

CITY OF DAYTON
COUNCIL MEETING
JUNE 4, 2013

A regular meeting of Dayton City Council was held on Tuesday, June 4, 2013, in the council chamber of the Dayton City Building. Mayor Rankle opened the meeting with a moment of silent prayer and led the Pledge of Allegiance.

ROLL CALL:

Mayor Rankle	present	Member Allen	present
Member Hurtt	present	Member Gifford	present
Member Burns	present	City Adm. Redmond	present
Member Volter	present	City Att. Fischer	present
Member Boruske	present		

MAYOR'S REPORT:

The Memorial Day Parade was great, thanks to Rick Lucas, Supt. Public Works and his crew. Dot Murphy passed away in May of this year and will be deeply missed. She was very involved in the Memorial Day Parade and walked in the first Parade. Thanks to the Sparks Family for organizing the parade this year, they did a great job.

Dayton Day at Coney Island will be Friday, July 26th. The cost is \$18.00 for ages 5 and up and \$5.00 for ages 2-4. Tickets can be purchased at the City Clerk's Office or The Bank of Kentucky, Dayton branch.

CITY ADMINISTRATOR'S REPORT:

The ordinance book reads as follows: "Every person engaged as a vendor of fruit, ice cream, sherbet, peanuts, popcorn, candy and **other articles upon the street**, shall pay a license tax as described in (E) not less than the amount of fifty dollars (\$50.00) per year or ten dollars (\$10.00) per day. Tony's Ole Saloon and Sarge have purchased a mobile kitchen. The question is, when this ordinance was written was it the intent to include a mobile kitchen? Currently Lexington, Kentucky is divided on the issue of food vendors upon the street. When the ordinance was approved the State had specified the vendors mentioned to be included. We could not go against that, my thinking was it was for those specific vendors only, said City Att. Fischer. City Att. Redmond questioned "what is other articles" upon the street? City Adm. Redmond said some cities encourage this while other will be against it such as, restaurants who are forced to have bathrooms, handicap ramps, etc. Member Boruske would like the opportunity to look at the mobile kitchen before the special meeting on June 10, 2013. Member Volter asked if the Board of Health would be inspecting the kitchen? Yes the kitchen is inspected. Currently the kitchen is parked on Eighth Avenue.

CONSENT AGENDA:

Motion by Member Boruske, seconded by Member Gifford to approve the minutes from the May 7, 2013 meeting as received. Motion carried --so ordered.

Motion by Member Hurtt, seconded by Member Allen to approve the minutes from the May 21, 2013 meeting as received with a correction. Member Burns was not at the meeting. Member Volter abstained. Motion carried--so ordered.

ORDINANCES & ORDERS:

SECOND READING:

CITY OF DAYTON, KENTUCKY

2013 - 6

AN ORDINANCE AMENDING CITY OF DAYTON ORDINANCE 2013- #3 REGULATING CRIMINAL ACTIVITY NUISANCE PROPERTIES WITHIN THE CITY.

This ordinance amends City of Dayton Ordinance 2013-#3 to redefine criminal nuisance properties as those at which a citation, arrest or court-issued search warrant is effected which leads to a felony or misdemeanor conviction three (3) or more times within a twelve (12) month period It further fines the owners of said property who have not abated such nuisance as follows:

"Violation of any provision of this Chapter is declared to be a civil offense. Any person violating any provision shall be fined not more than two hundred (\$200). Any person electing not to contest citation for said offense shall be fined two hundred (\$200). Each day of violation shall constitute a separate offense."

I, John C. Fischer, an attorney licensed to practice law in the Commonwealth of Kentucky, as City 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 Hurtt, seconded by Member Volter to approve 2013#6 as read. Comments: Member Volter asked if this covers warrants being served. City Att. Fischer said yes as long as there is an arrest. Member Burns said he agrees but still has concerns about IV.#B.

ROLL CALL:

Member Burns	Aye	Member Allen	Aye
Member Volter	Aye	Member Gifford	Aye
Member Boruske	Aye	Member Hurtt	Aye

Motion carried--so ordered.

