

CITY OF DAYTON
COUNCIL MEETING
OCTOBER 15, 2013

A regular meeting of Dayton City Council was held on Tuesday, October 15, 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 city received an e-mail from George & Dorothy Christofield. They would like the waste charge on their tax bills removed. The property is located at 620 Sixth Avenue and 626 Sixth Avenue. The property at 620 Sixth Avenue has been vacant for 3 years and 626 Sixth Avenue has been vacant for 1 year. Both are currently up for sale. After discussion by council, it was decided that they would not remove the waste charges. The city has to pay the waste charge to CSI whether the property is vacant or not.

CITY ADMINISTRATOR'S REPORT:

The Planning Commission just finished their meeting. They have recommend to City Council the plat you see on the tripod wall and the pattern book. Council needs to adopt this pattern book as part of our zoning code. This is like an entirely new zone. It specifically talks about the size of the houses, 1 or 2 story, signs, landscaping and what will happen in the back of the project. At the November 5th. meeting there will be an ordinance to adopt this pattern book as part of the zoning ordinance. Monte Rogers will sign the plat and it will be filed in the Court House. The staff at Campbell County Planning and Zoning did a great job. Any questions about the plat or project? Mayor Rankle stated that Walker Homes has bought 8 lots and has the option of up to twenty lots. They started selling the lots for \$250,000 and now they are going to ask \$350,000. Dave Imboden has committed to building 5 homes himself. The foundations should be in the ground by winter. DCI told us they can do the project and have the finances. We're moving forward and Dayton can be very proud of what we'll have. Member Hurtt said she is happy to see the builder is keeping with the general type of architecture of the City. We're only dealing with Phase 1, the Commons and Lookout. Mayor Rankle stated the City is not taking any homes within the city that he currently know of or any plans that he know of in the future. City Adm. Redmond said the owner of 107 Fifth Avenue made a nice presentation at the Planning Meeting. She asked about making Fifth Avenue a two way street. It's the only thing the city could do, we are working with her. The City owns property within 4 inches of her house. We'd like to build the road so it still gives her a side yard. You have to be courteous on a residential street, pull over and let someone through, or it won't work. Fifth Avenue will be two way but not through to O'Fallon. The city thinks in long term it will improve Fifth Avenue. Jennifer Sierra said the city allows parking too close to the corners and people have trouble seeing traffic from the East as they enter onto Sixth Avenue. Member Boruske said at Sixth & Vine and Sixth & Walnut it is very blind going towards Bellevue. City Adm. Redmond suggested increasing the yellow lines. City Adm. Redmond would like to see motorists start stopping for people in the cross walks. Ben Baker said they stop in Bellevue because of the signs. Jennifer Sierra asked if the city could limit the height of the new homes on the lots that are at the ends of the streets. The streets that run North/South to the river. Could the city keep those homes at one level, a ranch instead of a two story? Mayor Rankle stated there is space in between each home. Setback on each side. Part of the view will be blocked because of the roof tops. A two story house won't make much of a difference in the view. The City will maintain two gravel

pits. Trucks will go to the area monthly. The access road will start at 15' and then go down to 10'. The sidewalks will be 4'.

CITY OF DAYTON, KENTUCKY

2013 - #13

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE DAYTON, KENTUCKY CODE OF ORDINANCES, CHAPTER 111, ALCOHOLIC BEVERAGES.

This ordinance amends the Dayton Code of Ordinances pursuant to changes in Kentucky statutes enacted in 2013. It creates two new NonQuota retail liquor licenses to conform to such licenses created by said statutes. It creates two new NonQuota retail malt beverage licenses separating malt beverage drink licenses from malt beverage package licenses also to conform to such licenses created by said statutes. In addition it increases the fee for each type of license 5% which shall remain in effect for five (5) years conforming to the new Kentucky statutes.

Motion by Member Hurtt, seconded by Member Volter to accept 2013#13 as read.

ROLL CALL:

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

Motion carried--so ordered.

First Reading:

CITY OF DAYTON, KENTUCKY

2013 - #14

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 and recreational vehicles as defined in KRS 291.320 (11) under the following conditions:

(a) Camping units 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 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 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:

First Reading:

CITY OF DAYTON, KENTUCKY

2013 - 15

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF DODD DRIVE.

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

GROUP NOS. 30287/A5; 30288/A4;30288/A5 **PIDN NO. 999-99-33-462.00;**
30289/A3; 30289/A4; 30289/A5; 30289/Z; 30291/A1;
30291/A2; 30291/A3;30291/Z; 30446/A1; 30446/A2;
30447/A1; 30447/A2; 30447/A3; 30447/A4; 30448/A1;
30448/A2; 30448/A3; 30555/A1; 30555/A2; 30555/A3;
30555/A4; 30555/Z; 30556/A1; 30556/A2; 30556/A3;
30556/A4; 30556/Z;30557/A1; 30557/A2; 30557/A3;
30557/A4; 30557/Z; 30560/A1; 30560/A2; 30560/A3;
30560/Z; 30561/A1; 30561/A2; 30561/A3; 30561/Z;
30578/A2;30579/A1; 30579/Z; 30592/A1; 30593/A1;
30594/A1; 30596/A1; 30596/Z; 30862/Z

SECTION ONE: That a portion of Dodd Drive be and it is hereby ordered closed and abandoned. The said right of way is described as follows:

Situated in the City of Dayton, Campbell County, Kentucky, and being part of the Dodd Drive right of way as shown on Plat E, Slide 140B, more particularly described as follows:

Beginning at a set 1/2" steel rebar with plastic cap stamped "J.G.K. KY 3663" in the present corporation line of the City of Dayton and City of Bellevue, at the intersection of the east right of way line of O'Fallon Avenue (Plat Cabinet B, Slide 204A) with the north right of way line of Dodd Drive (Plat Cabinet A, Slide 140B);

Thence along said east right of way of O'Fallon Avenue and said corporation line, South 39°18'23" East a distance of 117.76 feet to a point;

Thence leaving said right of way of O'Fallon and the corporation line of the City of Dayton, Kentucky, North 50°41'37" East a distance of 18.18 feet to a point in the east right of way of Dodd Drive;

Thence with said right of way of Dodd Drive the following thirteen (13) calls:

Along a curve to the right having a radius of 185.00 feet ($\Delta = 76^\circ 34' 30''$, Chord = North 00°55'08" West a distance of 229.25 feet) an arc length of 247.25 feet to a point;

North 37°22'07" East a distance of 585.84 feet to a point;

Along a curve to the right having a radius of 1512.64 feet ($\Delta = 03^\circ 30' 44''$, Chord = North 39°07'29" East a distance of 92.71 feet) an arc length of 92.72 feet to a point;

North 40°52'51" East a distance of 404.84 feet to a point;

Along a curve to the right having a radius of 936.83 feet ($\Delta = 02^{\circ}12'04''$,
Chord = North $41^{\circ}58'53''$ East a distance of 35.99 feet) an arc length of
35.99 feet to a point;

North $43^{\circ}04'55''$ East a distance of 316.05 feet to a point;

Along a curve to the right having a radius of 1668.35 feet ($\Delta = 08^{\circ}54'03''$,
Chord = North $47^{\circ}31'56''$ East a distance of 258.92 feet) an arc length of
259.18 feet to a point;

North $51^{\circ}58'58''$ East a distance of 722.00 feet to a point;

Along a curve to the right having a radius of 175.00 feet ($\Delta = 25^{\circ}30'00''$,
Chord = North $64^{\circ}43'58''$ East a distance of 77.24 feet) an arc length of
77.89 feet to a point;

North $77^{\circ}28'58''$ East a distance of 55.06 feet to a point;

Along a curve to the left having a radius of 225.00 feet ($\Delta = 19^{\circ}19'00''$,
Chord = North $67^{\circ}49'28''$ East a distance of 75.50 feet) an arc length of
75.86 feet to a point;

North $58^{\circ}09'58''$ East a distance of 536.59 feet to a point;

Along a curve to the right having a radius of 807.35 feet ($\Delta = 12^{\circ}50'03''$,
Chord = North $64^{\circ}34'59''$ East a distance of 180.47 feet) an arc length of
180.85 feet to a point;

Thence across said right of way of Dodd Drive, North $18^{\circ}59'59''$ West a distance
of 50.00 feet to a point in the north right of way;

Thence along said northerly right of way the following thirteen (13) calls:

Along a curve to the left having a radius of 857.35 feet ($\Delta = 12^{\circ}50'03''$,
Chord = South $64^{\circ}34'59''$ West a distance of 191.64 feet) an arc length of
192.05 feet to a point;

South $58^{\circ}09'58''$ West a distance of 536.59 feet to a point;

Along a curve to the right having a radius of 175.00 feet ($\Delta = 19^{\circ}19'00''$,
Chord = South $67^{\circ}49'28''$ West a distance of 58.72 feet) an arc length of
59.00 feet to a point;

South $77^{\circ}28'58''$ West a distance of 55.06 feet to a point;

Along a curve to the left having a radius of 225.00 feet ($\Delta = 25^{\circ}30'00''$,
Chord = South $64^{\circ}43'58''$ West a distance of 99.31 feet) an arc length of
100.14 feet to a point;

South $51^{\circ}58'58''$ West a distance of 722.00 feet to a point;

