CITY OF DAYTON

COUNCIL MEETING

SEPT. 6, 2016

A regular meeting of Dayton City Council was held on Tuesday, Sept. 6, 2016, 7:00 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 Absent

Audience:

Bret Neuspickle, Ervin Terrace, asked why the bands working in the City of Dayton need an Occupational License. Mr. Bricking, Riverside Marina is upset, per Mr. Neuspickle. This will affect his business. Donna Leger, Clerk/Treas., reported the ordinance states “Everyone working in the City of Dayton is required to purchase an Occupational License.” Mr. Neuspickle would like council to take a look at changing the ordinance. Mayor Boruske referred this to Personnel, Law and Printing for review.

Tammy Cornett, 223 Third Ave., announced the Kite Festival is Oct. 1, 2016, at Gil Lynn Park, from noon to 5:00 p.m. Currently there are 14 mascots, games, group games, food, and crafts.

Mayor’s Report:

Motion by Member Burns, seconded by Member Gifford to approve the minutes from the August 2, 2016 meeting. Member Lynn abstained. Motion carried—so ordered.

First Reading:

**CITY OF DAYTON, KENTUCKY**

**ORDINANCE NO. 2016-#14**

**AN ORDINANCE AMENDING ORDINANCE 2015-#1 SETTING FORTH COMPENSATION AND NUMBER OF AUTHORIZED POSITIONS FOR EMPLOYEES UNDER THE DAYTON JOB CLASSIFICATION SYSTEM.**

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

**SECTION ONE:** Compensation ranges for employees and number of authorized positions under the Dayton Job Classification System shall be as follows:

Position (No. Authorized) Pay Range

City Administrative Officer (1) 50,000.00 - 82,000.00

Assistant City Administrator (0) 22,000.00 - 36,000.00

City Clerk/Treasurer (1) 35,000.00 – 61,000.00

Asst. City Clerk/Treasurer (2) 25,000.00 - 39,000.00

Administrative Secretary (0) 24,000.00 - 35,000.00

Chief of Police (1) 45,000.00 – 72,000.00

Police Captain (0) 39,000.00 – 59,000.00

Police Lieutenant ([~~0~~)(1) 39,000.00 – [~~49,000.00~~] 56,000.00

Police Sergeant ([~~3~~)(2) 39,000.00 – 57,500.00

Police Corporal (1) 34,700.00 - 53,000.00

Police Officer (4) 31,000.00 - 47,000.00

Police Recruit (0) 30,000.00 - 33,500.00

Part-time Patrol Officer (2) 15.00 - 17.00 per hour

Police Clerk (1) 8.00 –16.00 per hour

Superintendent, Public Works (1) 35,000.00 - 53,000.00

Crew Leader (0) 25,000.00 - 33,000.00

Laborer (2) 10.00 - 19.00 per hour

Laborer (23 hrs/week) (0) 7.00 - 12.00 per hour

Seasonal Laborer (4/1-10/31) (2) 7.00 - 12.00 per hour

City Codes Director (1) 22,000.00 – 43,000.00

City Inspector (0)

Blight Inspector (20 hrs/week) ([~~1~~)(0) 14.90 - 18.00 per hour

Janitor (10 hrs/week) ([~~1~~)(0) 7.00 per hour - 11.00 per hour

Recreation Director (0)

Main Street Manager (1) 30,000.00-40,000.00

**SECTION TWO:** Unless otherwise stated, the compensation stated in Section One shall be a yearly amount based upon the normal number of hours required for each position under the Job Classification System and does not include overtime pay as authorized under the Employee Personnel Policy.

**SECTION THREE:** City Council may, by resolution, authorize the payment of a year end bonus to any or all employees in an amount not to exceed One Hundred Dollars ($100.00)

**SECTION FOUR:** Any and all ordinances including or portions thereof in conflict herewith are hereby repealed.

**SECTION FIVE:** 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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MAYOR VIRGIL L. BORUSKE

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

First Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2016-#15**

**AN ORDINANCE AMENDING THE OCCUPATIONAL LICENSE TAX RATES FOR BUSINESSES WITHIN THE CITY OF DAYTON.**

**WHEREAS,** the City is authorized under Section 181 of the Kentucky Constitution and KRS 92.280 et. seq. to set occupational taxes on persons engaged in the business within the City of Dayton;

**WHEREAS,** the City desires to use the proceeds of such taxes to raise general revenues of the City.

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

## Section I

## That the following sections shall be amended to the Code of Ordinances for the City of Dayton:

## **§110.13 Amount of Tax.**

The license tax shall be computed as follows:

**(A)** Every person having coin-operated amusement and vending machines, as defined in this section, on his or her premises shall pay an annual license tax to the city in the amount of ten dollars ($10.00) per machine.

