CITY OF DAYTON

COUNCIL MEETING

July 2, 2019

A regular meeting of Dayton City Council held on Tuesday, July 2, 2019, 7:00 p.m. in the board meeting room of the Dayton Independent School Administration Building, Third & Clay Street, Dayton, KY.

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

Roll Call:

Mayor Baker Present Member Burns Absent

Member Volter Present Member Lynn Present

Member Neary Present City Adm. Giffen Present

Member Beseler Present City Att. Edge Present

Member Cornett Present

Motion by Member Lynn, seconded by Member Volter to approve the June 4, 2019, minutes as received. Motion carried-so ordered.

Second Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2019-#13**

**AN ORDINANCE ADOPTING THE CITY OF DAYTON, KENTUCKY'S ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, & ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE CITY TO THE FULL EXTENT AUTHORIZED BY KRS 82.082 AND INTERPRETATIVE CASE LAW.**

This ordinance adopts the budget for Fiscal Year beginning on July 1, 2019 through June 30, 2020 for the General Fund, Municipal Aid Fund, Parks, Economic Development, TIF, Capital Outlay, and the Sargeant Park Fund.

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 Cornett to approve 2019#13 as read.

Comments: Member Neary disagrees with taking $77,500 out of the Park Fund and feels that the Park Director and Public Works budget need to be separated out. Also, for Public Works, this should be billable hours for work done.

ROLL CALL:

Member Volter Aye Member Cornett Aye

Member Neary Nay Member Burns Absent

Member Beseler Nay Member Lynn Aye

Motion carried- so ordered

# CITY OF DAYTON, KENTUCKY

**RESOLUTION NO. 2019-#8R**

A RESOLUTION BY THE CITY OF DAYTON, KENTUCKY NAMING THE WALKING TRAIL AT RIVERFRONT COMMONS “AHRENS PATH” IN MEMORY AND RECOGNITION OF WORLD WAR II HERO PRIVATE FIRST-CLASS EDWARD AHRENS.

**WHEREAS**, Edward Ahrens was born in 1919 and raised on 2nd Street in Dayton by his parents, Albert and Marie Ahrens until Edward graduated from Dayton High School; and

**WHEREAS**, after the horrifying news of Pearl Harbor, Edward Ahrens voluntarily enlisted into the U.S. Marine Corps on February 3, 1942; and

**WHEREAS**, Edward completed basic training at Parris Island, South Carolina and was assigned to the first “special operations unit” in the Marines, the First Marine Raider Battalion, Fleet Marine Force; and

**WHEREAS**, Edward’s unit participated in the first United States invasion of Japanese-held territory during World War II; and

**WHEREAS**, Edward’s unit invaded the island of Tulagi on the morning of August 7, 1942 where his unit were met with fierce resistance; and

**WHEREAS**, as the fighting continued into the night, Edward dug in to guard the battalion’s right flank where he continued to fight back waves of Japanese forces, often in hand to hand combat; and

**WHEREAS**, Edward Ahrens was found the next morning alive but mortally wounded with thirteen (13) enemy combatants around him; and

**WHEREAS**, before succumbing to his mortal wounds on the battlefield, Private Ahrens told his commander, “They just kept on coming, but I guess they didn’t know I was a Marine;” and

**WHEREAS**, Edward was the first Dayton, Kentucky resident who lost his life in World War II and for his heroic efforts in battle, President Franklin D. Roosevelt posthumously awarded him the Navy Cross; and

**WHEREAS**, the City Council for the City of Dayton, Kentucky in recognition Edward Ahrens valor and heroism desires to name the newly completed walking trail at Riverfront Commons as “Ahrens Path” in his memory;

**NOW, THEREFORE BE IT RESOLVED, BY THE CITY OF DAYTON, KENTUCKY** that the City of Dayton, Kentucky dedicates and names the walking trial at Riverfront Commons as “Ahrens Path” in recognition and memory of World War II hero and Dayton resident Edward Ahrens.

