CITY OF DAYTON

COUNCIL MEETING

March 6, 2018

A regular meeting of Dayton City Council held on Tuesday, March 6, 2018, 7:00 p.m. in the board meeting room of the Dayton Independent School Administration Building, Third & Clay Street, Dayton, KY.

Roll Call:

Mayor Boruske Present Member Haas Present

Member Volter Present Member Lynn Absent

Member Burns Present City Adm. Giffen Present

Member Neary Present City Att. Edge Present

Member Baker Present

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

Audience:

Anna Zinkhon, 50210 Owl Creek Rd., Camp Springs, KY. Anna Zinkhon introduced herself to council and said she is running for Judge Exec against Steve Pendery.

Mayor's Report:

Motion by Member Burns, seconded by Member Haas to approve the February 6, 2018, minutes and the Public Hearing minutes as received. Motion carried- so ordered.

Second 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.

 This ordinance adopts and incorporates a three year non-exclusive franchise agreement, as required by the Kentucky Constitution and Kentucky Revised Statute, with Duke Energy for the use of public streets, alleys and other public grounds for the transmission and distribution of gas and electricity throughout the City of Dayton.

 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 Haas, seconded by Member Burns to approve 2018#1 as read.

ROLL CALL:

Member Neary Aye Member Lynn Absent

Member Baker Aye Member Volter Aye

Member Haas Aye Member Burns Aye

Motion carried- so ordered.

CITY OF DAYTON, KENTUCKY

ORDINANCE NO. 2018-#2

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

 This ordinance adopts and incorporates the reformatted Manhattan Harbour Community Theme/Pattern Book as previously approved by the City of Dayton Planning and Zoning Commission. The Pattern Book is also required to be included as a deed restriction for any property in the Manhattan Harbour development conveyed by the City to the Developer.

 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 Volter, seconded by Member Burns to approve 2018#2 as read.

ROLL CALL:

Member Baker Aye Member Volter Aye

Member Haas Aye Member Burns Aye

Member Lynn Absent Member Neary Aye

Motion carried- so ordered.

City Administrator's Report:

Handicap parking application received for Leslie Baxter, 611 Clay St. Mrs. Baxter meets all requirements of the ordinance. Motion by Member Baker, seconded by Member Haas to approve the handicap sign for Mrs. Baxter. Motion carried- so ordered.

Handicap parking application received for Beverly Matt, 333 Fifth Ave. Mrs. Matt meets all requirements of the ordinance. Motion by Member Volter, seconded by Member Burns to approve the handicap sign for Mrs. Matt. Motion carried- so ordered.

Special event application for the VFW for April 28, 2018, from 10 am- 4 pm. The VFW is requesting the road to be blocked on Main St. between Sixth and Seventh Ave. Motion by Member Burns, seconded by Member Baker to approve special event application for the VFW. Motion carried- so ordered.

City Adm. Giffen advised the school wants to dedicate an alley between Clay St. and Greendevil Ln. The school has a name in mind and would like for it be a secret for now. Council received notification via email of the name. Motion by Member Baker, seconded by Member Volter to approve the naming of the alley. Motion carried- so ordered.

City Adm. Giffen announced a finance meeting will be in a few weeks to go over a rough draft of the budget.

City Adm. Giffen stated there is a Planning and Zoning meeting March 7, 2018, at 7:00 p.m. in the board meeting room of the Dayton Independent School Administration Building, Third & Clay Street, Dayton, KY.

City Attorney's Report:

 City Att. Edge submitted a foreclosure list for delinquent property taxes. City Att. Edge requested that Andrew Rothmeeler be removed from the list. Motion by Member Haas, seconded by Member Burns to proceed with foreclosure on the delinquent property list. Motion carried- so ordered.

Comments:

City Att. Edge advised that you can't pick and choose who will go into foreclosure due to litigation issues. City Att. Edge uses a formula of 2 to 3 years delinquent taxes. City Att. Edge offers payment plans and this list will be worked on in the next few months by taking 5 to 6 of these at a time.

ROLL CALL:

Member Haas Aye Member Burns Aye

Member Lynn Absent Member Neary Aye

Member Volter Aye Member Baker Aye

Motion carried- so ordered.

City Att. Edge submitted a list of delinquent occupational and payroll taxes to the council. There are 7 occupational rentals and 4 business occupations. City Att. Edge said the list has gone down in the past few years.

