CITY OF DAYTON

COUNCIL MEETING

October 2, 2018

A regular meeting of Dayton City Council was held on Tuesday, October 2, 2018 in the board meeting room of the Dayton Independent Schools Administration Building, Third & Clay Street. Dayton, KY.

Mayor Boruske opened the meeting with a silent prayer, and led the Pledge of Allegiance.

ROLL CALL:

Mayor Boruske Aye Member Haas Aye

Member Volter Aye Member Lynn Aye

Member Burns Aye City Adm. Giffen Aye

Member Neary Aye City Att. Edge Aye

Member Baker Aye

Audience:

Curt Belcher, 511 Dayton Pike, would like permission for the Young Marine’s to hold a car stop at Sixth & Berry Ave., Nov. 3, from 9:00-2:00 p.m. The car stop held last year was very successful. Motion by Member Baker, seconded by Member Volter to allow the car stop. Comments: Member Neary noted Nov. 11th is Veterans Day. This may be a more effective day for the car stop. Motion by Member Baker, seconded by Member Burns to amend the motion to add the day of the Veterans Day Celebration also (whether it be on Nov. 10 or 11). Motion carried—so ordered.

Leslie Carr, 605 Vine Street, noted 302-304 Sixth Avenue was denied a rental apartment at the Board of Adjustments meeting, but the front apartment is still occupied. City Adm. Giffen spoke with the owner and he has given them 30 days to vacate. Ms. Carr feels this should be registered as nuisance property. This property is negatively effecting the value of her property. Per Ms. Carr, in reference to the nuisance ordinance this property would apply. City Adm. Giffen will review the issues related to this property. Mayor Boruske asked Ms. Carr to send Phil Liles, Code Enforcement, all the paperwork she has on this issue.

William Slusser, 635 Sixth Avenue, has opened Bastille Babes Defense. He will be selling defense items.

Tammy Cornett, 225 Third Avenue, announced Taste of Dayton will be held on October 14, from noon to 6:00 p.m., on Sixth Avenue between McKinney St. and Berry. There will be 36 vendors, live music on both blocks, and local businesses participating.

Beth Nyman, 625 Tenth Avenue, announced 577 people attended Beyond the Curb. This was a very positive event, and five homes in the city were toured. The city looked great. Thanks to all the volunteers. The Main Street Board is looking for a place to hold the holiday market.

Mayor’s Report:

Motion by Member Lynn, seconded by Member Volter to approve the minutes from the Sept. 4, 2018 meeting. Member Haas abstained. Motion carried—so ordered.

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2018-#11**

**AN ORDINANCE AMENDING CHAPTER 111 OF THE CITY OF DAYTON CODE OF ORDINANCES FOR ALCOHOLIC BEVERAGE LICENSES.**

 This ordinance repeals and replaces Chapter 111 of the City of Dayton Code of Ordinances for Alcoholic Beverage Licenses. The new ordinance names the Chief of Police as the City Alcoholic Beverage Control Administrator. The ordinance further authorizes alcoholic beverage licenses and outlines the application process In addition, the ordinance regulates the basis for denial, suspension and revocation of licenses. Moreover, the ordinance outlines the annual fee for each authorized alcoholic beverage license and requirement that the license be posted prominently within the business. Furthermore, the ordinance outlines when alcoholic beverage sales are prohibited and requires that all employees working in an establishment selling distilled spirits, wine, or malt beverages are sold or dispensed by the drink shall register and be fingerprinted with the Police Department. Lastly, the ordinance outlines the penalties for violation of the Alcohol Beverage License ordinance as follows:

**§111.99 PENALTIES.** Each and every violation of this ordinance shall be a misdemeanor for which a person convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of $500.00 as set forth in Kentucky Revised Statute 534.050(2)(a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in Kentucky Revised Statute 532.090(1), or both. The penalties provided in this section shall be in addition to any suspension or revocation of the offender’s license.

 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 Burns, seconded by Member Baker to approve 2018#11 as read.

ROLL CALL:

Member Baker Aye Member Volter Aye

Member Haas Aye Member Burns Aye

Member Lynn Aye Member Neary Aye

Motion carried—so ordered.

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2018#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, 2018 THROUGH JUNE 30, 2019.**

 This ordinance sets the real property ad valorem tax rate for the city for the present fiscal year at .4950 per hundred dollars of value for real property, .5009 per hundred dollars of value for automobile personal property and at .739 per hundred dollars of value for all other property. Of that amount, the real property rate will go to the general fund, .0500 of the real property tax rate will go to park maintenance and construction, .5009 of the automobile personal property tax rate will go to the general fund and .739 of the other personal property tax rate will go to the general fund.

It sets the bank deposits at twenty-five thousandths of one percent (.025%) of those deposits. The payor of these taxes may pay the sum due less 2% if paid by December 31, 2018 or the full amount by January 31, 2019.