So Adopted this 2nd day of July 2019.

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MAYOR BEN BAKER

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Cornett, seconded by Member Neary to approve 2019-8R as read.

Comments: Member Lynn asked how the city came up with naming the Riverfront Commons Path.

Mayor Baker advised that Private-First Class Edward Arhens was from Dayton, KY. He enlisted in the Marine Corps and fought in WW II at Guadalcanal. He fought all night long protecting the troops. He was found mortally wounded in the morning, and as he lay dying in his commander's arms, he said “the enemy never knew he was a Marine.” He was awarded the Silver Star for his bravery. Mayor Baker feels this is a great way to honor this Native Daytonian for his service. There will be a ribbon cutting ceremony on August 8th at 6 pm. The location of the ribbon cutting is to be determined.

ROLL CALL:

Member Neary Aye Member Burns Absent

Member Beseler Aye Member Lynn Aye

Member Cornett Aye Member Volter Aye

Motion carried- so ordered.

# CITY OF DAYTON, KENTUCKY

**MUNICIPAL ORDER NO. 2019-#9R**

AN MUNICIPAL ORDER ACCEPTING CONDITIONS SET FORTH BY THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS TO BE RESPONSIBLE FOR ALL FUTURE MAINTENANCE OF SIDEWALKS AND SIDEWALK LIGHTING CONSTRUCTED AS PART OF A PROJECT ALONG ky 8X.

**WHEREAS**, the City of Dayton proposes to construct a project, designated as Item 6-3505.00, to construct sidewalks, install crosswalks, and install roadway markers along Sixth Avenue (KY 8X) from McKinney Ave to Berry Street;

**WHEREAS**, the City agrees to cooperate with the Commonwealth of Kentucky, Transportation Cabinet Department of Highways as set forth in this municipal order to ensure KY 8X is not negatively impacted;

**WHEREAS**, as part of the project, pedestrian lighting will be placed along the newly constructed project;

**WHEREAS**, the City shall be responsible for (1) the future maintenance of any conduit and utility service installed for the pedestrian lighting; (2) obtaining any required permits for work to be accomplished on state-owned Right-Of-Way; (3) all future maintenance and utility costs for sidewalk lighting; and (4) the future maintenance of the sidewalks constructed along KY 8X.

**NOW, THEREFORE BE IT RESOLVED, BY THE CITY OF DAYTON, KENTUCKY** that the City of Dayton agrees to accept the proposal of the Commonwealth of Kentucky, Transportation Cabinet Department of Highways and the conditions set forth herein.

The foregoing resolution was adopted as above set forth by majority roll call vote of all members of the City Council present, a quorum being constituted and said resolution has been duly made a permanent part of the minutes of the City Council.

So Adopted this 2nd day of July 2019.

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MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Neary, seconded by Member Volter to approve 2019-9R as read.

ROLL CALL:

Member Beseler Aye Member Lynn Aye

Member Cornett Aye Member Volter Aye

Member Burns Absent Member Neary Aye

Motion carried- so ordered.

First Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2019 - #14**

**AN ORDINANCE CREATING A NEW CHAPTER OF THE CITY OF DAYTON CODE OF ORDINANCES TO PROHIBIT CERTAIN DISCRIMINATORY PRACTICES WITHIN THE CITY.**

**WHEREAS,** the City desires to implement a policy to promote fair treatment and equal opportunity for all persons regardless of race, color, religion, national origin, sex, age (over the age of forty (40)), disability, sexual orientation, gender identity, or familial status;

**WHEREAS,** the City desires to protect all individuals from discrimination on the basis of these protected classifications in the contexts of housing and related financial transactions, employment and public accommodations; and

**WHEREAS,** the City finds the implementation of such regulation will assist in enhancing the safety, comfort, health, welfare and enjoyment of all Dayton residents.

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

## Section I

## That a new chapter of the Code of Ordinances for the City of Dayton shall be created as follows:

**CHAPTER 115 – PROHIBITED DISCRIMINATORY PRACTICES**

**§115.01 DEFINITIONS.**

Unless the context requires otherwise, the following terms as used in this chapter shall have the following meanings.

