CITY OF DAYTON

PUBLIC HEARING

August 2, 2016

A Public Hearing was held on Tuesday, August 2, 2016, 7:00 p.m. in the board meeting room of the Dayton Independent Schools Administration Building, Third & Clay Street, Dayton, KY. The Public Hearing was held to discuss road improvements and obtain written or oral comments regarding the proposed use of Municipal Road Aid Program funds. The media and council members were notified in advance.

Mayor Boruske opened the public hearing.

Audience: Mr. Davis noted repaving only makes the sewer holes smaller. We need bigger sewers.

A list of the streets for repaving will be on the city web page tomorrow.

City Adm. Giffen reported there is $245,000 in the Municipal Aid Account. We budgeted $605,000 for this fiscal year because the State approved $500,000 for the City of Dayton. This was money that Rep. Dennis Keene acquired for the city. After the city budget was passed the State put a stop on any spending that was not an emergency. It might be a year or so before the city receives any extra money.

Meeting closed at 7:04 p.m.

COUNCIL MEETING

August 2, 2016

After the Public Hearing council continued with the regularly scheduled council meeting at 7:05 p.m. Mayor Boruske opened the meeting with a silent prayer and led the Pledge of Allegiance.

ROLL CALL:

Mayor Boruske Aye Member Gifford Aye

Member Neary Aye Member Lynn Absent

Member Burns Aye City Adm. Giffen Aye

Member Tucker Aye City Att. Edge Aye

Member Baker Aye

Audience:

Greg Davis, 822 Ervin Terrace and Jessie Davis, 823 Ervin Terrace addressed council regarding the heavy rains that recently flooded Ervin Terrace. Flooding on Ervin Terrace has been a problem for the past 20 years. Something needs to be done with the sewer lines. Mr. Greg Davis has a special tool he uses to pull the sewer lids during heavy rains. The residents in this area need assistance in finding ways to resolve this problem. A grate all the way across the street was suggested. The rain also flooded areas of Ninth & Vine. City Adm. Giffen reported a lot of the problem is the old infrastructure. A rain like we recently had, has nowhere to go.

Tom Herman said his daughter lives on Ervin Terrace and she was also flooded. Mr. Herman suggested turning the flat sewer lids into grated lids and properly maintaining the drains. He asked that we please contact the Sanitation District tomorrow morning.

Greg Davis, Jr, 929 Dayton Pike, also agreed that something needs to be done. Thirteen years ago his family lost everything.

After more discussion, City Adm. Giffen advised he will contact SD1 tomorrow.

Jeff Volter, 336 Riverponite, asked for an explanation of the private sewer lateral line program. City Adm. Giffen explained in the past SD1 had taken away the lateral line program. With pressure it was reinstated. Last fiscal year when they reinstated the program, they took back maintenance from the main line to the property line under the road but the city was responsible for the final cap of the pavement. In this new program SD1 will be responsible for the final cap of the pavement.

Lisa Banks, 702 Sixth Avenue, is in favor of turning Berry Street, between Sixth and Seventh, into a two way street. This is a safety issue. Cars are going through the parking lot of Kate’s Catering way too quickly. It’s a danger to the patrons, employees and children playing in the alley.

Bret Neuspickle, 701 Ervin Terrace, agreed that Sixth & Berry is a problem area. It’s more of a problem area in the mornings, when parents are dropping off their children at school. He suggested allowing this street to be a two way street between 7:00 a.m. – 4:00 p.m. during the school year. The problem is people are looking for an alternate route.

Floyd Hopper, 640 Sixth Avenue, reported he is not in favor of a two way street on Berry if it takes parking away. Mr. Hopper has a business at Sixth & Berry and needs the parking for his patrons. If parking is not taken away then he would be in favor.

Walter Welch, 37 Mary Ingles Hwy., passed out a letter dated Dec. 10, 1981 from the Dept. for Natural Resources and Environmental Protection, that states “since you have stated there will be no application for flood insurance for this project, we waiver the elevation requirements usually associated with this type of construction”. The letter was addressed to Doyle Country Club, 37 Mary Ingles Highway for a proposed garage. Mr. Welch does not believe he should have to comply with the building regulations for this area. The part where he needs elevation requirements should be waved. City Att. Edge told Mr. Welch that he can apply to the B.O.A. for a variance or split the project into pieces. Council cannot make any decision on this issue. If you are not happy with the outcome from the B.O.A. you can appeal to the Circuit Clerk. There is no appeal allowed to council.

City Administrator’s Report:

John Capella, River City Relay, reported the relay will be held on Saturday, August 27th. This is a signature running event and will support six signature charities. One leg of the relay will be on top of Dayton’s floodwall then onto Manhattan Boulevard. Motion by Member Baker, seconded by Member Gifford to support the River City Relay. Motion carried—so ordered.

The Riverfront Master Plan has been completed by KZF Design. A copy will be put on the City’s Web Page tomorrow. This is a vision of the Riverfront as it pertain to trails. This plan is not set in stone but it sets the tone of what the city would like to see on the Riverfront. The City does have some funding to start the project. City Adm. Giffen submitted an RFQ to the State of Kentucky. Once we receive the paperwork we will advertise for the design of the first phase. City Adm. Giffen is also working on an RFQ for the sidewalk enhancements in the city.

Handicap parking request from Gary Sullivan, 130 Fourth Avenue. Mr. Sullivan meets all the requirements of the ordinance. Motion by Member Burns, seconded by Member Tucker to approve Mr. Sullivan’s handicap parking space. Motion carried—so ordered.

The Finance Committee and Economic Development Committee received an e-mail showing changes to the C.C.A.P Program. This will be discussed at each committee meeting.

Rick Lucas, Supt. Public Works, is in the process of getting pricing from companies to complete the crosswalks stripping at Ninth & Vine. Public Works will start demolition on a house in the 300 Block of Ninth Avenue as soon as it cools down.

The City has three old police cruisers and old monitors that are no longer useful to the city. This property needs to be approved as surplus property and advertised for sale. The reading of Order 2016#13R will be tonight

Per Member Baker, Ron Kinman, Dayton Schools, would like the crosswalk at Sixth & Berry to be more visible. Member Burns advised he thought the school was going to supply a crossing guard at Sixth and Berry.

Member Gifford asked about the turn lane at Sixth & Berry. This will also help with the traffic problem in this area.

Consent Agenda:

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

Orders & Ordinances:

First Reading:

**CITY OF DAYTON, KENTUCKY**

**ORDINANCE NO. 2016-#11**

**AN ORDINANCE RESCINDING CITY OF DAYTON ORDINANCE 540.05, PASSED JUNE 3, 1980 THEREBY ALLOWING TWO-WAY TRAFFIC ON BERRY STREET BETWEEN SIXTH AVENUE AND SEVENTH AVENUE.**

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

Section I

That City of Dayton Ordinance 540.05, passed June 3, 1980 is rescinded and deleted in whole.

Section II

This ordinance shall be in full force and effect from and after its adoption, approval and publication as is required by law.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Second Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MAYOR VIRGIL L. BORUSKE

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONNA LEGER

CITY CLERK/TREASURER

Second Reading:

**CITY OF DAYTON, KENTUCKY**

**2016-#12**

**AN ORDINANCE AMENDING THE DAYTON CODE OF ORDINANCES SECTION 50.09, WASTE COLLECTION FEE AND 50.11 DUMPSTER USER FEE FOR UNIFORMITY AND COMPLIANCE WITH CURRENT CONTRACTUAL AND ACCOUNTING OBLIGATIONS.**

This ordinance amends City of Dayton Code of Ordinances 50.09 and 50.11 to establish service fees for waste and debris collection throughout the City. Unless exempt by way of personal contract with waste collection service, property owners shall pay a sum of $128.16 yearly for waste collection services per unit which shall be placed in a separate account along with fees collected under 50.11 for the purpose of collecting waste, debris, cleanliness of city and associated administrative costs.

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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**TOM EDGE**

Motion by Member Burns, seconded by Member Gifford to approve Ordinance 2016#12 as read. Comments: Member Neary advised that last year the rate was $168.00 and a business paid $183.00. With this new ordinance both a resident and business will pay $128.16. Member Baker noted that he wanted recycling added into the contract. Can we stream line the city’s recycling program via the web page. City Adm. Giffen advised that any resident who wishes to recycle can sign up through Republic (CSI) and the City will offer a 35 gal. or 95 gal. recycling bin free of charge. City Adm. Giffen will put this information on the web page.

ROLL CALL:

Member Baker Aye Member Neary Aye

Member Gifford Aye Member Burns Aye

Member Lynn Absent Member Tucker Aye

Motion carried—so ordered.

# CITY OF DAYTON, KENTUCKY

**MUNICIPAL ORDER NO. 2016#11R**

A MUNICIPAL ORDER AUTHORIZING THE EXECUTION OF THE PRIVATE SEWER LATERAL PROGRAM WITH SD1.

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

## Section I

That the City is hereby authorized to execute the attached and herein incorporated Private Sewer Lateral Program with SD1.

## Section II

That the Mayor and any other necessary official is authorized to sign all documents necessary to effect the above provision.

## Section III

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MAYOR VIRGIL L. BORUSKE

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Baker, seconded by Member Gifford to approve 2016#11R as read.

ROLL CALL:

Member Gifford Aye Member Burns Aye

Member Lynn Absent Member Tucker Aye

Member Neary Aye Member Baker Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY**

**MUNICIPAL ORDER NO. 2016#12R**

A MUNICIPAL ORDER ACCEPTING AND APPROVING THE RIVERFRONT MASTER PLAN AS COMPLETED BY KZF DESIGN.

**WHEREAS,** the KZF Design completed a Riverfront Master Plan to provide implementation strategies and identify potential funding sources that will position the City of Dayton to improve and reconnect the riverfront.; and

**WHEREAS,** the City Council has been presented a copy of the Riverfront Master Plan.

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

Section I

That the City Council hereby accepts and approves the Riverfront Master Plan prepared by KSF Design as attached and incorporated herein, presented at regular meeting held this 2nd day of August of 2016.

Section II

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 2 day of August, 2016.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MAYOR VIRGIL L. BORUSKE

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Tucker, seconded by Member Burns to approve 2016#12R as read.

ROLL CALL:

Member Lynn Absent Member Tucker Aye

Member Neary Aye Member Baker Aye

Member Burns Aye Member Gifford Aye

Motion carried—so ordered.

**CITY OF DAYTON, KENTUCKY**

**MUNICIPAL ORDER NO. 2016#13R**

A MUNICIPAL ORDER DECLARING CITY-OWNED PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER TO TRANSFER, WITH OR WITHOUT COMPENSATION.

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

Section I

That the City of Dayton, in accordance with the provisions of KRS 82.083 and KRS 45A.365, hereby makes the following findings:

(a) That it is in the public interest for the City to declare the following personal property as surplus:

* 2008 Ford Crown Vic Vin#2FAFP71V98X105521 Unit 210
* 2008 Ford Crown Vic Vin#2FAFP71V78X105534 Unit 211
* 2004 Ford Crown Vic Vin#2FAFP71W14X115267 Unit 213
* Two (2) – JVC video editing monitors

(b) That the intended purpose of the property described herein at the time of initial purchase was for police vehicles and City Meeting Video Editing Equipment respectively.

(c) That the personal property described herein is no longer of value because the vehicles have aged beyond reliability and the City no longer edits videos a process that requires the two monitors.

(d) That the property shall be Sold by sealed bids in accordance with the procedure for sealed bids under KRS 45A.365(3) and (4) pursuant to KRS 82.083(3)(e).

Section II

That any compensation resulting from the disposal of the personal property described herein shall be transferred to the general fund of the City.

Section III

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MAYOR VIRGIL L. BORUSKE

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONNA LEGER

CITY CLERK/TREASURER

August 2, 2016

Motion by Member Burns, seconded by Member Gifford to approve 2016#13R as read. Comments: City Adm. Giffen will advertise and accept sealed bids. Any and all bids may be rejected. The bid results will be brought back to council for a decision.

ROLL CALL:

Member Neary Aye Member Baker Aye

Member Burns Aye Member Gifford Aye

Member Tucker Aye Member Lynn Absent

Motion carried—so ordered.

City Attorney’s Report:

Member Neary asked about the extension of new zoning for the Commercial District. City Att. Edge reported the city has had some discussion and meetings with Cindy Minter. City Adm. Giffen sat down with Tina Neyer, Main Street Manager and Cindy Minter, Campbell County Planning & Zoning and her staff, to relay to them the wants needs and desires of the city. The committee reviewed some of the neighboring communities and cities in the region to see what they do and what zones they use to determine what we like and what will benefit our community. There will be a follow up meeting in the next few weeks. When the list is finalized council will be advised of the outcome of these meetings and discussions. Then with councils approval this will go to Planning & Zoning Board. This is usually a four to six month process. Member Neary would like this to go before the Economic Development Board and any other board it may effect before it goes before the Planning & Zoning Board. Mayor Boruske also suggested the Finance Committee.

