including or portions thereof in conflict herewith are hereby repealed.

SECTION FIVE: 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: Feb. 2, 2010
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

City Adm. Redmond said no one is being added, just a change in positions. We need the job classification of Police Recruit to hire anyone.

CITY OF DAYTON, KENTUCKY

2010- 1R

AN ORDER AUTHORIZING THE CITY TO ENTER INTO A LEASE FOR CELLULAR COMMUNICATION PLACEMENT WITH CLEAR WIRELESS, LLC.

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 Lease with Clear Wireless, LLC, for a portion property owned by the City at 901 Seventh Avenue for placement of cellular communication antenna and equipment on an existing tower. A copy of the agreement is attached hereto and made part hereof by reference. However, said authorization is conditioned upon the following:

- a) The rental fee amount shall be: for years 1-5 inclusive, the sum of 1,150.00 per month; for years 6-10 inclusive, the sum of \$ 1,265.00 per month; for years 11-15 inclusive, the sum of \$ 1,391.50 per month; for years 16-20 inclusive, the sum of \$ 1,530.65 per month; and for years 21-25 inclusive, the sum of \$ 1,683.72 per month;
- b) There shall be attached to the lease exhibits completed to the satisfaction of the Mayor.

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 _____, 2010.

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

DONNA LEGER, its Clerk

Motion by Member Boruske, seconded by Member Gunning to approve 2010-1R as read.
Comments: We currently have 8 companies located on the cell towers.

ROLL CALL:

| | | | |
|----------------|-----|----------------|--------|
| Member Boruske | Aye | Member Ashford | Aye |
| Member Gunning | Aye | Member Brooks | Absent |
| Member Allen | Aye | Member Volter | Absent |

Motion carried—so ordered.

DEPARTMENT HEAD'S REPORT:

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

James Werner, Police Chief, reported that Corporal Wiesner and Lieutenant Antrobus were in Wilder to serve a person on a bank check fraud and they noticed drug activity. A search warrant was obtained and a meth-lab was found inside.

Don Riley, Codes Director, e-mailed his report to Mayor and Council.

Donna Léger, Clerk/Treas., reported that the Clerk's Office is in the process of updating the handicap parking spaces in the city and a report will be sent out before the next council meeting.

STANDING COMMITTEE REPORT:

Finance (Member Volter):
No report.

Public Safety (Member Allen):
No report.

Public Works (Member Ashford):
Member Ashford attended a boat show this weekend and Dan Henson from Manhattan Harbour had a booth at the show. He said how nice and clean Dayton looks and is telling people they need to come and see Dayton. This is a complement to Rick Lucas and the Public Work' Dept.

Mayor Rankle met with the City of Bellevue and the State Department to discuss the trucks that will be coming into Dayton, it was a good meeting.

Parks & Real Estate (Member Brooks):
No report.

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

Economic Development (Member Boruske):
No report.

PETITIONS:

Mrs. Klosterman addressed council. Mrs. Klosterman said she did not receive her city or county tax bill this year. The county agreed to waive the penalty and she wants to know if the city will waive their penalty. Mayor Rankle said council did lower the penalty to 10% this year instead of 20%. Member Boruske said council has never forgiven the penalty on a tax bill since he has been on council. Member Allen said he was late one year and he paid the penalty. The Mayor told Mrs. Klosterman he was sorry but she would have to pay the penalty & interest on the tax bill.

Lance Hinton purchased his property at 416 Eighth Ave. in October 2005, at the time of purchase the drive and driveway were gravel and blacktop. The neighbors complained in 2006 about him parking in the backyard and he removed the gravel and blacktop. Now he has been told he had the right to park there, the gravel & blacktop lot was grandfathered in. Mr. Hinton received a letter from the city telling him he will get a \$200.00 fine if he parks in the back. Mr. Hinton said he's done a lot of work on his property and is asking council to allow him to park back on his property, under the grandfather clause. Mayor Rankle said parking must be on a parking pad. The house was sold to you so you have no grandfather clause. The city currently has grants for parking pads. Mr. Hinton said it was a parking pad and he was told to remove it by the city. Member Boruske said if you removed the vehicle and gravel in 2006 you've changed the grandfather clause. Mr. Hinton said he was a school drop out and believed the person from the city who told him wrong. City Att. Fischer said council cannot give a waiver from an ordinance they adopt. You have the right to appeal to the Code Board. Mr. Hinton said he is not asking for a waiver, he is asking for his rights that were taken away by the city.

Mayor Rankle asked Mr. Hinton if he was running a recycling business. There is oil and grease on the streets and a trailer parked on the street with a flat tire. The city has received numerous complaints from your neighbors. Mr. Hinton said he plans to clean up the area.

Penny Hurtt gave an update on the Northern Kentucky Home Consortium. To date 24 people have received assistance and 14 of those were from Dayton. The area includes Dayton, Bellevue, Newport, Ludlow and Bromley. Funding for this fiscal year is over. It will open up again in July. You must fall below the lower income level.

The Northern Kentucky Stabilization Program Two, which grants stimulus money to cities so they can purchase foreclosed property, has not funded any city in Northern Kentucky for the first or second round. \$37,000,000 was given to Hamilton County. There will be a third round.

Cathy Gordon reported that she has a piece of pavement that needs replaced and the city said they would contact Duke Energy. City Adm. Redmond did call Duke and they have about 8 or 9 places in the city that need to be fixed. These areas will be fixed as soon as possible. Ms. Gordon is bothered with the fact that the public was told there would be no raises for city employees and the employees did receive a raise. Mayor Rankle said he asked for a 2% raise for the employees and council agreed. Mayor Rankle said the city is in good shape and the employees stepped up to the plate and worked very hard. Council and I felt they should receive a raise.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

EXECUTIVE SESSION:

Mayor Rankle entertained a motion to go into executive session to KRS 61.810 (k) meetings which the Constitution provides shall be held in secret. Motion by Member Boruske, seconded by Member Gunning to go into executive session. Motion carried—so ordered.

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

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

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor