CITY OF DAYTON

PUBLIC HEARING/COUNCIL MEETING

February 6, 2018

A public hearing was held on Tuesday, Feb. 6, 7:00 p.m., in the board meeting room of the Dayton Independent Schools Administration Building, Third & Clay Street, Dayton, KY. The purpose of the public hearing was to discuss proposed use of Municipal Road Aid Program funds for 2017/2018. Council and the media were notified in advance.

Mayor Boruske opened the meeting.

City Adm. Giffen reported the city had two projects in the fall that are eligible for Municipal Aid reimbursement. The first project was fixing the sidewalk and curb damage on Main Street as a result of years of tree damage. The cost for removing the damaged concrete/curb, and replacing was $8,816.00. The second project was fixing some damaged catch basins on Fourth & Vine Streets at the cost of $1,200.00. Total of $10,016.00. The balance in the Municipal Aid Fund is currently $169,575, and the estimated balance by the end of June will be $209,575.

City Adm. Giffen requested $10,016.00 be reimbursed to the General Fund from the Municipal Aid Fund

Anymore comments? Hearing Closed.

A regular meeting of Dayton City Council was held on Tuesday, February 6, 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 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

Before the public hearing, Member Volter presented Susan Vater with a proclamation and key to the city, in honor of her husband, previous Mayor Ken Rankle, who recently passed away.

Audience:

Elmer Perry, 419 Third Avenue, invited Mayor/Council to the Reality Store at Dayton High School, March 7th, 10:30 a.m. This is a yearly program for the eighth & eleventh grade classes and will consist of 19 stations.

The Dayton Heritage Museum is open the second and fourth Saturday of each month from 10:00 a.m. until 2:00 p.m. The Museum is looking for volunteers.

Several residents were in attendance to voice their opinion on the proposed new city building.

Matt Field, 1005 Lincoln Road, asked council to vote no on funding the design of a new city building. He thinks a new city building is a need, but felt this project is looking over other needs in the city that take priority.

Beth Field, 1005 Lincoln Road, asked council to vote no on the design of a new city building. We are not denying that the city employees, and police deserve better working conditions. Do not put this financial burden on the backs of the residents, and explore other options.

Alex Smith, 115 Tenth Avenue, previously addressed questions/concerns with most of council. Council needs to determine how they will pay for this first.

Scott Besler, 227 Sixth Avenue, noted he is all for a new city building. I know you need space, but I’m up for alternatives. I ask you to vote no on the design. I think it’s not the right step right now.

Craig Cornett, 225 Third Avenue, asked if City Adm. Giffen would explain the Tif district and Tif funding. City Adm. Giffen will explain later in the meeting.

Beth Nyman, 625 Tenth Avenue, has concerns about the loss of greenspace and expense of the bonds. Her personal concern is it’s too much money and wrong for the community. She realizes this is needed, but this might not be the right place.

Michael Osborne, 1116 Sixth Avenue, has lived in Dayton for two years. He would like to see the greenspace at Sixth & Berry stay.

Scott Dean, 6 Sargeant Drive, felt voting $35,000 for a design seems to be a rush.

Mayor’s Report:

Motion by Member Haas, seconded by Member Burns to approve the minutes from the Jan. 2, 2018 and Jan. 9, 2018 (special meeting) as received. Motion carried—so ordered.

Board Appointments for 2018

Board of Adjustments:

Michael Carr expires 2021

Code Enforcement Board:

Allen Smith expires 2020

Fire Board: Yearly

Ben Baker

Jeff Haas

Sara Bin

Museum Board:

Jane Hebel expires 2019

Elmer Perry expires 2021

Civic Activities Board:

Nathan Gifford expires 2021

Jessie Lovins expired 2021

Ethic’s Board:

Rick Frank expires 2020

Board of Park Commissioners:

Kim Townsley

Mandy Metz

Main Street Board:

Cathy Volter expires 2020

Doug Sovonick expires 2020

Bob Slusher expires 2020

Kelly Herbert expires 2020

Sargeant Park Board: Yearly

Mayor Boruske

Jeff Volter

Donna Leger

Board of Architectural Review:

Christina Kelly expires 2021

Motion by Member Baker, seconded by Member Volter to approve the 2018 Board Appointments.

ROLL CALL:

Member Burns Aye Member Haas Aye

Member Neary Nay Member Lynn Aye

Member Baker Aye Member Volter Aye

Motion carried—so ordered.

