

CITY OF DAYTON
COUNCIL MEETING
SEPTEMBER 3, 2013

A regular meeting of Dayton City Council was held on Tuesday, September 3, 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 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:

Mayor Ranke thanked the Volunteers in the Community. One good example is Elmer Perry, Elmer helps out everywhere, the schools, churches, city functions, etc.

The Senior Citizens Picnic will be held on Wednesday, September 11th at the VFW Hall. All Dayton Seniors 60 and older are welcome.

CITY ADMINISTRATOR'S REPORT:

Motion by Member Boruske, seconded by Member Hurtt to accept the engagement letter from Fossett & Associates. All ayes. Motion carried--so ordered.

Request for a handicap parking space from Patrick O'Brien, 333 Fourth Avenue. Mr. O'Brien does not own the home so he does not qualify by city ordinance. No motion.

Member Gifford introduced his granddaughter. Madison Gifford is on student council at Lincoln Elementary School.

CONSENT AGENDA:

Motion by Member Hurtt, seconded by Member Volter to accept the minutes from the July 29, 2013 special meeting as received. All Ayes. Motion carried--so ordered.

Motion by Member Hurtt, seconded by Member Gifford to accept the minutes from the August 6, 2013 regular meeting as received. All Ayes. Motion carried--so ordered.

ORDINANCES & ORDERS:

First Reading:

CITY OF DAYTON, KENTUCKY

2013 - #11

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 access way 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 be located in the recognized campground as described on the approved site development plan only from March 1 through October 31 and shall only be inhabited from March 1 through October 31.

(b) Camping units, tents, and recreational vehicles as defined in KRS 291.320 (11) shall be removed from the recognized campground as described on the approved site development plan from November 1 through February 28 (February 29 in leap years). However, camping units, tents, and recreational vehicles as defined in KRS 291.320 (11) may be stored, but shall not be inhabited, within the recognized storage area as described on the approved site development plan from November 1 through February 28 (February 29 in leap years).

(c) 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.

(d) 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

Will the campers be moved during the non-camping months? City Att. Fischer said the recommendation from Planning & Zoning is the campers have to be moved from outside of the recognized camping area but they can be kept in a storage unit. Member Burns asked about the tents. When were tents included? City Att. Fischer said he followed the recommendation from Planning & Zoning. Member Burns said he has an issue with the tents. Member Volter said it was originally to be a camp site. Mayor Rankle said no one talked about tents. Motion by Member Boruske, seconded by Member Allen to ask for clarification on the tent camping. Member Volter Nay. Motion carried--so ordered.

First Reading:

CITY OF DAYTON, KENTUCKY

2013- # 12

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, 2013 THROUGH JUNE 30, 2014.

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, 2013 through June 30, 2014, by the City of Dayton, Kentucky, the sum of .4950 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 .4950 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 .4450
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, 2013 or the full amount by January 31, 2014. Thereafter the penalty and interest herein 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 15, 2013 at the office of the City Clerk/Treasurer and shall be delinquent after November 6, 2013, 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, 2013, 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:
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
Kenneth E. Rankle
its Mayor

ATTEST:

Donna Leger, its Clerk

This is the compensating rate and will bring in the same amount of revenue as last year. Council agreed to meet on Tuesday, Sept. 17th. at 5:30 p.m. for the second reading of ordinance 2013#12. The media will be notified.

DEPARTMENT HEAD'S REPORT:

Scott O'Brien, Police Chief, stated that back in 2005 the city participated in the Kentucky Preparedness Program. This program was put on by Kentucky Criminal Justice and Homeland Security. The Police Department at that time was able to purchase patrol rifles as part of grant money. Chief O'Brien spoke with Jason Childers, who is a representative. The department is no longer using these rifles. Because the grant is so old and since been closed the city can do what they want with the rifles. The Chief would like to surplus these biretta rifles and get new hand guns. The hand guns we currently have are getting old. We'd like to trade those in along with the biretta rifles and get new ones for all the police officers. Chief O'Brien passed out to Mayor and Council a pricing list, Three vendors were contacted. Motion by Member Boruske, seconded by Member Allen that the guns in question be declared surplus property, they are not necessary for the operation of the city. All Ayes. Motion carried--so ordered.

City Adm. Redmond said he is working on a fixed contract to pass out to the previous bidders in reference to a towing contract. The previous bidders can change their existing bids. Member Allen asked if the Police Department was still using ABC Towing? Chief O'Brien said yes. City Adm. Redmond said the current policy is the Police Officers can use any available towing service.

Donna Leger, Clerk/Treas., submitted a copy of her monthly report and the monthly financials for the General Fund.

Rick Lucas, Supt. Public Works, stated that the Public Work's Department is busy with grass cutting. One sidewalk grant has been received and the school project worked out very well.