**“DISCRIMINATION.”** Any direct or indirect act or practice of exclusion, distinction, restrictions, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this chapter.

**“DWELLING.”** Any building, structure or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure or portion thereof.

**“EMPLOYEE.”** Any individual employed by an employer, but not including an individual employed by his or her parents, spouse or child, or an individual employed to render services as a nurse, domestic or personal companion in the home of the employer.

**“EMPLOYER”** means a person engaged in an industry affecting commerce who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of that person, excluding the United States and the Commonwealth of Kentucky or one of its agencies or corporations or an Indian tribe.

**“CITY ADMINISTRATOR.”** The Mayor of the City or city employee who has been designated as such by the Mayor.

**“FAMILIAL STATUS.”** One or more individuals who have not attained the age of eighteen (18) years and are being domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection afforded against discrimination on the basis of“FAMILIAL STATUS” shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

**“FAMILY.”** Includes a single individual, spouse, and children, whether related by blood, legal guardianship, adoption or marriage.

**“FINANCIAL INSTITUTION.”** A bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

**“GENDER IDENTITY.”** The gender-related identity appearance, or mannerisms or other gender-related characteristics of a person with or without regard to the person’s designated sex at birth.

**“HOUSING ACCOMMODATIONS.”** Includes improved and unimproved property and means a building, structure, lot, or part thereof which is used or occupied as the home or residence of one (1) or more individuals.

**“PERSON.”** One (1) or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.

**“PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT.”** Any place, building, facility, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds; except that a private club is not a“PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT”if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests.

**“PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT”** does not include a dwelling or rooming or boarding house containing no more than one (1) room for rent or hire and which is within a building occupied by the proprietor as his or her residence.

**“REAL PROPERTY.”** Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

**“REAL ESTATE BROKER” or “REAL ESTATE SALESMAN.”** An individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who, with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or lease real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself or herself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he or she undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

**“REAL ESTATE OPERATOR.”** Any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers, or other legal or commercial entity, the county or any of its agencies, who or that is engaged in the business of selling, purchasing, exchanging, renting, or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental, or lease of real estate; or an individual employed by or acting on behalf of any of these.

**“SEXUAL ORIENTATION.”** An individual’s actual or imputed heterosexuality, homosexuality or bisexuality**.**

**§115.10 UNLAWFUL HOUSING PRACTICES.**

It is hereby unlawful for any person to refuse or perceive to refuse to sell, lease, and/or transfer, attempt to evict or otherwise treat differently any person based upon race, color, national origin, sex and/or gender identity, religion, age and/or sexual orientation.

**§115.11 EXEMPTIONS FROM UNLAWFUL HOUSING PRACTICES**

Nothing in § 115.10 shall apply:

**(A)** To the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or a member of his or her family resides in one of the housing accommodations:

**(B)** To the rental of a portion of a housing accommodation by the occupant of the housing accommodation, or by the owner of the housing accommodation if he or she or a member of his or her family resides therein;

**(C)** To a religious institution, or to an organization operated for charitable or educational purposes, which is operated, or supervised, or controlled by a religious corporation, association, society, to the extent that the religious corporation, association, or society limits, or gives preferences in, sale, lease, rental, assignment, or sublease of real property to individuals of the same religion, or makes a selection of buyers, tenants, lessees, assignees, or sublessees, that is calculated by such religious corporation, association, or society to promote the religious principles for which it is established or maintained;

**(D)** To the private sale by a private individual homeowner who disposes of his or her property without the aid of any real estate operator, broker, or salesman, and without advertising or public display;

**(E)** To a real estate operator to require him or her to negotiate with any individual who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.