Second Reading:

CITY OF DAYTON, KENTUCKY

2013 - #7

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DAYTON CHAPTER 154, SECTIONS 154.076, R-O RIVER ORIENTED ZONE.

This ordinance amends Sections 154.076 of the Dayton Code of Ordinance to allow for the storage of recreational vehicles as defined in KRS 219.320(11) in the River Oriented Zone on crushed stone lots in addition to such boat storage.

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 Hurtt, second by Member Boruske to **not** have a second reading on 2013#7 but have a first reading on 2013#9 which replaces 2013#7. Motion carried--so ordered.

Second Reading:

CITY OF DAYTON, KENTUCKY

2013 - #8

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DAYTON CHAPTER 154: SECTION 154.090, CENTRAL BUSINESS DISTRICT (CBD) ZONE; SECTION 154.092, NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) ZONE; and SECTION 154.093, I-2 (INDUSTRIAL TWO) ZONE; TO ALLOW THE SALE OF FIREARMS IN ALL BUSINESS ZONES.

This ordinance amends Sections 154.090; 154.092; and 154.093 of the Dayton Code of Ordinance to allow firearms sales in all districts where retail is permitted in order to comply with KRS 100.325.

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 Allen to approve 2013#8 as read.

ROLL CALL:

Member Volter	Aye	Member Gifford	Aye
Member Boruske	Aye	Member Hurtt	Aye
Member Allen	Aye	Member Burns	Aye

Motion carried--so ordered.

First Reading:

CITY OF DAYTON, KENTUCKY

2013 - #9

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DAYTON CHAPTER 154, SECTIONS 154.076, R-O RIVER ORIENTED ZONE.

Whereas, the Dayton Planning and Zoning Commission has held a hearing and made recommendation for acceptance of a zoning text amendment;

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

SECTION ONE: The Code of Ordinances of the City of Dayton Chapter 154, Section 154.076, R-O River Oriented Zone, is amended as follows:

§ 154.076 R-O RIVER ORIENTED ZONE.

(A) Purpose. The purpose of this zone is to permit those types of uses which are oriented toward the Ohio River.

(B) Uses permitted.

(1) The following uses are permitted in this zone only when those uses are developed in conjunction with boat harbors, marinas, or dockage facilities, including boat landing or launching facilities located along the Ohio River in the Conservation Zone. These uses shall have an unobstructed accessway connecting the permitted use with the Ohio River for the movement of equipment, materials, vehicles, and pedestrians.

(a) Sale of marine supplies and equipment, including service and repair.

(b) Sale of fishing equipment and supplies, including service and repair.

(c) Off-street parking facilities and temporary parking of boat trailers, including spaces large enough to accommodate automobiles pulling boat trailers.

(d) Restaurants

(2) Publicly owned or operated parks and recreational areas.

(3) Recreational uses other than those publicly owned or operated, such as golf courses, golf driving ranges, country clubs, including community swimming pools.

(C) Conditional uses.

(1) Kennels and catteries under the following conditions:

(a) Minimum parcel size for a kennel operation; one-quarter (1/4) acre;

(b) To be located in the River Oriented Zone;

(c) Six (6) foot high perimeter fence around pen enclosure;

(d) Minimum yard setback to nearest pen enclosure component; ten (10) feet;

(e) To be located in the rear yard;

(f) Daily cleaning and pen maintenance.

(g) Kennel to comply with all state regulations pertaining to kennels and the humane treatment of animals;

(h) Screening as regulated by § 154.052 adjacent to any abutting residential use.

(i) Other conditions as required by the Board of Adjustments.

(2) Temporary camping units, tents, and recreational vehicles as defined in KRS 291.320 (11) under the following conditions:

(a) Camping units, tents, and recreational vehicles as defined in KRS 291.320 (11) shall only be inhabited from April 1 through October 31.

(b) Area, height, yard, and setback regulations and requirements shall be as determined and approved by the Planning Commission in the form of a site plan, as regulated by § 154.054.

(c) Other conditions as required by the Board of Adjustments.