Ordinances & Orders:

First Reading:

**CITY OF DAYTON, KENTUCKY**

**ORDINANCE NO. 2018-#1**

**AN ORDINANCE ACCEPTING THE BID OF DUKE ENERGY KENTUCKY, INC. FOR A THREE YEAR NON-EXCLUSIVE FRANCHISE FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION AND DISTRIBUTION OF BOTH NATURAL GAS AND ELECTRICITY THROUGH AND FOR CONSUMPTION WITHIN THE CITY.**

**WHEREAS**, Duke Energy Kentucky, Inc. (“Duke Energy”) is a public utility subject to the provisions of Sections 163 and 164 of the Kentucky Constitution and KRS 96.010 through 96.045 and KRS Chapter 278; and

**WHEREAS,** Section 163 of the Kentucky Constitution prohibits public utilities from using the streets, alleys and other public grounds within a city without a franchise for that use; and

**WHEREAS,** Duke Energy does not currently have a franchise for the use the streets, alleys and public grounds of the City for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City; and

**WHEREAS,** Ordinance 2017-#7 of the City establishes a non-exclusive three (3) year franchise for the use of the City streets, alleys and public grounds for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City; and

**WHEREAS,** pursuant to the requirements of Section 164 of the Kentucky Constitution and KRS Chapter 424, the City advertised for bids for the franchise established by ordinance 2017-#7 and publicly received a bid from Duke Energy for both an electric and a natural gas franchise a copy of which is attached hereto and incorporated herein by reference; and

**WHEREAS,** Duke Energy has been certified by the Public Service Commission of Kentucky for different territories pursuant KRS Chapter 278 and all territory located within the City.

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

Section I – Acceptance of Bid

The attached bid from Duke Energy is hereby determined to be the highest and best bid for the territory within the City for which Duke Energy serves or has been certified by the Public Service Commission of Kentucky pursuant K.R.S. Chapter 278; and that bid is hereby accepted as tendered.

Section II – Grant of Electric and Natural Gas Franchise

Pursuant to City of Dayton Ordinance 2017-#7, as amended, and subject to the provisions thereof, Duke Energy is hereby granted a non-exclusive three (3) year franchise for the use of the City streets, alleys and public grounds for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City.

Section III – Provisions Severalable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section IV – Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section V – Effective Date and Publication

This Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law after publication in summary pursuant to KRS 83A.060(9).



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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. 2018-#2**

**AN ORDINANCE MODIFYING AND ADOPTING A REFORMATTED MANHATTAN HARBOUR COMMUNITY PATTERN BOOK.**

**WHEREAS**, pursuant to agreement with DCI Properties-DKY, LLC, an Ohio limited liability company (hereafter “DCI”) and Manhattan Harbour Project LLC, a Kentucky limited liability company (hereafter “MHP”) for development of Ohio riverfront property presently titled in the City which requires the City’s approval of development specifics, and DCI and MHP and their sub-developers approved and submitted certain documents, modifications and reformatting to the Manhattan Harbour Development Community Pattern Book and;

**WHEREAS,** the City desires that its approval be enforced now and in the future after said property is conveyed to DCI and MHP under the agreement; and

**WHEREAS** the Dayton Planning and Zoning Commission has approved the request to modify the Manhattan Harbour Community Theme/Pattern Book;

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

Section I

City Council for the City of Dayton hereby approves and adopts the modifications to the Manhattan Harbour Community Theme/Pattern Book. A copy of said book is attached hereto and made part hereof by reference;

Section II

The City hereby ordains that the said Manhattan Harbour Community Theme/Pattern Book, be included as restrictions in any deed conveyed by the City to DCI and MHP, for all real estate in the Manhattan Harbour development;

Section III

This Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law.



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MAYOR VIRGIL L. BORUSKE

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Order:

**CITY OF DAYTON, KENTUCKY**

**MUNICIPAL ORDER NO. 2018-#2R**

A MUNICIPAL ORDER DECLARING CITY-OWNED REAL PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER TO SELL OR DISPOSE OF SAID REAL PROPERTY COMMONLY LOCATED AT 207 5TH AVENUE.

**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 as surplus real property commonly located at 207 5th Avenue in Dayton, Kentucky 41074.

(b) That the intended purpose of the property described herein at the time of initial gift was undeclared.