**§115.13 UNLAWFUL FINANCIAL PRACTICES.**

It is an unlawful practice for a financial institution, or an individual employed by or acting on behalf of a financial institution:

**(A)** To discriminate against a person because of the race, color, creed, national origin, age forty (40) and over, disability, sex, gender identity, sexual orientation, or familial status of the individual or the present or prospective owner, tenant, or occupant, of the real property or a member, stockholder, director, officer, employee, or representative of any of these, and the granting, withholding, extending, modifying or renewing the rates, terms conditions, privileges, or other provisions of financial assistance or in the extension of services in connection therewith.

**(B)** To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicate directly or indirectly a limitation, specification, or discrimination as to race, color, creed, national origin, age forty (40) and over, disability, sex, gender identity, sexual orientation, or familial status or an intent to make such a limitation, specification, or discrimination.

**(C)** To discriminate by refusing to give full recognition, because of sex, to the income of each spouse or the total income and expenses of both spouses where both spouses become or are prepared to become joint or several obligators in real estate transactions.

**§115.14 BLOCK BUSTING.**

It is an unlawful practice for a real estate operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he or she may benefit financially:

**(A)** To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, sex, disability, familial status, gender identity, sexual orientation, or national origin, of the owners or occupants in the block, neighborhood, or area in which the real property is located;

**(B)** To represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

**(C)** To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status, gender identity, sexual orientation or national origin.

**§115.20 UNLAWFUL PRACTICE IN CONNECTION WITH PUBLIC ACCOMMODATIONS.**

**(A)** Except as otherwise provided herein, it is an unlawful practice for a person to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort or amusement as defined herein, on the ground of race, color, religion, national origin, sex, age forty (40) and over, disability, sexual orientation or gender identity.

**(B)** It shall be an unlawful practice to deny any person, because of race, color, religion, national origin, sex, age forty (40) and over, disability, sexual orientation or gender identity, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a restaurant, hotel, motel, or any facility supported directly or indirectly by government funds.

**(C)** The provisions of this section shall not apply to:

1. Restrooms, shower rooms, bath houses and similar facilities which are in their nature distinctly private;
2. YMCA, YWCA and similar type dormitory lodging facilities;
3. The exemptions contained in the definition of “PLACES OF PUBLIC ACCOMMODATIONS, RESORT OR AMUSEMENT,” herein.
4. Hospitals, nursing homes, penal or similar facilities, with respect to any requirement that men and women not be in the same room.

**§115.30 UNLAWFUL PRACTICE IN CONNECTION WITH EMPLOYMENT.**

**(A)** It is prohibited, unlawful practice for an employer or employment agency:

1. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions or privileges of employment, because of such individual’s race, color, religion, national origin, age forty (40) and over, disability, sex, gender identity, or sexual orientation; or
2. To limit, segregate, or classify his or her employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of such individual’s race, color, religion, national origin, age forty (40) and over, disability, sex, gender identity, or sexual orientation.

**(B)** It is an unlawful practice for an employment agency to fail or refuse to refer for employment or otherwise to discriminate against, any individual because of his or her race, color, religion, national origin, age forty (40) and over, disability, sex, gender identity, or sexual orientation, or to classify or refer for employment an individual on the basis of race, color, religion, national origin, age forty (40) and over, disability, sex, gender identity or sexual orientation.

**(C)** It is an unlawful practice for a labor organization:

1. To exclude or to expel from its membership or to otherwise discriminate against a member or applicant for membership because of race, color, religion, national origin, age forty (40) and over, disability, sex, gender identity, or sexual orientation; or
2. To limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way or manner which would deprive or tend to deprive an individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect one’s status as an employee or as an applicant for employment because of such individual’s race, color, religion, national origin, age forty (40) and over, disability, sex, gender identity, or sexual orientation; or
3. To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

**(D)** It is an unlawful practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of race, color, religion, national origin, age forty (40) and over, disability, sex, gender identity, or sexual orientation, in admission to or employment in, any program established to provide such apprenticeship, training, or retraining.