City Adm. Redmond said Supt Rick Lucas has suggested that all of Fifth Street be milled and blacktopped. Rick said he used last year's tonnage. Four or five of the streets could really use the repaving. City Adm. Redmond said Greendevil Lane is a combination of Locust Street and Vine Street that we didn't do last year. The contractor agreed to do it this year at last year's price. But it was bid last year. What are you recommending now? Rick Lucas suggested the 1200 Block of Seventh Avenue down to Dayton Pike, that street almost has to be done. The 400 block of Fifth Avenue, 400 & 500 block of Fourth Avenue, intersection of Fourth & Berry, and the intersection of Fourth & McKinney St. Those are the streets that really stand out. The finance committee would like to know what curbs need to be done this year? Rick said some on the upper streets. This will help control water. The 400 & 500 block of Fourth Avenue and Fifth Avenue need a lot of curb work. The finance committee is looking for a dollar number that can be used for just curbs. Rick suggested \$50,000 - \$60,000 and that would only do partial curbs. Curbs are \$22.00 a linear foot. Patching of the curbs could be done. ADA regulations will be required, we must put in handicap ramps, we've done this before. City Adm. Redmond said about \$150,000 was spent on last year's repaving. Greendevil Lane was paid through Municipal Aid. Mayor Rankle would like to try and do a few streets, curb work and crack sealing. City Adm. Redmond instructed Rick Lucas, Supt. Public Works, bring to the next meeting \$100,000 worth of work. Member Volter said the Southside of Fifth Avenue between Berry and Greendevil Lane needs curb work.

Michael Giffen, Main Street Manager, reported the stick horse competition is open to the public and all ages. They will be displayed in store fronts. First place is \$200.00, second \$100.00 and third place is \$50.00. The deadline is September 30, 2013. There is no limit on the entries and they will be displayed through the holiday season. The Fall Festival is October 12th., 4:00 - 10:00 P.M. at the Monument. There will be live bands, food, games, pumpkin carving, etc. This will also be the opening of the Museum at 718 Sixth Avenue. Everyone should start seeing the benefits of the Facade Grants. Most of the work will be in the 500 & 600 block of Sixth Avenue. Sherman Williams is giving all Dayton residents a 35% discount on interior and exterior paint. This is the Southgate location only. Call the City Building for more information.

The Fifth quarter is September 6th. at the First Presbyterian Church and October 25th, at the Dayton Bellevue Christian Church. The Psalms Festival will be September 14th, at Gil Lynn Park from 12:00 p.m. - 9:00 p.m. Wise Guys Restaurant, located across from the City Building will open this week or next week.

Don Riley, Codes Director, announced that Dena Siemer has resigned. She did a great job and will be hard to replace. Sixteen properties will be taken to the Code Board on September 9th. Most are homes where Public Work's cut the grass. The Code Board meeting on September 23rd. will include 301 and 316 Sixth Avenue. Currently the owner of 316 Sixth Avenue is fixing the box gutters and painting.

Member Burns would like something done about the items that are dropped off at St. Vincent DePaul. Member Gifford said they have signs on the back of the building but people drop stuff off at night. Member Burns does not want the area to be unsightly for the Fall Festival. Member Gifford asked Chief O'Brien if his report was open to the public? The public needs to see all that is accomplished in the Police Department. City Adm. Redmond said it can be published on line.

Jim Richmond, FDBD, said Chief Auteri had a family commitment tonight and could not attend. Everyone should have a copy of the Chief's report. The Fire Department hosted a pre-incident fireworks planning meeting at Daymar College in Bellevue on August 26th. The interviews for a Firefighter/Medic have started. Five candidates were interviewed and the choices submitted to the Chief. The Fire Department received a \$60,000 Department of Homeland Security and FEMA Port Security Grant for the fire boat. The burn ban will be lifted on October 1st.

STANDING COMMITTEE REPORTS:

Finance (Member Boruske):

The Committee met and talked about the street repairs.

Safety Committee (Member Volter):

The Committee met and discussed the towing issue.

Parks & Real Estate (Member Burns):

September 16th., 7:00 p.m. is the next Park Board Meeting.

Economic Development (Member Hurtt):

The Committee met to discuss the vacant lots/buildings owned by the city. We would like to put four lots out for bid. This will generate more tax revenue and more funds to purchase vacant property so we can get city property values up. HONK is working in the 500 block of Third Avenue, they have torn down two pieces of property and are going to build two new homes. Motion by Member Hurtt, seconded by Member Burns to declare the properties at 1026 Ervin Terrace, 1019 Maple Street, 117 Fourth Avenue and 1010 Fourth Avenue as surplus property and to post them for bid with a bid closing date of 9/30/2013. The advertisement will state the City may reject any and all bids. The advertisement should also state that the city will also consider proposals for development agreements of those lots, whether by expansion of existing homes on adjoining lots or by construction of new homes on the lots. Copies of the advertisement shall be provided to titleholder of record of all abutting properties. Comments: Member Boruske asked if the bids will then come back to council? Yes. Member Gifford would like to know what will we use as the basis for the cost? Member Hurtt said what the city has invested in the property. All ayes. Motion carried--so ordered.

PETITIONS:

Elmer Perry reported the Tour of Churches will also be on October 12th. plus the grand opening of the museum. Thanks to all the people who participated in the product survey. The school needed 100 volunteers and they had 101.

UNFINISHED BUSINESS:

September 11th., from 11:00 a.m. until 4:00 p.m. is the Senior Citizens Picnic at the VFW Hall. The age is 60 and up.

NEW BUSINESS:

Member Gifford said Charlie Coleman is running for County Commissioner in the second district.

Motion by Member Boruske, seconded by Member Hurtt to adjourn. Motion carried--so ordered.

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor