CITY OF DAYTON

PUBLIC HEARING

May 3, 2016

A public hearing of Dayton City Council was held on Tuesday, May 3, 2016, 7:00 p.m. in the board meeting room of the Dayton Independent Schools Administration Building, Third & Clay Street, Dayton, KY. The purpose of this hearing was to receive comments from the public regarding the spending of Municipal Aid Funds for the fiscal year ending 6/30/2016. The meeting was advertised. Mayor and Council were notified of the meeting in advance.

City Adm. Giffen noted $359,141.66 is currently in the Municipal Aid Account. This does not include the money owed to Bluegrass Paving for the upcoming bid contract.

The City received two bids for a section of Dodd Drive from Fourth Avenue to the Marina.

Mayor Boruske asked for any comment from the audience or council regarding the spending of the Municipal Aid Funds.

The meeting was closed at 7:03 p.m.

CITY OF DAYTON

COUNCIL MEETING

May 3, 2016

A regular meeting of Dayton City Council was held on Tuesday, May 3, 2016, 7:03 p.m. in the board meeting room of the Dayton Independent Schools Administration Building, Third & Clay Street, Dayton, KY.

ROLL CALL:

Mayor Boruske Aye Member Gifford Aye

Member Neary Aye Member Lynn Aye

Member Burns Aye City Adm. Giffen Aye

Member Tucker Aye City Att. Edge Aye

Member Baker Aye

Audience:

Jeff Volter, 336 Riverpointe, noted that Dayton Schools are doing away with bus transportation. The sidewalk grant on Dayton Pike is needed as soon as possible. The PVA has lowered several property values in the 300 block of Third Avenue. This hurts the city and school system. City Adm. Giffen reported that Mayor Boruske and himself both sat down and met with Daniel Braun, Property Valuation Administrator, last week. The changes have gone both ways, some assessments have been raised. The PVA has several guidelines they go by when changing the assessments. Dayton still has low property values in sales and still has a lot of renters’ vs homeowners’ property. This plays into the calculations. Mr. Braun did send some information and we are waiting on more. City Adm. Giffen said this is something we can’t control. The Mayor and I had an extensive conversation with Mr. Braun. There is a method to what they do.

Ultra Tech has completed the study for the Dayton Pike Park. After the thirty days comment period the study will be resubmitted to the Dept. for Local Government and then to the Park Service. The city should hear something from the National Park Service by Sept. 1, 2016.

Tammy Cornett, Chairperson of the Civic Club (Civic Activities Board), reported the following:

City flower pots will be planted on Friday or Saturday of this week. Volunteers are needed.

A fundraising event will be held on June 3 at City Barbeque in Highland Heights. If a flyer is presented when ordering the Civic Club will receive 25% of each sales.

On June 11 the Civic Club will join forces with Psalms 147 Ministries to hold a 3 on 3 basketball tournament at Gil Lynn Park. The Civic Club will run the concession and keep all proceeds.

June 18th is Music Fest II. Tammy completed a special events application. Nine bands have volunteered to play from 2:00 p.m. until 12:00 a.m. Fourteen vendors have also confirmed their attendance. Everyone came to the Civic Club looking to participate.

Tara Johnson, Catalytic Fund, will have a full presentation at the next council meeting about Beyond the Curb. Ms. Johnson thanked everyone for their support. Beyond the Curb was very successful and we have positive feedback to share with council next month. Ms. Johnson is currently working with the not for profit organization called “Skyward”. This is privately funded. Skyward highlights the importance of four goals in NKY. The goals are jobs, health, education and vibrancy. Dayton has been selected for a pilot program that Skyward is doing in partnership with the Center for Great Neighborhoods. This is at no cost to the city. Dayton was the only river city selected. This involves people working together and finding creative solutions. Skyward will award five $250.00 grants. Workshops will be held in June. This will be a very exciting time and more information will follow.

Dylan Richardson, YMCA Director, reported on some of the activities at the YMCA. The Y is currently collecting used shoes to take to Nashville. These shoes will be distributed to families all over the world. The children recently attended a Reds Game and will participate in the Marvin Lewis Football Camp this summer. The YMCA will hold a festival on May 14th. This is open to the entire community. There will be food, a giant slip n slide, carnival games, face painting, and more.

Special Events Application from Infiltrate Ministries for June 17, 2016 at the Town Center. They would also like to have the street blocked from Fifth to Sixth Avenue on Berry Street. There will be games, food, drinks and music. Motion by Member Baker, seconded by Member Gifford to allow this event. Motion carried—so ordered.

MAYOR’S REPORT:

Motion by Member Gifford, seconded by Member Burns to approve the minutes as received from the April 5, 2016 meeting. Motion carried—so ordered.

Second Reading:

**CITY OF DAYTON, KENTUCKY**

**2016- #1**

**AN ORDINANCE AMENDING CHAPTER 150 OF THE DAYTON CODE OF ORDINANCES AS IT RELATES TO IMPLEMENTATION AND ADOPTION OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDING PENALTIES FOR VIOLATIONS.**

This ordinance amends the Dayton Code of Ordinances, Chapter 150 to adopt the 2015 International Property Maintenance Code as published by the International Code Council, Inc. whereas previously the City was operating under the 2012 International Property Maintenance Code. The ordinance also amends parts of the 2015 International Property Maintenance Code to ensure enforceability, compliance and continuity with other ordinances and Kentucky Revised Statute. The ordinance outlines the following amended penalties;

## **§150.98. Civil Offense.**

**(A)** Any person, firm, or corporation who violates any provision of this Chapter shall be subject to a civil fine of not less than $50 per day per violation but not more than $500 per day per violation, and the cost to the city to abate the public nuisance, or both. Each date that a violation of this Chapter continues may be deemed a separate offense to a maximum of $10,000 per citation. If the civil fine is uncontested, the amount shall be $250 per violation per day.

**(B)** The city shall possess a lien on property for all fines, penalties, charges, attorney’s fees, and other reasonable costs associated with enforcing this code and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens filed subsequently, except state, county, school board, and city taxes.

I, Tom Edge, 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.

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**TOM EDGE**

Motion by Member Tucker, seconded by Member Lynn to approve 2016#1 as read. Comments: Member Neary asked if this ordinance puts the lien priority at the top. City Att. Edge said this does not, it does in ordinance 2016#3.

ROLL CALL:

Member Neary Aye Member Baker Aye

Member Burns Aye Member Gifford Aye

Member Tucker Aye Member Lynn Aye

Motion carried—so ordered.

Second Reading:

**CITY OF DAYTON, KENTUCKY**

**2016- #2**

**AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTS TO THE CODE OF ORDINANCES OF THE CITY OF DAYTON, KENTUCKY.**

This ordinance adopts and enacts the supplements to the City of Dayton Code of Ordinances as published by American Legal Publishing Corporation of Cincinnati, Ohio. This adoption adopts and codifies the ordinances from 2014 through 2015.

I, Tom Edge, 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.

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**TOM EDGE**

Motion by Member Neary, seconded by Member Burns to approve 2016#2 as read.

ROLL CALL:

Member Burns Aye Member Gifford Aye

Member Tucker Aye Member Lynn Aye

Member Baker Aye Member Neary Aye

Motion carried—so ordered.

Second Reading:

**CITY OF DAYTON, KENTUCKY**

**2016- #3**

**AN ORDINANCE RESCINDING ORDINANCE 2013-02, 2013-03 AND 2013-06 AND ADDING A NEW CHAPTER TO THE CITY OF DAYTON CODE OF ORDINANCES TO ADDRESS NUISANCES AND REVISING VARIOUS SECTIONS OF THE DAYTON CODE OF ORDINANCES TO CONFORM WITH THE NEW ORDINANCE.**

This ordinance revokes the previously enacted nuisances prohibitions as codified in chapter 99 in the City of Dayton Code of Ordinances and the previously enumerated Code Enforcement Board. As replacement, this ordinance, pursuant to authority of KRS 65.8801 through 65.8839 and KRS 82.705 through 82.725, enacts new nuisance ordinances that prohibit criminal activity, graffiti, environmental issues, litter, garbage, trash, dilapidated housing or violations of other sections of Dayton Code of Ordinances. The ordinance further enacts procedures for citations, abatement, and appeal of violations under this ordinance and creates a Code Enforcement and Nuisance Board. The ordinance outlines the following penalties:

**§99.99 Penalty.**

**(A)** Any person, firm, or corporation who violates any provision of this Chapter with the exception of 99.14 shall be subject to a civil fine of not less than $50 per day per violation but not more than $500 per day per violation, or the cost to the city to abate the public nuisance, or both. Each date that a violation of this code continues after due notice has been served in accordance with the terms of this code may be deemed a separate offense to a maximum of $10,000 per citation. If the civil fine is uncontested, the amount per day per violation shall not exceed $250.

**(B)** Any person who violates §99.14 of this code shall be subject to a civil fine of not less than $500 per day per violation but not more than $1,000 per day per violation, or the costs to the City to abate the public nuisance, or both. If the civil fine is uncontested, the amount per day per violation shall not exceed $500.

**(C)** The city shall possess a lien on property for all fines, penalties, charges, attorney’s fees, and other reasonable costs associated with enforcing this code and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens filed subsequently, except state, county, school board, and city taxes.

**(D)** Any person(s) who violates the provisions of this Chapter and fails to pay any fine or costs to the City in abating the nuisance within one (1) year of the final imposition of the penalty shall be guilty of a Class B misdemeanor.

I, Tom Edge, 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.

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**TOM EDGE**

Motion by Member Baker, seconded by Member Burns to approve 2016#3 as read.

ROLL CALL:

Member Tucker Aye Member Lynn Aye

Member Baker Aye Member Neary Aye

Member Gifford Aye Member Burns Aye

Motion carried—so ordered.

Second Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2016-#4**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DAYTON.**

This ordinance re-zones 82.273 acres of land along the Ohio River from O’Fallon Avenue to Clark street as an Mixed Land Use Zone in accordance with the Planning Commission’s proposed proposed text changes for the Architectural Guidelines for residential construction for Section D of the Manhattan Harbour Pattern Book. It further adopts the findings of the Planning Commission with regard to the amendments and finding that it is in accordance with the Comprehensive Plan.

I, Tom Edge, 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.

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**TOM EDGE**

Motion by Member Lynn, seconded by Member Tucker to approve 2016#4 as read.

ROLL CALL:

Member Baker Aye Member Neary Aye

Member Gifford Aye Member Burns Aye

Member Lynn Aye Member Tucker Aye

Motion carried—so ordered.

Order 2016-2R

**CITY OF DAYTON, KENTUCKY**

**MUNICIPAL ORDER NO. 2016-2R**

A MUNICIPAL ORDER ACCEPTING THE COMPLETED AUDIT FOR YEAR ENDING JUNE 30, 2015 AND AUTHORIZING REPORTING AND PUBLICATION IN ACCORDANCE WITH KRS 91A.040.

**WHEREAS,** the Fossett and Associates CPA completed an audit for the City for the Fiscal Year ending June 30, 2015 that was received on April 8, 2016; and

**WHEREAS,** the City Council has been presented a copy of the audit in accordance with KRS 91A.040(4)(e) at regular meeting held May 3, 2016.

BE IT HEREBY ORDERED BY THE CITY OF DAYTON, KENTUCKY AS FOLLOWS:

Section I

That the City Council hereby accepts the audit by prepared by Fossett and Associates CPA for Fiscal Year ending June 30, 2015, attached and incorporated herein, presented at regular meeting held this 3rd day of May of 2016.

Section II

That the Mayor and any other necessary officials are authorized to report and submit the audit to the Department of Local Government in accordance with KRS 91A.040, publish in accordance with KRS Chapter 424, as required by KRS 91A.040 and all other necessary actions as required by Kentucky Revised Statute.

Section III

That this Order shall be maintained and indexed in the Official Order Book by the City Clerk/Treasurer.

**So ordered by the City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2016.**

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MAYOR VIRGIL L. BORUSKE

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Lynn, seconded by Member Gifford to approve 2016-2R as read.

ROLL CALL:

Member Gifford Aye Member Burns Aye

Member Lynn Aye Member Tucker Aye

Member Neary Aye Member Baker Aye

Motion carried—so ordered.

Bid approval for a section of Dodd Drive, from Fourth Avenue to the Marina. Two bids received.

Bluegrass Paving, Inc.

530’x30’               $18,542.00

530’x45                 $23,871.00

Len Riegler Blacktop, Inc.

530’x30’               $15,330.00

530’x45’               $22,995.00

City Adm. Giffen recommended council go with the 530’X45’ and select Bluegrass Paving, Inc. for $23,871.00. Bluegrass has done the resurfacing over the last few years and they can start this week. They do a fantastic job. Motion by Member Neary, seconded by Member Gifford to accept the bid from Bluegrass Paving, Inc. for $23,871.00. Motion carried—so ordered.

Handicap parking request from Elizabeth Berkemeier, 1223 Fifth Avenue. Ms. Berkemeier meets all the requirement of the ordinance. Motion by Member Gifford, seconded by Member Burns to approve the request from Ms. Berkemeier. Motion carried-so ordered.

Handicap parking request from Freida Howard, 307 Fourth Avenue. Ms. Howard does not meet all the requirements of the ordinance. She has off-street parking.

Handicap parking request from Ann Berkemeier, 931 Sixth Avenue. Ms. Berkemeier meets all the requirements of the ordinance. Motion by Member Gifford, seconded by Member Lynn to approve the request from Ms. Berkemeier. Motion carried—so ordered.

Handicap parking request from Kenneth E. Burns, 908 Walnut Street. Mr. Burns meets all the requirements of the ordinance. Motion by Member Gifford, seconded by Member Lynn to approve the request from Mr. Burns. Member Burns abstained. Motion carried—so ordered.

Member Neary questioned how other city handle handicap parking request. City Att. Edge responded.

Highland Heights – This is handled by the Chief of Police. The cost is a $50.00 fee to have the spot and renewed every five years.

Ft. Thomas – The application is reviewed and approved or disapproved by the City Administrator. Proof of many different things and lack off street parking is required. The fee is 50.00.

Member Tucker asked if there is a way to mark the spot instead of just a sign. Bellevue & Newport use two white strips.

Anyone with a handicap sign in the City of Dayton must renew the sign yearly at no extra cost.

Special Planning & Zoning meeting, May 11, 7:00 p.m. at the school administration building.

CITY ATTORNEY’S REPORT:

One hundred ninety three final delinquent letters have been mailed. These are both for real and personal property. The last of the occupational, payroll and rental letters have also been mailed. Member Burns noted these delinquent taxes are about 12% of the original tax bills mailed. He encouraged City Att. Edge to do everything to get these paid.

DEPARTMENT HEAD’S REPORT:

Donna Leger, Clerk/Treas., submitted a copy of the financial reports. Donna thanked City Att. Edge for all his help in collecting delinquent taxes.

The Memorial Day Parade is May 30th starting at 10:30 a.m.

Dave Halfhill, Police Chief, congratulated Sergeant Marksberry for receiving “Police Officer of the Year” award from the Campbell County Rotary Club. Monday, May 16, 7:00 p.m. is the Neighborhood Watch meeting at the First Baptist Church on Dayton Avenue.

Michael Auteri, Fire Chief, submitted a copy of his report. Member Burns asked about the squad runs. Chief Auteri said the runs are up about 100 from last year. Member Burns said the squad does a fantastic job. The next fire board meeting is June 15, 6:00 p.m. at the fire station. The new fire truck should be delivered by the end of this year.

Tina Neyer, Main Street Manager, submitted a copy of the CCAP report. The year to date expenses are $35,306.34 from a budget of $128,000. Tina has been meeting with a lot of business owners and land owners to see what she can do to support each entity. Tina is working with the Main Street Board on the Renaissance Grant to supply State flags and design a City flag for the Central Business District. Thanks to Beyond the Curb and the citizens of Dayton. There was a great turn out of volunteers. We had a great response for Cleanup Dayton. Work has started on the reconstruction of the web site to make it more user friendly and more inviting to those viewing the web site. The City Seal will get a fresh new look and the City’s Facebook messages will produce a more clear message. Tina was thanked for her article in the Dayton Community News, re: Edward Ahrens. It’s a fantastic article.

Richard McAllister, Code Officer, submitted a copy of his report. Rich thanked Cassie Bartel, Police Clerk, for all her help. Cassie sent out over 250 letters. Member Baker and Member Neary both thanked Rich for a great job.

STANDING COMMITTEE REPORTS:

Personnel, Law & Printing (Member Neary):

The legislative session has ended. There are quite a few new state statues. Some will apply to our city. The Catalytic Fund has been pushing land bank ordinances.

Finance (Member Lynn):

The second budget meeting will be held on May 10th. The first reading of the budget ordinance should be ready by the June meeting.

Public Work’s (Member Burns):

A tree in Gil Lynn Park is leaning up against the fence.

Unfinished Business:

Member Baker is concerned about safe passage on Dayton Pike. We all need to make sure the kids get to school safely. I trust City Adm. Giffen, and hope the sidewalk project on Dayton Pike will happen soon.

The paving on Maple Street did not go all the way up Maple. City Adm. Giffen did not think the street was as badly damaged as the lower part of Maple, so the paving does not go all the way up. Member Baker said the turn-around is bad. Member Gifford suggested blacktop.

In the next month or two City Adm. Giffen will request bids for the design of the trail along the Riverfront.

The Park Board gave approval for Member Neary to once again paint mileage markers along the floodwall.

Adjournment:

Motion by Member Burns, seconded by Member Baker to adjourn. Motion carried—so ordered.

Respectfully submitted,

Donna Leger

Clerk/Treas.

ATTEST:

Virgil L. Boruske

Mayor