**(E)** It is an unlawful practice for any employer, labor organization, or employment agency to print or publish or cause to be printed or published, any notice or classification or referral for employment by such a labor organization or classification or limitation, specification or discrimination based on race, color, religion, national origin, age forty (40) and over, disability, sex, gender identity, or sexual orientation, except that such a notice or advertisement may indicate a preference, limitation, or specification, based on religion, national origin, age forty (40) and over, disability or sex when religion, national origin, age forty (40) and over, disability or sex is a bona fide occupational qualification for employment.

**(F)** Nothing herein shall be construed to prevent an employer from:

1. Enforcing a written employees dress policy; or
2. Designating appropriate restroom and shower facilities.

**(G) Employment exceptions.** Notwithstanding any other provisions of this chapter, it shall not be an unlawful practice for:

1. An employer to hire and employ employees, or an employment agency to classify or refer for employment an individual, or for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program, on the basis of his or her religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise;
2. A religious organization, corporation, association, or society to employ an individual on the basis of his or her religion to perform work connected with the carrying on by such corporation, association, or society of its religious activity;
3. A school, college, university, or other educational institution to hire and employ individuals of a particular religion, if the school, college, university, or other educational institution is in whole or substantial part owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion, and the choice of employees is determined by such organization to promote the religious principles for which it is established or maintained;
4. An employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measure earnings by quantity or quality of production or to employees who work in different locations, if the differences are not the result of an intention to discriminate because of race, color, national origin, sex, age forty (40) and over, disability, gender identity, or sexual orientation, nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed competency or ability test provided that the test, its administration or action based upon the test results is not designed, intended or used to discriminate because of race, color, religion, national origin, sex, age forty (40) and over, disability, gender identity, or sexual orientation.

**§115.50 GENERAL EXCEPTION.**

The provisions of this chapter regarding sexual orientation or gender identity shall not apply to a religious institution, association, society or entity or to an organization operated for charitable or educational purposes, which is owned, operated or controlled by a religious institution, association, society or entity, except that when such an institution or organization receives a majority of its annual funding from any federal, state, local or other governmental body or agency, or any combination thereof, it shall not be entitled to this exemption.

**§115.60 ENFORCEMENT PROCEDURE.**

**(A) City’s relationship with the Kentucky Commissions on Human Rights.** In order to effectuate and enforce the provisions of this chapter, the city shall enter into a cooperative working agreement with the Kentucky Commission on Human Rights whereby all claims filed with the City Administrator alleging discrimination in employment, public accommodations, housing, financial and credit transactions based on race, color, national origin, religion, age (over forty (40)), familial status and disability, shall be referred to the Kentucky Commission on Human Rights for investigation and enforcement in accordance with the Kentucky Civil Rights Act, KRS Chapter 344 et seq. The city shall reserve to itself the resolution of all claims of discrimination based on sexual orientation or gender identity.

## (B) Filing and processing complaints.

## 

## Any person claiming to be aggrieved by a violation of this chapter may, within one hundred eighty (180) days of the alleged violation or one (1) year if the alleged violation pertains to housing file a written complaint under oath with the City Administrator containing the following information:

## The name and address (if known) of the alleged violator, (“respondent”) or facts sufficient to identify such person.

## An outline of the material facts upon which the complaint is based.

## The alleged violation.

## That any conduct of the complainant was for the purpose of obtaining housing, employment or public accommodation in question and not for the purpose of harassment or entrapment of the person against whom the complaint is made.

## That a complaint concerning this same matter has not been filed with another agency or that any complaint concerning this matter filed with another agency has been dismissed by such agency without a final judgment on the merits.

## Upon receipt of the complaint, the City Administrator shall first make the following determination, and take the following action:

## If the complaint alleges discrimination based on race, color, national origin, religion, sex, age (over forty (40)), familial status or disability, the complaint shall immediately be referred to the Kentucky Commission on Human Rights for further processing, investigation and/or administrative proceedings in accordance with the Kentucky Civil Rights Act, KRS Chapter 344 et seq.