Along a curve to the left having a radius of 1718.35 feet ($\Delta = 08^{\circ}54'03''$,
Chord = South $47^{\circ}31'56''$ West a distance of 266.68 feet) an arc length of
266.94 feet to a point;

South $43^{\circ}04'55''$ West a distance of 316.05 feet to a point;

Along a curve to the left having a radius of 986.83 feet ($\Delta = 02^{\circ}12'04''$,
Chord = South $41^{\circ}58'53''$ West a distance of 37.91 feet) an arc length of
37.91 feet to a point;

South $40^{\circ}52'51''$ West a distance of 404.84 feet to a point;

Along a curve to the left having a radius of 1562.64 feet ($\Delta = 03^{\circ}30'44''$,
Chord = South $39^{\circ}07'29''$ West a distance of 95.77 feet) an arc length of
95.79 feet to a point;

South $37^{\circ}22'07''$ West a distance of 585.84 feet to a point;

Along a curve to the left having a radius of 235.00 feet ($\Delta = 46^{\circ}30'40''$,
Chord = South $14^{\circ}06'47''$ West a distance of 185.57 feet) an arc length of
190.77 feet to the point of beginning.

Said parcel contains 4.118 acres

Being part of Dodd Drive as shown on Plat A Slide 140B and recorded at the
Campbell County Clerk's records at Newport, Kentucky. Said herein description
being the result of a field survey in April of 2009 by Cardinal Engineering
Corporation under the direct supervision of Joseph G. Kramer, PLS #3663. The
basis of bearings for this description are based on NKAPC control monuments
NKC106 and NKC106AZ

A copy of the plat of said right of way is attached hereto and made part hereof by
reference.

SECTION TWO: The City finds the above described portion of alley is surplus property for
public purposes. The City Attorney is directed and authorized to file an action in Campbell
Circuit Court to have the said public right-of-way finally closed by judicial decree or otherwise
pursuant to the provisions of KRS 82.405.

SECTION THREE: Once the decree is rendered by the Court closing the said right-of-way, all plats and maps of the City of Dayton, Kentucky, including the official zoning map and all maps of the comprehensive plan of the City shall be considered amended to reflect said closing.

SECTION FOUR: Once the Court has rendered its final decree closing said public rights-of-way, a copy of said decree shall be filed of record in the Campbell County Clerk's records at Newport, Kentucky;

SECTION FIVE: The City Clerk shall notify Duke Energy, Northern Kentucky Water District and Sanitation District #1, and all other utilities which may have an interest in the said property.

SECTION SIX 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

Comments: Old Dodd Drive will be relocated.

At the last council meeting it was a 5 to 1 vote to have Halloween on Sunday, October 27th from 1:00 - 3:00 p.m. One reason stated was the children have school the next day. This year school will be closed the day after Halloween, Oct. 31st. Every other city is having trick or treat on Halloween. Motion by Member Volter to have trick or treat on October 31st. from 6:00 - 8:00 p.m. Member Hurtt voted said she voted last time to change to Sunday because of the children going to school the following day. Due to no school the next day Member Hurtt seconded the motion.

ROLL CALL:

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

Tie vote. Mayor Rankle votes Aye. Motion carried--so ordered.

CITY ATTORNEY FISCHER:

City Att. Fischer send an e-mail to council about the Fire Department Case. What does council want to do? Do we need to talk about the issue? Mayor Rankle stated the issue is a lawsuit about how a fireman is paid as far as overtime. The city thinks they are right. The judgment came back in the favor of the city but how the judgment has been changed. The question is do we settle or not. The city has already settled with 7 of the 9 firefighters. The city's part is about \$6,000. The Fire Department Bellevue Dayton's part is about \$150,000 or more. City Att. Fischer is only talking about the cities part not the FDBD. The city will be paying City Att. Fischer more money if the city challenges the decision. If we settle the city is out replied Mayor Rankle. Motion by Member Boruske, seconded by Member Burns to settle Dayton's part of the Fire Department Case, up to and no more than \$8,000. All ayes. Motion carried--so ordered.

The city received competitive sealed bids and the lowest bid came from Bluegrass Paving.

Bluegrass Paving	\$51,868
Barrett Paving	\$56,595
Eaton	\$79,477

The water company is going to redo Seventh Avenue and Ninth Avenue next Spring . City Adm. Redmond recommended to council we keep the same bid and tonnage and do the 300-400-500 Block of Fifth Avenue. We'll wait until next October and do Seventh and Ninth Avenue. Motion by Member Hurtt, seconded by Member Boruske to approve the bid for Bluegrass Paving at \$51,868 with the changes mentioned, the 300-400-500 Block of Fifth Avenue replacing Seventh Avenue and Ninth Avenue. All ayes. 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