(c) That it is in public interest to sell or dispose of the property because there is no declared intent of use for the property and public interest to sell to private party and add property to City Tax Rolls.

(d) The method of disposition is to be sold by sealed bids pursuant to KRS 82.083(4)(e).

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

CITY CLERK/TREASURER

Feb. 6, 2018

Motion by Member Burns, seconded by Member Haas to approve 2018-2R as read. Comments:

Member Neary asked about advertising with a minimum bid. City Att. Edge noted the city can accept or reject any or all bids.

Member Baker noted this property was given to the city by Catherine Hamilton Hicks for the use of public good, a community garden. He does not agree with selling this property. Member Volter noted these parcels of land often become the responsibility of the city to maintain. It drains our Public Works Department which is overworked now. Unless it’s maintenance free it just becomes a burden.

ROLL CALL:

Member Neary Aye Member Lynn Aye

Member Baker Nay Member Volter Aye

Member Haas Aye Member Burns Aye

Motion carried—so ordered.

Order:

**CITY OF DAYTON, KENTUCKY**

**RESOLUTION NO. 2018-3R**

A RESOLUTION BY THE CITY OF DAYTON, KENTUCKY, TO SUPPORT APPLICATION BY THE CITY FOR THE 2018 RECREATIONAL TRAIL PROGRAM GRANT FUNDS.

**WHEREAS**, the City desires to develop recreational resources to provide for the health and well-being of the general public by means of developing a recreational trail within the city limits; and

**WHEREAS**, the City intends to submit an application for the 2018 Recreational Trail Program Grant from the Department of Local Government for funding of up to eighty percent (80%) of the proposed project costs in developing a recreational trail;

**NOW, THEREFORE BE IT RESOLVED,** BY THE CITY OF DAYTON, KENTUCKY to hold in reserve twenty percent (20%) of the proposed project costs for the purpose of matching the 2018 Recreational Trail Program Grant; and

**NOW, THEREFORE BE IT FURTHER RESOLVED**, BY THE CITY OF DAYTON, KENTUCKY THAT the City of Dayton, Kentucky supports the 2018 Recreational Trail Program Grant request as submitted by the City of Dayton, Kentucky for the development of the Sargeant Park Recreational Trail Project.

So Adopted this 6th, day of February, 2018.

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MAYOR VIRGIL L. BORUSKE

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Neary, seconded by Member Lynn to approve 2018-3R as read. Comments: Member Neary noted this is really needed for Sargeant Park.

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 Administrator’s Report:

City Adm. Giffen thanked everyone for attending the meeting tonight. One of our downsides is the city has limited staff and limited means of getting the word out to the public, I’m not making excuses, we’ll try to do better. I wish I had time each day to answer your questions on Facebook, but that would not be a good use of city funds and I rarely get on Facebook. I do hear when certain things come up that need my attention. It’s great to address you in person, and I’m here to give you the facts. I sat down with Beth Nyman for three hours back in November or December, like I’ve done on multiple occasions to address some of these questions. Others have contacted me by phone and e-mail. I appreciate that, my door is always open and my phone is always open. Please contact me if you don’t understand. Social Media is great but it’s filled with rumors and can be a negative aspect to community involvement.

This all started when the city entered into the development agreement with DCI Properties. In 2008 the city signed a development agreement that put several things into place. The most important things as it relates to the city building is the TIF (Tax Increment Financing). You start with an undeveloped footprint that is not producing much property taxes, payroll tax or occupational tax. These numbers are used the first year as a footprint. What happens is the city gives up a portion of these increments to the developer as an incentive to do the project. The city is giving up 80% of that incremented revenue within the footprint. This area is the riverfront north of the floodwall, and does incorporate some houses on Second Avenue, and up Berry Street. In 2008 one of the benefits of the agreement was $2,000,000 of the incremented revenue could be used towards a new city building. When the agreement was signed the spot where they wanted the city building to go was designated, which is at the corner of Sixth & Berry. The location of the footprint was set in 2008. This $2,000,000 can only be used for the city building and must be built in that location. People have questioned, what happens if the developers goes under? There is already an increment being produced because of the development. We have seven homes built, others under construction, apartments under construction, and there will continue to be development going forward. Currently the developer is receiving $100,000 back with just what we have going on right now. The developer does not collect that money. The money is collected by the city. The city collects the money, works with Campbell County, and portions the money out to the developer. If the developer were to leave tomorrow, there is still an increment generated on that property, and will continue to be generated on that property for thirty years. In this case we still will collect. We are already collecting the money that can be used for the $2,000,000. That’s the worst case scenario. The developer is not going anywhere. Actually they have subbed out portions of the development. There is more than one entity in the development that is producing and will be producing revenue in the city. After 2008 the city started acquiring property on the site chosen for the city building. The old Dairy Queen, Klingenbergs Hardware, etc. Then things set empty for quite some time, the economy was bad. After that, the rest of the buildings were purchased and demolished. While this is not a park it is a green space that the community enjoys. I was the Main Street Director for 3 or 4 years and have had several events at this site. That’s how we have gotten to this point. The $2,000,000 is free to us too used, but can only be used for the city building, and only in the Tif Footprint. The city is guaranteed to start receiving this money on July 1, 2025.