(D) Accessory uses.

(1) Customary accessory buildings and uses.

(2) Fences and walls as regulated by §§ 154.135 through 154.145.

(3) Signs, as regulated by §§ 154.170 through 154.177.

(4) Dwelling unit facilities for the occupancy of the operation of the principally permitted use, providing the use is attached thereto.

(E) Area, height, yard, and setback regulations. Requirements for all permitted uses shall be as determined and approved by the Planning Commission in the form of a site plan, as regulated by § 154.054.

(F) Other development controls.

- (1) Dwelling units are not permitted in this zone, except as provided for in division (D)(4) of this section.
- (2) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.105 through 154.122.
- (3) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
- (4) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
- (5) Where any yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by § 154.052.
- (6) No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
- (7) The Planning and Zoning Commission may approve, upon submission of a site plan, areas which may be used for outdoor storage of boats and recreational vehicles as defined in KRS 219.320(11). These boats and recreational vehicles must be parked on crushed stone lots according to load bearing requirements.
- (8) A site plan, as regulated by § 154.054, shall be required for any use in this zone.

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:

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

How do we enforce this ordinance? City Adm. Redmond said City Employees will physically go down and give notice of violations. What about the campers? City Att. Fischer said the campers can stay all year long but no habitation. Mayor Rankle does not want a trailer park. Member Volter asked if this would be Dave Bricking's responsibility? Yes, Mr. Bricking will be the one cited. The City is not looking for this to be a permanent resident. This will be enforced. Don Riley's opinion is, Mr. Bricking will turn the water off in the off-season and move the campers to storage. City Att. Fischer said the other option is to take this back to Planning & Zoning. Habitation and storage only from April to October. Mayor Rankle does not want the city to take responsibility for patrolling a Camp Ground. Mayor Rankle would like it sent back to Planning & Zoning for a date. Mr. Ben Baker who is on Planning & Zoning said they were not given a date, that is why they chose the date listed to prevent a drag of city resources. Motion by Member Volter, seconded by Member Hurtt to send 2013#9 back to Planning & Zoning to add additional restrictions to verify that habitation does not occur outside of dates stated. No water or electric will be available after October 31st. and the units will be moved to storage. Motion carried--ordered.

First Reading:

CITY OF DAYTON, KENTUCKY

2013- #10

AN ORDINANCE ADOPTING THE CITY OF DAYTON, KENTUCKY'S ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, & 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, 2013, and ending June 30, 2014, is hereby adopted as follows:

Resources available:	General Fund	Municipal Road Aid
Fund balance forward	357,679	330,161
Estimated revenues:		
Property tax	1,224,900	
Licenses and permits	1,059,700	
Intergovernmental	60,062	140,000
Fines and penalties	36,200	
Charges for services	359,250	
Other	454,274	

Interest	3,000	700
Total est. revenue	3,197,386	140,700
Total resources available for appropriation	3,555,065	470,861
Appropriations:		
General Government	488,867	
Police Department	1,082,668	
Fire Department	773,800	
Public Works	395,182	
Building Services	92,959	
Waste Collection	240,000	
Professional Services	523,215	415,861
Main Street	74,874	
Total appropriations	3,671,565	415,861
Excess of resources over/under appropriations	(116,500)	55,000
Transfers from other funds	120,000	
Transfers to other funds	3,500	(55,000)
Estimated fund balances	-0-	-0-
	Park Board Fund	Park Tax
Resources available		
Fund balance forward	71,961	-0-
Estimated revenues:		
Misc.	4,000	
Charges for services		
Other		
Interest	175	
Property Tax		99,362
Total est. revenue	4,175	99,362
Total resources available for appropriation	76,136	99,362
Appropriations:		
Salary	10,000	
Utilities	5,500	
Operations	16,200	
Repair/Maintenance	10,000	
Misc.	500	
Total appropriations	42,200	-0-
Excess of resources over/under appropriations	33,936	99,362
Transfers from other funds	34,362	
Transfers to other funds		(99,362)
Estimated fund balances	67,298	-0-

	Urban Renewal	Sargent Park
Resources available:		
Fund balance forward	516,407	36,798
Estimated revenues:		
Charges for services	12,600	
Other (Interest)	1,500	200
Intergovernmental		
Total estimated revenue	14,100	200
Total resources available for appropriation	530,507	36,998
Appropriations:		
Capital Outlay	260,000	
Recreation		
Debt Service		
Total appropriations	260,000	-0-
Excess of resources over/under appropriations	270,507	36,998
Transfers from other funds		
Transfers to other funds		
Estimated fund balances	270,507	36,998

	Civic Club
Resources available:	
Fund balance forward	3,352
Estimated revenues:	
Charge for service	2,000
Other (Interest)	
Total estimated Revenue	2,000
Total resources available for appropriation	5,352
Appropriations:	
Misc	5,500
Total appropriations	5,500
Excess of resources over/ under appropriations	(148)
Transfers from other funds	3,500
Transfers to other funds	
Estimated fund balances	3,352

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: June 4, 2013
Second Reading: June 10, 2013

CITY OF DAYTON, KENTUCKY

by. _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, Clerk

DEPARTMENT HEAD'S REPORT:

Captain John Eddy, Police Department, introduced the newest Police Officer, Matt Jones. Officer Jones is from Maysville, Kentucky. He was an Officer in Maysville for 2 1/2 years. Captain Eddy said Officer Jones has been here a few months and is doing a good job.

Chief Mike Auteri, Fire Department, submitted a copy of his report. This month's training was with the University of Cincinnati Hospital trauma helicopter (Air Care). In 26 years this has only been used three times. Training is done yearly. The landing place for the helicopter (Air Care) is Manhattan Harbour, Davis Field and Bellevue Vets. In May the fire fighters visited Speers Court and Center Street Park in Bellevue. The Fire Department will be getting two new boat motors thanks to the City of Cincinnati Police. On May 30th. Fire fighter Medic Brian Boyers attended the Area Maritime Security Committee Rescue and Response Sub-Committee meeting. Mayor Rankle said it's great the Fire Fighters are out in the community and in other states. City Adm. Redmond said it was a compliment to Chief Auteri that Cincinnati gave him part of their grant money, great job. Member Boruske asked about the training center on Third Avenue. Chief Auteri said they've been cleaning up brush, etc. A huge tree has been hollowed out and someone has offered to take it down for \$60.00. The person who offered to take down the tree will need liability insurance. City Adm. Redmond said the city will pay for the insurance.

Don Riley, Director of Codes, submitted a copy of his report. Since the last council meeting 103 citations have been written and 10-13 people were taken to the Code Board. The city has hired Dena Siemer as a seasonal worker in the Codes Department. She is coming along very well. The old F&N Steakhouse is down and will be cleaned up in 4 - 5 days. The area will be filled, leveled, seeded & strawed.

Mayor Rankle asked about the property in the 400 Block of Eighth Avenue. Don said a citation was served in Grant County Jail. Don will have Public Works cut the grass, then proceed with legal action from there. Mayor Rankle asked why caution tape was up at Fourth & Dayton Avenue. Member Hurtt said a company is currently working on the property. At the last meeting Don was asked to contact Town Property about the dumpster at Dayton Square. Town Property has agreed to enclose and move the dumpster. Town Property wants to move it to the East side of the building. Member Burns does not think it should be moved. In the past it was a problem when it was on that side by Mr. Drake's house. Don asked what he should tell Town Properties. It doesn't make sense to move the dumpster over by someone's house. Leave it where it is and have it enclosed. Member Burns feels the dumpster is not big enough for the building.

Rick Lucas, Public Works, reported his department is working in the alley's this week.

Donna Leger, Clerk/Treas., reported the Postal Mail Box has been moved to Sixth & Berry. City Att. Fischer asked why? City Adm. Redmond said because he told them to move it. City Adm. Redmond asked the Post Office to move the box closer to Hansmans Corner Market. The fear was the lack of use across from the City Building might cause the Postal Service to take the box away. Mayor Rankle wants the mailbox moved from its current location. City Adm. Redmond said he had suggested in front of the Town Center close to Hansmans. Member Boruske said everyone needs to be notified if the mailbox is moved again.

Justine Ryan, YMCA, reported a basketball clinic and league has been formed with the YMCA Staff, Billy Rogg and Joey Tucker. It's terrific. The summer hours for the Y are Monday - Thursday, 12:00 p.m. - 4:00 p.m. Some of the activities include, kick boxing, hip hop, swimming, and swimming lessons. We'd like to add on music lessons in conjunction with Players Collective and cooking lessons with Buona Vita Pizzeria. Dinner and snacks are provided. The Twenty First Century Program will run four weeks in July then into the school year. The kids want field trips. We are working on more resources and extended hours.

STANDING COMMITTEE REPORTS:

Parks & Real Estate (Member Burns):

Park Board met last night. There will not be a meeting in July. The Board will discuss new trees in the near future.

PETITIONS:

Member Gifford neighbors is having problems with coyotes in their back yard. What can be done? Terri Baker, Animal Control, does not do wildlife. Donna Leger will call Member Gifford tomorrow with the phone number of a trapper.

AUDIENCE:

Ray Hayes, 614 Third Avenue, is having problems with his neighbor on Fourth Avenue. The neighbor has been throwing stuff at his dogs. He has called the police four times. Captain Eddy will take the information from Mr. Hayes after the meeting. City Att. Fischer suggested Mr. Hayes go to the County Attorney at Sixth & Columbia, Newport, Kentucky and ask for mediation. The Police Department can only arrest on a misdemeanor that he or she sees. The County Attorney can issue a complaint for the misdemeanor.

Joe Neary asked the status of property at 1024 Fifth Avenue. The property has sold. Will the 2013/2014 budget be available after the June 10th . meeting? What is the status of the sidewalk on Dayton Pike? City Adm. Redmond said the exchange of property and appraisals have been sent to the National Park Service. When that has been approved land will be purchased from Ranshaw for \$40,000. The \$40,000 will be paid by DCI. Plans will be drawn up and an advertisement put in the paper for bids. DCI will pay for the appraisal. Joe asked about two properties on Sixth Avenue, 137 Sixth Avenue and Sixth & McKinney. Could we have an update on what is being done? City Att. Fischer said 137 Sixth Avenue will be in foreclosure within the next 60 days. Mr. Neary thinks Millie's Drapery, Sixth & McKinney, is an eyesore. Is there any way to speed up the process? City Adm. Redmond said the city knows about 137 Sixth Avenue. Currently there are 12 people involved in the estate. We have dealt with Charlie Day who owes 1/12 of the property. Charlie has been paying the taxes. It's very difficult to get people who don't want to fix or repair their property to do the work. The city is very aware of this. The city mowed 119 yards last summer. This year we have already started. We as a Community should face up to the fact that people won't sign for the certified letters. City Administration Redmond said he would like to post 202 Berry as a Public Health Hazard and tear it down. Our codes people work hard, it's not as easy as you think. Joe Neary said there is no windows, lead paint is peeling off, it's not fair to the neighbors.

Thanks to Leslie Carr for the article on Charlie Tharp and the Community. City Adm. Redmond also thanked Member Gifford for his input in the Music Legends of Northern Kentucky. The article was terrific.

Tammy Riley, reported on the Police Academy, thanking the Police Department for the T-Shirts. We've been working with both Communities. We stand in on shop Bellevue, helped at the Dayton Bike Rodeo and will stand in on the grill out the Dayton Police Department has planned this summer. We've also helped the Bellevue Police with phone assistance and spoke with Justine at the YMCA to see how we can volunteer.

UNFINISHED BUSINESS:

Ben Baker announced that Art on the Avenue will be held on June 22nd. at Sixth & Berry. This is a great event.

Council set the date for the Senior Citizen Picnic as Wednesday, Sept. 11th. The picnic is for seniors 60 years and up. Donna Leger, Clerk/Treas., will call the VFW to reserve the hall.

ADJOURNMENT:

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

