CITY OF DAYTON

COUNCIL MEETING

February 5, 2019

A regular meeting of Dayton City Council held on Tuesday, February 5, 2019, 7:00 p.m. in the board meeting room of the Dayton Independent School Administration Building, Third & Clay Street, Dayton, KY.

Roll Call:

Mayor Baker Present Member Burns Present

Member Volter Present Member Lynn Present

Member Neary Present City Adm. Giffen Present

Member Beseler Present City Att. Edge Present

Member Cornett Present

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

**Audience:**

Karen Sollberger, 611 Sixth Ave., thanked public works for cleaning the streets, but the businesses and residents on the main street would like to see more frequent street cleaning because of the trucks running through town regularly that leave dirt all over the roads. Karen would like to know if the trucks can use an alternative route by going through Manhattan Blvd. Member Cornett stated she asked the same question at the last council meeting and was informed there is an ordinance in place to make the company responsible for the street cleaning and there is also an ordinance in place that the trucks can’t go through Manhattan Blvd. City Adm. Giffen said he has reached out to Nelson Stark, and they agreed to do more frequent street cleaning once a month, but with the winter weather, they have been unable to start this process. At this moment the city doesn’t have a schedule set aside for street cleaning to be on a designated day. Also, the trucks are unable to go down Manhattan Blvd. because it’s a city street and the city would be responsible for the repairs. Instead, the trucks need to drive down a state highway per law. City Adm. Giffen hopes that by having more regular street cleanings would help, but will not eliminate the problem.

**Mayor’s Report:**

Motion by Member Neary, seconded by Member Lynn to approve the January 2, 2019, minutes as received. Member Beseler abstains. Motion carried-so ordered.

Motion by Member Volter, seconded by Member Beseler to appoint Aryn Fox to the Main Street Board. Motion carried- so ordered.

Second Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2019#1**

**AN ORDINANCE AMENDING CHAPTER 150 OF THE DAYTON CODE OF ORDINANCES TO ADOPT THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMEND OTHER PROVISIONS TO CONFORM WITH THE CITY CODE OF ORDINANCES.**

This ordinance amends section 150.03 of the City of Dayton Code of Ordinances to adopt the 2018 International Property Maintenance Code as replacement to the previously adopted 2015 International Property Maintenance Code. This Ordinance also changes minor provisions within the section 150.03 to conform with entire City Code of Ordinances.

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**

Member Neary would like to see stronger enforcement of Section 302.8 by the police department and Code Officer Liles. Motion by Member Lynn, Seconded by Member Cornett to approve 2019#1 as read. Motion carried- so ordered.

Second Reading:

**CITY OF DAYTON, KENTUCKY**

**ORDINANCE NO. 2019#2**

**AN ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE OF ORDINANCES TO INCREASE THE PAYMENT AND APPEAL DEADLINES FOR CODE ENFORCEMENT CITATIONS FROM SEVEN (7) DAYS TO TEN (10) DAYS.**

This ordinance amends section 38.08 of the City of Dayton Code of Ordinances to change the deadline for payment or appeal of a code enforcement citation from seven days to ten days.

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 Lynn to approve 2019#2 as read.

ROLL CALL:

Member Neary Aye Member Burns Aye

Member Beseler Aye Member Lynn Aye

Member Cornett Aye Member Volter Aye

Motion carried-so ordered.

Second Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2019#3**

**AN ORDINANCE CORRECTING A SCRIVENER’S ERROR IN ALCOHOLIC BEVERAGE LICENSES FEES.**

This ordinance amends and corrects Chapter 111.10 of the City of Dayton Code of Ordinances for Alcoholic Beverage Licenses Fees by changing the NQ3 Retail Drink License from $708.75 to the state maximum fee allowed of $300.00.

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 Cornett, seconded by Member Neary to approve 2019#3 as read. Motion carried- so ordered.

**City Administrators Report:**

Handicap Application for Mark Barth is put on hold until the March meeting because he does not meet all the requirements.