The city is in excellent financial shape. We have $2,400,000 in reserves that is not being used in our current budget. Another $700,000 in our Economic Development Fund, and $200,000 which is still due to us from the sale of Manhattan Harbour. Over $3,000,000 in reserves right now. For a community of 5500 residents that is very very good!

When we acquired the rest of the lots last year we made it clear in the city council meetings what we wanted to do going forward. We would demolish the properties, and have a design firm come to council to show the city what can be done on the site. This is the order that we’ve been following since then. We had a special meeting in January 2018, in which we interviewed two firms KZF and GRW. KZF was chosen to do the design only. We don’t know how much the new city building will cost until we’ve completed the design. The construction management will come at a later time. A lot of numbers are being thrown out about the cost of the city building, but we don’t know until we get the study done. Tonight I’m proposing the fee proposal for Phase I, which is programing and preliminary design. The reason this is done, as the finance director of the city I don’t want to put the city in a financial bind. I’ve worked hard over the past four years to continue to build our surplus. We’ve done the same type of studies with the pier and Riverwalk. We need to find out the cost. Council was given a fee proposal from KZF for phase one programing and preliminary design. We’ll put together a design and review board. KZF will interview and meet with employees and the review board. They’ll know what we have, and what we need as the city grows.

Member Neary reported the RFQ (request for qualifications) was put out by the administration. Member Neary questioned the city surplus. City Adm. Giffen reported the final budget, June 30, 2017 list the city surplus as $2,400,000. Member Neary noted there was a carry forward in the budget. City Adm. Giffen reported the city has never spent the carry forward in the budget since he has been employed by the city. Member Neary noted, except on social media there has not been much discussion on this topic. How can we spend this money without knowing how much pension cost will increase, and how much we have to spend to complete the sidewalk and lighting project on the Avenue? City Adm. Giffen replied, we already met the match or are close to meeting the match, in reference to the sidewalk and lighting project on the Avenue. The match is $26,000. What about the sidewalk up Dayton Pike and Belmont. This is another parcel grant. This cost is already in the budget, replied City Adm. Giffen. Jamestown Pike Park will come from the Park Fund. Member Neary noted changes to the occupational license fee have been made. How much revenue will the city receive because of these changes? We need to fix the streets in Grant Park, and have no idea what the cost will be. We don’t know the cost of radios for public safety, and the Duke bills are going up 11.8% for municipality lighting. I think the Mayor and Council put together a great development agreement years ago, which included money for a city building. I don’t want to stop this, I really don’t want to stop this. I’d love to see better accommodations for our employees, our own city council chamber, and show a city that is financially stable.

Motion by Member Neary, seconded by Member Volter to table any vote on this phase of the project until at least the July 3 council meeting, everyone will have more time to get all of their questions answered so we move forward on this project together, and have the financials for this fiscal year. Comments: Member Volter would like to see a 5-year budget projection plan for the city, with the Tif money coming in, the bond payment going out, and other capital expenses the city has. This way we can be 150% sure this is a project we can afford, and can move forward without losing services for our citizens.

Member Lynn agreed with a lot of what Member Neary said. We have no concrete numbers on what we are going to pay in the future. The unknown is the bad part, and I’m a little worried also. The fire department is working on grants for the radios, but nothing has come up yet. Member Lynn said he is very much in favor of a new city building, and knows we need to get KZF on board, so we can find out what the exact cost will be, and the amount of green space we’ll have. We are basically just starting, but are we going to spend $35,000 and then realize we can’t afford to continue because of expenses we are just not sure right now. I was in favor of voting for this tonight, but I may have to change my vote.