The above taxes may be paid from the 30th day of September 2018 at the office of the City Clerk/Treasurer and shall be delinquent after November 12, 2018. A penalty of 10% and interest at the rate of 12% per annum shall be charged on the account of such tax from November 13, 2018 or as otherwise provided by Council by order, to the date of payment.

 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 Burns, seconded by Member Haas to approve 2018#12 as read. Comments: Member Neary would like to see all the park tax money go into the Park Board Fund. Currently money is transferred to the General Fund to pay for maintenance of all parks, and $12,500 for a park director. Mr. Neary said some of this money is used to cut/maintain the floodwall and he does not agree with using this money for the floodwall. Member Neary said he was told by City Att. Edge this is legal. Mayor Boruske noted the floodwall is considered a park. Member Burns noted the $12,500 was used to pay part of public works salary when the maintenance of the parks was turned over to Public Works Department.

ROLL CALL:

Member Haas Aye Member Burns Aye

Member Lynn Aye Member Neary Aye

Member Volter Aye Member Baker Nay

Motion carried—so ordered.

Dan Zella, Circuit Judge, addressed council, asking for support in the upcoming election. City Att. Edge noted Mr. Zella is very well respected.

City Administrator’s Report:

Member Burns asked about the landslide on Dayton Pike. City Adm. Giffen reported this has been fixed by the owner.

City Adm. Giffen reported that KZF is wrapping up the design for the new city building. The design will be presented to city council, and a public hearing will be held after council has reviewed the plans.

Department Head’s Report:

Donna Leger, Clerk/Treas., submitted the current financial reports.

Chris Adkins, Fire Chief, submitted a copy of his report. Member Haas reported the next Fire Board Meeting is Oct. 30th, 6:00 p.m. at the Callahan Center in Bellevue. There will be four promotions within the department, and introduce three new members. Member Haas has been working with Chief Adkins, and feels the Fire Department is making good progress. We hired three new employees and may have to hire three more. Member Burns told the Chief to keep up the good work. Because of fears with the pension system, most fire fighters who have worked enough time to retire, are retiring. This has left several openings in all cities.

David Halfhill, Police Chief, submitted a copy of his report. A new SRO Officer has been hired. Mark Fielding is a 22 year veteran. He worked in Ft. Thomas and retired from Independence. This is his second week and he is doing a really good job. Member Neary asked how many new hires the Chief has had because people have left for more money. Chief Halfhill replied that people leave for different reasons. Some of the officers leave for a larger city, or a busier place, it’s not always the money. Covington, Boone County and the Sheriff’s Office all can afford to pay top dollar. This is not the same for a smaller city. Smaller departments have been battling this for years. It takes 26 weeks to go through the Police Academy. This was talked about at FBI training. This is not just a Dayton problem it’s all over the county, nationally, we are all trying to figure it out.

Phil Liles, Code Enforcement, submitted a copy of his report. For the month of September 27 cases were closed and 89 letters sent out. Of those letters 50 were violations, 34 were citations and 5 were invoices for grass cutting.

Bob Yoder, Economic Development Director, reported 577 attendees at Beyond the Curb**.** Joe Klare from the Catalytic Fund praised the support he received from Trotta’s, and the City of Dayton. Thanks to all the businesses that donated items for our Beyond the Curb Basket, and who volunteered. Thanks to Sofa burn Records, Bucks BBQ, Purple Poulet, Gents Men's Resale & Consignment, Native Brand, Dayton Heritage Museum, Bob Schrage, Unataza Coffee, Dayton Main Street Board, and the City of Dayton for your contributions.

New Businesses:

Bastille Babes - 635 Sixth Ave.

Aerial Intelligence Services — 633 Sixth Ave

Ketchum Flooring will be moving their flooring company to 604 Sixth Avenue.

Rehab Projects:

620 Sixth Ave., 201 Sixth Ave, 202 Sixth Ave, rehab projects are moving forward.

I “8” in Dayton has finished. You can pick-up your t-shirt at the Dayton City Building.

Grants:

Dayton Pike/Sixth Ave. Streetscape: Final design plans are still under review.

The application for OKI SNK funding for Riverfront Commons from Berry St. to Clark St.was considered the second highest ranked of all grants by OKI’s ICC Committee. It will be up for approval at the OKI BOARD OF DIRECTORS MEETING on October 11, 2018. The funds requested from the grant was for $810,000 -FY 2021 Funds.

Discussion of CCPA Expenditures for the First Quarter of FY 2018-2019.

New Business:

Motion by Member Baker, seconded by Member Lynn to have Trick or Treat on Wednesday, Oct. 31 from 6:00 – 8:00 p.m. Comments: For safety reasons Member Burns would like to have Trick or Treat in the day hours, and Member Burns thinks two hours is not enough time. Member Burns voted nay. Motion carried – so ordered.

Adjournment:

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

 Respectfully submitted,

 Donna Leger

 Clerk/Treas.

ATTEST:

Virgil L. Boruske

Mayor