City Att. Edge requested approval to close the paper streets of Dodd Dr. and Front St. and send to Planning & Zoning for review. Motion by Member Baker, seconded by Member Volter to approve the closing of the paper streets of Dodd Dr. and Front St and to send to Planning and Zoning to review.

ROLL CALL:

Member Lynn Absent Member Neary Aye

Member Volter Aye Member Baker Aye

Member Burns Aye Member Haas Aye

Motion carried- so ordered.

Department Heads Report:

Tiffany Myers, Assistant Clerk, submitted financials.

Bob Yoder, Main Street Manager, said there was a Main Street meeting in February that discussed the preliminary streetscape designs for 6th Ave., and they discussed the streetlight project for the corners of 6th Ave. & Walnut, 6th Ave. & Vine, and 6th and Ervin Terrace. Since a lot of new businesses opened during the winter months there will be several ribbon cutting ceremonies in March. Bob Yoder, Main Street Manager, stated the Main Street program will be hosting their first Dayton Heritage Dinner on March 30, 6:00 pm at the VFW. Proceeds from the dinner will be used to help fund Dayton Community Organizations. Bob Yoder, Main Street Manager, presented a CCAP Expenditures report.

Code Officer, Phil Liles, submitted his report. He has 22 closed cases where the issues have been fixed and 47 letters that were sent out for violations or citation. Out of the 47 letters that were sent 5 were for abandoned property. Code Officer, Phil Liles, had two Code Board meetings in February. There were 5 cases altogether.

Lt. Baldwin, Police Department, submitted a copy of his report.

Acting Fire Chief, Jim Richmond, submitted his report to council. Acting Fire Chief, Jim Richmond advised the GASB audit was completed and there are no concerns. There was structure fire at 9th and Ervin Terrace and the fire department received no calls for flooding. Acting Fire Chief, Jim Richmond, thanked the Ladies Auxiliary for funding 90 % of the kitchen remodel and thanked the VFW for a donation to help with the kitchen remodel.

Member Neary wanted to know the cost of the new radios. Acting Fire Chief, Jim Richmond, stated he met with vendors from 4 different companies who presented their products to fire and law enforcement chiefs. The fire department might need 14 portable radios, 6 mobile radios and infrastructure improvements that are needed to support the new radios. Acting Chief, Jim Richmond, submitted a grant to Campbell County for the radios. City Adm. Giffen advised the city has a ballpark estimate that is in the budget. Right now this project has a long way to go and no long-term discussions have been held between counties and cities about possibly partnering to share the cost.

Petitions:

Member Neary questioned if pricing was available for installing a basketball court at the Vine St. Park. City Adm. Giffen said there is not enough room to have a basketball court on this lot.

New Business:

Member Volter asked if Public Works can look at Seventh Ave. where the deer crossing is at because there is a large mound of dirt that appears to be moving towards Dayton Pike. Mayor Boruske advised he will send Public Works up there.

Member Baker questioned the pothole situation on RT 8 and 4th Ave. City Adm. Giffen stated he has called state and they said they will get to it. Member Volter wanted to know if the city can make the pothole repairs and ask for reimbursement from the state after the city fixes them. Mayor Boruske said City Adm. Giffen can call the state to see.

Member Neary wanted to know if City Adm. Giffen can meet with SD1 about flooding on Benham and Kenton. City Adm. Giffen advised the city can ask SD1 to do a formal study and then if they can fix it will be at shared cost with the city.

Member Neary wanted to know the status of the Grant Park road issue. City Adm. Giffen advised he asked a contractor to look at the Terracon's study, and in his opinion this could be a mistake by the developer. City Adm. Giffen didn't want to go into too much detail because of possible litigation. City Adm. Giffen advised if they city were to fix this issue, it would not be just repairing the road but extensive subgrading to the roads and the city would need cooperation from the homeowners. SD1 will need to be involved in this process as well. City Adm. Giffen has been in contact with legislatures to find extra funding for road funds.

Member Neary questioned if the city can use park funds for Sargeant Park. City Att. Edge advised park funds are used for all city parks. Also, Sargeant Park has a trust agreement. City Adm. Giffen advised you will be able to see in the budget for this coming year the breakdown of the park funds for each park, projects, etc.

Mayor Boruske announced the 89th Annual Memorial Day Parade will be held on Monday, May 28, 2018, at 10:30 am.

Adjournment:

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

Respectfully Submitted,

Tiffany Myers

Assistant Clerk/Treas.

Donna Leger

Clerk/Treas.

ATTEST:

Virgil L. Boruske

Mayor