Planning & Zoning meeting is February 6, 2019, at 7:00 pm to discuss a text amendment for a drive in & drive-thru access in a commercial zone.

The city received three (3) banking bids from our RFP. They are WesBanco, PNC and Heritage Bank. City Adm. Giffen will get with the Finance Committee later this month so they can review and come back to council in March with their recommendations.

Elmer Perry would like to welcome volunteers to the Reality Store March 1. There will be a continental breakfast at 8:30 am, and the Reality Store is open from 9:00 am to 11 am. Also, the museum is open the second and fourth Saturday of the month from 10:00am-2:00pm.

The city building is closed on President’s Day.

**Comments:**

Member Lynn would like to know who is on the Finance Committee. City Adm. Giffen advised the Mayor Baker is thinking about having Member Lynn and Member Cornett on the committee.

Member Lynn would like to know what we are doing about the city building. City Adm. Giffen advised that KFZ is willing to meet, but he has held off on a formal meeting because the city is looking at another site as a second option. Mayor Baker would like to have more options on the table before it’s voted on. Member Cornett wanted to know how long we are going to wait for the other party to get back with the city. City Adm. Giffen stated it’s up to council. KZF is flexible, but he didn’t want to set up a meeting until all options are verified. Member Lynn would like council to move forward in March with the original plans if we don’t hear back from this other party. Council has waited for over two months, and we can’t keep waiting. Mayor Baker said the city could wait because there is no immediate need. We don’t need to rush a 7 million dollar decision in a month or two. Member Burns stated it’s not 7 million decision. He has never heard of that figure. Member Cornett said from an economic stance we can’t keep putting this decision off because, in the long run, it will cost more.

Member Volter would like a thirty-day (30) notice for a public hearing to discuss the city building. Member Lynn made a motion that if we don’t hear anything from the other party by next month, then we need to move forward with our present plans and set up a meeting with KZF, seconded by Member Burns. Member Beseler feels there are not enough details to have a say in this and the money is not available so why should council rush the decision. City Adm. Giffen said the city has the money to move forward. Member Cornett stated that the financial packet City Adm. Giffen provided was through and was well put together. Member Lynn felt there is nothing wrong with waiting and looking at other options, but if we don’t hear anything by the next council meeting, then perhaps they are not interested. Member Volter would like everyone to keep in mind there are other priorities at hand such as salaries and the pension issue.

**ROLL CALL:**

Member Beseler Nay Member Lynn Aye

Member Cornett Aye Member Volter Nay

Member Burns Aye Member Neary Aye

Motion carried- so ordered.

**Comments:**

Member Neary would like the Finance Committee to look at two issues for this coming budget. The first issue is the radios. City Adm. Giffen advised the city has plenty of time to get the radios out for bid. Chief Halfhill stated the cost for the police department would be anywhere from $65,000 to $70,000. Fire Chief Adkins reported that Director Evans from Dispatch said they would not go live with the upgrades until everyone is on board. The fire department has applied for a grant and is currently waiting for the peer review to begin. The peer review has been delayed due to the shutdown, so it has slowed this process down. The cost with the grant for the fire department is $8,000, and without the grant, it would cost the fire department $80,000, they could go with a lesser know radio that would cost $55,000.

The second issue Member Neary would like the Finance Committee to look at is having the $67,000 go to the park fund and not in the general fund.

**City Attorney Report:**

City Att. Edge said that all delinquent businesses, rentals and payrolls balances need to be paid. These businesses have received notices from the clerk, and now they will receive a warning letter from City Att. Edge, and if they don’t respond to that, then criminal charges can be filed, or civil proceedings can commence collecting the delinquent funds.