## If the complaint alleges discrimination based on sexual orientation or gender identity, a copy of the complaint shall be served on the respondent by certified mail. The respondent shall file a written response to the complaint within twenty (20) days from the receipt thereof.

## 

## (C) Investigation - findings and conciliation.

## 

## If, after investigation, the City Administrator determines that there is no probable cause to believe that a violation has occurred, the City Administrator shall dismiss the complaint. Written notices of the dismissal shall be served upon the complainant and respondent by U.S. mail postage prepaid. The notice shall state that the complainant or his or her designee may file a written request for reconsideration within ten (10) days in accordance with the provisions set out in KRS 344.200.

## If, after investigation, the City Administrator determines that there is probable cause to support the allegations contained in the complaint, the City Administrator shall endeavor to eliminate the alleged violation by a conciliation agreement, signed by all parties and the City Administrator, wherein the alleged violation is eliminated and the complainant is made whole to the greatest extent practicable.

## If a settlement is achieved, the City Administrator shall furnish a copy of a signed conciliation agreement to the complainant and the respondent. The terms of the conciliation agreement may be made public, but no other information relating to any complaint, its investigation or its disposition may be disclosed without consent of the complainant and the person charged. A conciliation agreement need not contain a declaration or finding that a violation has in fact occurred and it may provide for dismissal of the complaint without prejudice. The City Council shall have discretion to approve, modify or reject the conciliation agreement.

## If conciliation is not achieved either by agreement between the parties or approval by the City Council, the City Administrator shall proceed with a hearing in accordance with the Kentucky Civil Rights Act and KRS Chapter 13B.

## 

## (D) Hearing procedures, judicial review and appeals.

## 

## The City Administrator shall set a date, time and location for a hearing and notify the complainant and respondent in writing at least twenty (20) days in advance of that hearing date.

## The City Administrator will conduct an administrative hearing and to regulate the course of the proceedings in a manner that will promote the orderly and prompt conduct of the hearing.

## All pre-hearing proceedings, hearings, judicial review and appeals shall be conducted in accordance with all applicable provisions of the Kentucky Civil Rights Act, including KRS 344.240 and KRS Chapter 13B, the provisions of all of which are hereby adopted in full and incorporated herein by reference.

## If the City Administrator finds that a violation has occurred, he or she may recommend a penalty in accordance with the City’s civil fine penalty schedule.

## The City Administrator shall submit the final adjudication and recommended order to the City Council for approval.

## Upon approval by the City Council, the City Administrator shall mail a copy the order to the complainant and respondent, postage pre-paid. The respondent shall have thirty (30) days to pay any penalty issued in the order. If the respondent does not pay the penalty within the time given, then City Council may direct the City Attorney to place a lien against the respondent’s property in the office of the County Clerk where said property is located.

## An appeal from any final order may be made to the Campbell County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The appeal shall be tried de novo. A judgment of the district court may be appealed to the Campbell Circuit Court in accordance with the Kentucky Rules of Civil Procedure.

**§115.61 ENFORCEMENT PROCEDURE.**

**(A)** Rights created under this chapter may be enforced by civil action in the state or local courts of general jurisdiction by aggrieved individuals by bringing an action within one hundred eighty (180) days after the alleged discriminatory practice has occurred.

**(B)** The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and punitive damages, together with court costs and reasonable attorney’s fees in the case of prevailing plaintiff.

**§115.70 OBSTRUCTION AND RETALIATION.**

It shall be an unlawful practice for a person, or for two (2) or more persons to conspire:

**(A)** To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter;

**(B)** To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter;

**(C)** To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder;

**(D)** To resist, prevent, impede, or interfere with the city, or any of its members or representatives, in the lawful performance of duty under this chapter; or

**(E)** To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter and KRS 344.360, 344.367, 344.370, 344.380 or 344.680.