Department Head’s Report:

Richard McAllister, Code Director, was asked by Member Neary who decides whether a property is declared a nuisance under the new ordinance? City Att. Edge responded, if Richard McAllister finds a violation and cites under the code, once the property receives three citations Mr. McAllister can declare this property a chronic nuisance. These three citations must be within a year. Some illegal activity is covered under this ordinance. After three citations Mr. McAllister will decide whether or not to issue a chronic nuisance citation.

Donna Leger, Clerk/Treas., submitted a copy of the financial reports and check register.

Tina Neyer, Main Street Manager, submitted her report. The city received two new sign applications through the CCAP Program. One is for Single Batch Design and Sixth Avenue Salon. A Certificate of Appropriateness is needed for work/changes in the Historical District. Tina submitted an article to the Dayton Community News. The web page is now in larger print and much more user friendly. The Certificate of Appropriateness goes before the Board of Architectural Review and then to the county for a sign permit. Once the sign is up they bring an invoice to the city and a check is issued through CCAP.

Michael Auteri, Fire Chief, submitted a copy of his report. The next Fire Board Meeting is Aug. 17, at 6:00 p.m. The new roof will be on the agenda.

David Halfhill, Police Chief, submitted a copy of his report. On July 22, 2016 Sergeant Tony Baldwin was promoted to Lieutenant. The stats for the past month will be posted on Facebook tomorrow. Officer Powers received a Safety Award for the Click it or Ticket program.

Standing Committee Reports:

Parks & Real Estate (Member Tucker):

The bids for the restroom renovation at Gil Lynn Park are due August 12, 2016 by 5:00 p.m.

Unfinished Business:

Member Neary asked if anyone needed another copy of the traffic study he submitted to council in the past. With the new apartments at the bottom of Walnut we need to look at the traffic issue again. Has there been any discussion with the Transportation Cabinet on making Ervin Terrace two ways. City Adm. Giffen contacted the Transportation Cabinet. The last information received is they can do a study or count. City Adm. Giffen is meeting with Bellevue and Newport this week to discuss traffic on Route 8. Most of the traffic from the new apartments will exit O’Fallon Ave. A traffic study was done in 2013.

Motion by Member Neary, seconded by Member Tucker that the City Administrator get in touch with the Kentucky Transportation Cabinet to do a full study on all of Route 8 coming from O’Fallon Avenue to the end of Fourth Avenue, so that we can get a base line for a traffic impact. Also included in the study should be their recommendation on the Walnut Street and Ervin Terrace intersections. City Adm. Giffen recommended just having them focus on O’Fallon Avenue. They already have the records and count for Walnut Street and Ervin Terrace. Member Neary also want to know all the traffic that is coming from the side streets onto Sixth Avenue. A study needs to be done on the North and South access to Route 8. Motion carried—so ordered.

New Business:

Thanks to Chief Auteri, Chief Halfhill, and Rick Lucas for keeping Dayton as safe as possible during the heavy rain. Saturday, Jay Brewer, DHS Supt. and his team did a cleanup at Davis Field for the upcoming Green Devil Season. Thanks to everyone involved.

Member Burns reported vehicles are parked in the alley between Third and Fourth Avenue on Kenton Street. Is this alley closed? City Adm. Giffen will find out tomorrow.

Member Neary would like the Sargeant Park Board to come up with a six month plan on what we could do with Sargeant Park. This is 22 beautiful acres owned by the city. It can’t be built on or developed per an agreement from the original owners. Mayor Boruske noted that Tina Neyer, Main Street Manager, is currently marketing Sargeant Park.

Member Baker reported a large hole at Fourth & Kenton. Mayor Boruske advised that Rick Lucas, Supt. Public Works, knows about this and will get with SD1 to rebuild the sewer cover.

Special Event Application from Beth Nyman, Skyward Center for Great Neighborhoods. Beth received a $250.00 Nano grant. Request to have “Dayton Stories” at the Town Center on August 18 from 7:00 – 8:30 p.m. This will be local residents telling their story about Dayton. Motion by Member Neary, seconded by Member Gifford to approve this event. Motion carried—so ordered.

Motion by Member Gifford, seconded by Member Tucker to approve the Senior Citizens Picnic for September 14, 2016 at the VFW Hall. Motion carried—so ordered.

Adjournment:

Motion by Member Neary, seconded by Member Gifford to adjourn. Motion carried—so ordered.

Respectfully submitted,

Donna Leger

Clerk/Treas.

ATTEST:

Virgil L. Boruske

Mayor