**(B)** Every person engaged in the business of leasing or renting real property or portions thereof shall pay an annual license tax to the city in the amount of .01 times his or her gross receipts, [~~or fifty dollars ($50.00), whichever is greater~~] but not less than the amount of one hundred dollars ($100.00) per year.

**(C)** 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) below, but not less than the amount of fifty dollars ($50.00) per year or ten dollars ($10.00) per day.

**(D)** Every person engaged in the business of selling fireworks shall pay a license tax to the city in the amount of one thousand dollars ($1,000.00).

**(E)** For all other persons, the tax is computed as follows:

|  |  |
| --- | --- |
| **GROSS RECEIPTS (Dollars)** | **AMOUNT OF TAX (Dollars)** |
| 0 - 5,000 | [~~50.00~~]  75.00 |
| 5,001 - 10,000 | [~~75.00~~] 150.00 |
| 10,001 - 25,000 | [~~100.00~~] 200.00 |
| 25,001 - 50,000 | [~~125.00~~] 225.00 |
| 50,001 -100,000 | [~~150.00~~] 250.00 |
| 100,001 - 200,000 | [~~200.00~~] 300.00 |
| 200,001 – 300,000 | [~~300.00~~] 400.00 |
| 300,001 – 400,000 | [~~400.00~~] 500.00 |
| 400,001 – 500,000 | [~~500.00~~] 600.00 |
| 500,001 – 600,000 | [~~600.00~~] 700.00 |
| 600,001 – 700,000 | [~~700.00~~] 800.00 |
| 700,001 – 800,000 | [~~800.00~~] 900.00 |
| 800,001 – 900,000 | [~~900.00~~] 1,000.00 |
| 900,001 – 1,000,000 | [~~1,000.00~~] 1,100.00 |
| 1,000,001 – 2,000,000 | [~~1,100.00~~] 1,200.00 |
| 2,000,001 – 3,000,000 | [~~1,200.00~~] 1,300.00 |
| 3,000,001 – 4,000,000 | [~~1,300.00~~] 1,400.00 |
| 4,000,001 – 5,000,000 | [~~1,400.00~~] 1,500.00 |
| 5,000,001 – and over | [~~1,500.00~~] 1,600.00 |

## 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:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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MAYOR VIRGIL L. BORUSKE

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Second Reading:

**CITY OF DAYTON, KENTUCKY**

**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.**

This ordinance rescinds City of Dayton Ordinance 540.05, passed June 3, 1980. Rescinding the ordinance will return Berry Street between Sixth Avenue and Seventh Avenue to a two-way street.

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 Neary to discuss ordinance 2016#11. Motion carried—so ordered.

Member Lynn asked about the plans for parking. Does the city plan to eliminate parking on Berry Avenue? Mayor Boruske explained that parking on the East side of Berry from Sixth to the alley will be eliminated. Member Lynn advised that coming from Seventh Avenue and turning onto Berry would be okay for now because it’s one way but when its two way and cars are parked on both sides you’re not going to make it. The street was made one way for a reason, it’s narrow and tough to get two cars through. Member Lynn would like to put a large Do Not Enter sign at Kate’s parking lot and try that first. Member Lynn recommends that council does not change the street unless parking is eliminated and you can’t do that, people live there. Member Burns does not think it would be a problem. Motion by Member Neary, seconded by Member Tucker to turn Berry Street into two way between Sixth & Seventh Avenue on the condition that the two parking spaces on the East Side between Sixth and the Alley next to Kate’s Catering be made no parking. City Adm. Giffen suggested to add this to the motion, with the approval of the Kentucky Department of Transportation. Member Neary added contingent upon the approval of the Kentucky Department of Transportation. City Att. Edge advised that Member Neary can make the motion to get the approval of the Kentucky Department of Transportation but the ordinance must be approved as it stands.