Member Hass responded to Member Neary’s comments. When your taking about the pier project is was $19,000 that we had to spend to get the community input and have the designs. I’m for moving forward with the city building with the project as planned, and agree with Jeff about the financial concern coming out of Frankfort and other things. Part of the puzzle is we need to find out what the city building will cost and how it will impact the city. A lot of unknowns. I’m in favor of waiting until July to revisit this, but it’s not going to change my opinion that this is something we need to move forward with.

ROLL CALL:

Member Haas Aye Member Burns Aye

Member Lynn Aye Member Neary Aye

Member Volter Aye Member Baker Aye

Motion carried—so ordered.

City Administrator’s Report:

Request for a handicap parking space from Lisa Williams, 223 Fifth Avenue. The applicant meets all the requirements. Motion by Member Neary, seconded by Member Burns to approve the handicap parking space for Lisa Williams. Motion carried—so ordered.

Request for a handicap parking space from Jesus Perez, 501 McKinney St. For the record the applicant does not meet all the requirements.

Special Event Application from Cystic Fibrosis Foundation. CF Cycle for Life to be held on Sept. 15, 2018 from 7:00 a.m. until 4:00 p.m. The route is Sixth Ave, left on Clay St., right on Fourth Ave., then onto Route 8. Motion by Member Lynn, seconded by Member Volter to approve. Motion carried—so ordered.

In regards to the Municipal Aid Public Hearing we had tonight, I’d like to ask for a motion to reimburse the General Fund, $10,016.00 from the Municipal Aid Account. Motion by Member Lynn, seconded by Member Burns to reimburse the General Fund, $10,016.00. Motion carried—so ordered.

There was a kick off meeting for our comprehensive review plan last night. The community will have three opportunities to attend the meetings and help develop the goals, objectives and review the draft plan before it is finalized.

Department Head’s Report:

Donna Leger, Clerk/Treas, submitted a copy of the city financial reports. Also submitted was a copy of the financial disclosure statements. Please return by the end of Feb.

Bob Yoder, Main St. Manager, **submitted a copy of his report:**

In the past month we’ve approved two CCAP Façade & Structure Improvement applications. One for 640 Sixth Ave, and 515 Clay St. The 640 Sixth Ave. was for a boiler replacement, and 515 Clay was for an HVAC system to serve the first floor commercial space. It’s important to note the CCAP Application for 515 Clay, was the first for a corner commercial space in the R1-JJ zone.

We’ve approved three CCAP Rental Abatement Applications for Bucks BBQ, Devine Waffles & Wecks, and Dayton Vintage.

**Industrial Park:**

With an increase in rentals at the industrial park there is currently about 2,000 square feet available. This means currently our vacancy rate in the Industrial park is about 1%.

Working on a Campbell County Conservation Grant for Sargeant Park. We have a lot of diseased ash trees in Sargeant Park. The grant is due by April 30th.

Phil Liles, Director Code Enforcement, e-mailed his report to council. If you have an issue with code enforcement you can submit complains through the web site, by phone or mail. I will receive this complaint and get back with you if you leave your contact information. There is a time frame and protocol I have to follow. I need the eyes and ears of everyone to help improve the city and the blight we have in the city. I’m here to help make the city better.

Member Neary noted only two vacant properties were listed on the report this month. Mr. Liles noted, a lot of the vacant homes have an abundant amount of citations on them already and these are going to City Adm. Giffen and City Att. Edge so they can follow through.

Lt. Tony Baldwin, Police Dept., submitted a copy of his report.

Jim Richmond, Acting Chief FDBD, submitted a copy of his report. The new pumper truck is scheduled to be delivered July of this year. The old truck has been listed on a on a nationwide search.

Petitions:

Member Neary has been asked by residents to look into putting a ½ court basketball court at the Vine Street Park. Mayor Boruske said the city will look into this.

Member Baker would like to see a new sign at the corner of O’Fallon & Sixth Ave., listing city businesses. City Adm. Giffen and Bob Yoder, Main St. Manager, are already looking into this issue.

Adjournment:

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

Respectfully submitted,

Donna Leger

Clerk/Treas.

ATTEST:

Virgil L. Boruske

Mayor