**Department Heads:**

Fire Chief Adkins submitted his report and stated that the fire department would be conducting inspections this month on businesses and rentals in the city. Member Cornett would like to know if the fire department inspected the laundry mat or will inspect it because there are lighting fixtures loose and equipment not working correctly. Chief Adkins stated he would look into this. Member Neary asked when the Fire Board meeting is. Chief Adkins advised he is waiting for his board to be appointed, but the attentive date is February 21. Mayor Baker entertained a motion to approve Member Neary, Member Volter and Brett Neuspickle to the Fire Board. Motion by Member Cornett, seconded by Member Neary to approve Member Neary, Member Volter and Brett Neuspickle to the Fire Board. Member Lynn voted Nay. Motion carried- so ordered

Police Chief Halfhill submitted a copy of his monthly and yearly report. Member Burns was happy to see on Chief Halfhill's annual report shows improvements from the last five years in the city.

Economic Development Director Bob Yoder is working with a lot of businesses that are looking to open along Sixth Avenue this spring and summer. Avenue Pharmacy’s new location will open next month. The Main Street Board is looking for two new members. If you know anyone who is interested, please contact Bob Yoder at his email or the office number.

Code Officer Phil Liles submitted his report. He issued seventy-seven (77) letters, and twenty-three (23) were citations, and fifty-four (54) were violations. On the report, you can see if they are first, second or third violations/citations. Phil explained how the process works. A homeowner will receive a violation, and they have so much time to correct the issue or reach out to Phil. If they don’t fix the problem or reach out to Phil in the allotted time frame, then a citation will be issued along with a second violation notice. Besides issuing violations and citations this month, Phil has written sixteen (16) parking tags and towed six (6) cars. He also closed out fifty- six (56) reports that are too old to follow-up on. Member Cornett would like to know about houses that are bank owned. Code Officer Liles advised he will try to make contact with the bank, government or state-owned houses and will issue citations. If they don’t take care of these issues after receiving a first, second and third citation, this process starts again.

Member Burns would like to remind everyone to report cars that have Ohio license plates that live in the city. Chief Halfhill advised that people can go to https://revenue.ky.gov/Property/Pages/Freddie-Freeroader-Program.com to report out state tags unanimously. Chief Halfhill thanked Code Officer Liles for getting on these bank owned homes. Chief Halfhill has seen houses that have been vacant for twenty years (20) that are being put up for sale.

Officer Liles advised he will be making the code enforcement complaint form more accessible on the website.

**Unfinished Business:**

Member Volter is following up on a citizen request to move the audience portion to the end of the meeting. He would like to see that happen, but with a three-minute time limit. A discussion ensued, and a motion was made by Member Volter to move the audience portion at the end of the agenda. Motion by Member Volter, seconded by Member Lynn.

ROLL CALL:

Member Cornett Nay Member Volter Aye

Member Burns Aye Member Neary Nay

Member Lynn Aye Member Beseler Nay

Mayor Baker broke the tie and voted Nay. Motion failed.

Member Neary would like the city to look into getting prices to fix the emergency access road from 7th & Boone. Member Neary said the road needs to be level and the drainage issue fixed. The road needs to be leveled off with gravel. City Adm. Giffen will look into this.

**New Business:**

City Adm. Giffen stated there would be a pre-construction meeting with Prus Construction this Friday to go over Phase 1-Riverfront Commons. Once the weather breaks, construction can begin in spring. The city already has the funding for Phase 2 & 3. City Adm. Giffen has talked with the State, and KZF and signing the agreements come up with the design for Phase 2. When Phase 1 construction is completed, then the city can put Phase 2 out to bid by next year.

Mayor Baker entertained a motion to go into executive session for KRS 61.810 (G) discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussion would jeopardize the siting, retention, expansion, or upgrading of the business regarding an opportunity on the avenue.

Motion by Member Neary, seconded by Member Lynn to go into executive session. Motion carried- so ordered.

Motion by Member Volter, seconded by Member Cornett to go back into regular session. Motion carried- so ordered.

**Adjournment:**

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

Tiffany Myers

Assistant Clerk/Treas.

Donna Leger

Clerk/Treas.

ATTEST:

Ben Baker

Mayor