ROLL CALL:

Member Gifford Nay Member Burns Aye

Member Lynn Nay Member Tucker Aye

Member Neary Aye Member Baker Absent

Motion carried—so ordered.

Motion by Member Tucker, seconded by Member Neary to accept ordinance 2016#11 as read.

ROLL CALL:

Member Lynn Nay Member Tucker Aye

Member Neary Aye Member Baker Absent

Member Burns Aye Member Gifford Nay

Motion carried—so ordered.

Order 2016#14R

# CITY OF DAYTON, KENTUCKY

**MUNICIPAL ORDER NO. 2016-#14R**

A MUNICIPAL ORDER DECLARING CITY-OWNED PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER TO TRADE THE PROPERTY IN TOWARDS THE PURCHASE OF A NEW SNOW PLOW.

**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, hereby makes the following findings:

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

* 1997 Ford F350 Pickup Truck;
* Buyers Snow Dog HD75 snow plow;
* Ford 930A Blue Bush Hog
* Unknown Make/Model Yellow Bush Hog

(b) That the intended purpose of the property described herein at the time of initial purchase was for public works.

(c) That it is in public interest to dispose of the property because each item is dilapidated and maximum value can only be obtained through trade in.

(d) That the property shall be used for a trade in value to purchase of new public works equipment in accordance with KRS 82.083(4)(f).

Section II

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

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MAYOR VIRGIL L. BORUSKE

ATTEST:

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DONNA LEGER

Motion by Member Burns, seconded by Member Neary to open this up for discussion. Motion carried—so ordered.

# Member Burns would like to know an estimated value of these items. How much is a new snow plow? City Adm. Giffen said about $2,000 for all five items. This is comparable to the cost of a new snow plow. City Att. Edge reported that the truck and one bush hog was previously declared surplus but never sold.

Motion by Member Neary, seconded by Member Burns to accept 2016#14R as read.

ROLL CALL:

Member Neary Aye Member Baker Absent

Member Burns Aye Member Gifford Nay

Member Tucker Aye Member Lynn Aye

Motion carried—so ordered.

First Reading:

**CITY OF DAYTON, KENTUCKY**

**ORDINANCE NO. 2016- #13**

**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, 2016 THROUGH JUNE 30, 2017.**

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

Section I

There shall be imposed, levied and collected for the Fiscal Year July 1, 2016 through June 30, 2017, 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 .7130 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 II

Said levy and assessment of .4950 on real and mixed property; .5009 on all automobile and watercraft personal property and .7130 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 .7130.

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 .7130.

Section III

There shall be imposed and collected for said City, as permitted under KRS Chapter 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, 2016 or the full amount by January 31, 2016. Thereafter the penalty and interest herein shall be imposed.

Section IV

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 V

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 VI

The taxes hereby levied shall be due and payable on and after September 30th, 2016 at the office of the City Clerk/Treasurer and shall be delinquent after November 8th, 2016, 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 9th, 2016, or as otherwise provided by Council by order, to the date of payment.

Section VII

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: Sept. 6, 2016

Second Reading: Sept. 20, 2016

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MAYOR VIRGIL L. BORUSKE

City Administrator’s Report:

Result of the Street/Curb Repaving Bids. The lowest on the repaving was Bluegrass Paving at $98,954. The lowest on the curbs was D.A.D.S Bobcat Service at $24,205, for a total of $123,159. City Adm. Giffen asked for approval up to $140,000 for unexpected cost. D.A.D.S. Bobcat Service has not worked for our city but has worked for other municipalities in the past. The other bids for the curbs were $42,243.50, $34,840.00 and $29,500.00. Motion by Member Burns, seconded by Member Tucker to accept the bid from Bluegrass Paving and D.A.D.S. Bobcat Service and to approve up to a total of $140,000 for blacktopping, curbs and unexpected expenses. Motion carried-so ordered.

Special Events application from Restoration 104. This is a 24 hour prayer vigil on Sept. 9th and Sept. 10th at the Town Center, Sixth & Berry. This is the third year for the event. Motion by Member Burns, seconded by Member Gifford to approve this application. Motion carried—so ordered.

Special Events application from Psalms 147 Ministries. The Fourth Annual Psalms Festival at Gil Lynn Park on Saturday, Sept. 17, from 8:00 a.m. until 10:00 p.m. Motion by Member Burns, seconded by Member Lynn to approve this application. Motion carried—so ordered.

Brief update on the Ervin Terrace flooding area. City Adm. Giffen met with SD1 and they have taken a video of the lines. One grated manhole cover has been installed. This has helped. They found no blocks or breaks in the lines and feel the lines are operating sufficiently as to the way they were designed. There are several 90 degree turns that are not designed to take on several inches of rain all at once. This will be on SD1’s list to upsize the pipes but it is not considered and emergency. If we decide to upsize the pipes it will be a 50/50 program. Other problem areas are the 200 Block of Fourth, Ervin Terrace and Kenton Street. A motion is needed tonight for two new catch basins under the Ervin Terrace underpass. This will be 50/50 between the City of Dayton and SD1. The total cost will be between $10,000 and $12,000. But it will not prevent what happened a few weeks ago. City Adm. Giffen will find the money in the General Fund street maintenance account. Motion by Member Gifford, seconded by Member Lynn to approve up to $6,000 for the purchase of two new catch basins. Comments: Member Burns noted this needs to be fixed and SD1 needs to do their job. Member Neary took pictures during the last rain fall and at the top of Ervin Terrace, where it goes into Belmont, there is a lot of muddy water coming off of those properties. It went all the way down to the bottom of Ervin Terrace and never got caught up in the two grates. That needs to be fixed. Rick Lucas, Supt. P.W, and SD1 cleaned out the inlet at the top of the football field. Member Burns reported that the new curbing the city is about to do will help. Motion carried – so ordered.

Department Head’s Report:

Donna Leger, Clerk/Treas., passed out the current financial reports and check register.

Tina Neyer, Main Street Manager, met last week with the Economic Development Committee and with the Main Street Committee. Both had several good ideas. History on the Square will be held on Sept. 22nd, at the Town Center. The original Slush Puppies Costume will be donated to the Museum on Oct. 1st. All council members and business people are invited to the Purple Poulet on Oct. 3rd. from 5:30 p.m. – 7:30 p.m., for a gathering to connect and share experiences.

David Halfhill, Police Chief, reported that Officer Bret Lockman has graduated his 23 week class and will start on the streets tonight for field training. He’ll be in training for the next nine weeks. The Campbell County Citizens Academy will start on Sept. 20th. There is a link on our Facebook page. This is a 12 week program, 2 ½ hours one evening a week. Chief Halfhill taught this program for seven years.

Mike Auteri, Fire Chief, submitted a copy of his report. It came to our attention a few weeks ago that all Fire Department in Campbell County, Kenton and Boone including Police and Public Works will not be able to use the low band radio system. We’ll need to go to an 800 mega hurt radio system. The cost for the FDBD will be $110,000. This will be unfunded and mandated by the Federal Government. Member Burns complemented the Fire Department for helping with a recent disaster in Norwood. This is fantastic. In 2018 the Fire Department, Police Department and Public Works will need to purchase new radios.

Richard McAllister, Code Director, submitted a copy of his report. Currently 150 citations totaling $40,000 have been issued. There are 7 or 8 appeals for the next Code Board meeting.

Committee Reports:

Personnel, Law & Printing (Member Neary):

A meeting will be setup to discuss the Occupational License ordinance.

Unfinished Business:

City Adm. Giffen gave an update on the sidewalk grants on Sixth Avenue and Dayton Pike. The State is reviewing the RFP and the city cannot advertise until the RFP is approved. The RFP for Riverfront Commons was approved and will be published this Thursday.

The request to change the 100-200-300 and 800 block of Sixth Avenue to NCD is also in the planning stage. City Adm. Giffen will meet with Cindy Mentor, Campbell County Planning & Zoning, next week. The meeting is to try and figure out what zone, new or existing will be the best. At best this will go before Planning & Zoning in November.

New Business:

A regular meeting will be held on Sept. 20th. at 7:00 p.m.

Member Neary has a business trip out of town and would like council to table Ordinance 2016#15, amending the occupational license tax rates, since he won’t be at the Sept. 20th meeting.

Adjournment:

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

Respectfully submitted,

Donna Leger

Clerk/Treas.

Attest:

Virgil L. Boruske

Mayor