## 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 BEN BAKER

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONNA LEGER

CITY CLERK/TREASURER

**Mayor’s Report:**

Mayor Baker said the administration has been looking at other properties in the city to purchase and rehab for a city building. The city is interested in one building. The city has been working with the owner of the building. Also, the city has been communicating with KZF on the specifics on what the city would need to operate and function if we choose this option as the City Building. In addition to talking to KZF, the city met with a business located out of Bellevue, KY called SHP, and they gave us an estimated quote of $18,000-$22,000 to do the investigation process in the plan design phase of this building. The maximum dollar amount I will be requesting is $25,000.

Comments:

Member Neary asked what the city would be getting for that price. Mayor Baker advised this will cover a complete overlay of what we received from KZF on the new city building as far as space, entire build-up process, and cost estimation of the city building. Member Beseler felt that $25,000 is a lot of money for cost estimation. City Adm. Giffen stated that the city paid $ 35,000 for KZF to do a complete study that included a detailed analysis with the staff for the needs requirements for the new city building. This is the only thing that SHP will not be doing in their study is the needs assessment. For this project, KZF quoted the city at $25,000, and SHP quoted $22,000. This study will be detailed and could take up to six weeks to be completed. Member Beseler questioned what is the price for the building if we purchase it? City Adm. Giffen advised its one million dollars. City Att. Edge stated council could pass the motion, but the city will need to amend the budget to allocate the money for this project.

Motion by Member Neary, seconded by Member Beseler for Mayor Baker to enter into an agreement with SHP to do an investigation process for the maximum of $25,000 for the plan design phase of the city building.

City Adm. Giffen advised from a staff perspective he would recommend not to waste $20,000. He understands that there is not enough support to build a new city building, but given what the city found out about the cost of purchasing the building for one million dollars, this is not financially feasible. The second point, this building is only 11,000 square feet with two floors, and not all of the rooms are useable space. This building would be below the space KZF recommended for the new city building. The third point, this building comes with deed restrictions on resale and expansion to the property. In conclusion, this is a waste of money to spend only to arrive at the conclusion I’m telling you that it cost too much and it’s it not enough space.

Member Lynn agrees with City Adm. Giffen. The price of the building is one million dollars when the city spent a half million dollars in the last 10-15 years on a plot of land that is owned outright. Member Lynn is also worried about parking conditions if the city were to go forward with this plan. Member Volter stated there is a critical need for a building for the police department, but if you take the police out of the equation that is one million dollars per an employee for the new city building. Member Volter and Member Neary agreed that the city needs to explore all options.

Member Beseler feels that we need to get administration out of the current city building and spread the police department out, so they have more room. Then we can move the administration to other buildings the city already owns.

ROLL CALL:

Member Cornett: Nay Member Volter Aye

Member Burns Absent Member Neary Aye

Member Lynn Nay Member Beseler Aye

Motion carried- so ordered.

**City Administrator’s Report:**

Special Event Application for the Dayton Eagles for a Battle of the Bands on August 3, 2019. The Eagles are requesting to close Berry St. between the alley & Fifth Ave. Motion by Member Cornett, seconded by Member Beseler. Motion carried- so ordered.

Special Event Application for Psalms 147 Ministries to have Psalms Festival this year at Gil Lynn Park on September 21, 2019. Motion by Member Neary, seconded by Member Cornett. Motion carried- so ordered.

City Adm. Giffen received an update from KY Transportation Department about the study and trial period of a blinking red light at Sixth Avenue and Berry Street. KY Transportation Department did a traffic study in May. The study did not support or warrant a change or any further study to be done. City Adm. Giffen did question them a bit, and they said they would sit down with the Mayor and me.

Riverfront Commons will be opening at the end of the month.

SD1 approved the project that we implemented down by Belmont towards Ervin Terrace to put in a couple of extra catch basins. SD1 will start this in the summer with an estimated price of $30,000, and $15,000 is from the city. Once the city receives the actual cost, this will be brought back to council to vote to use Municipal Aid funds for this project.

Member Neary questioned the Water District's project on Ervin Terrace. City Adm. Giffen stated he met with the water company a few times and work will be done on curb replacements.

Member Volter asked if City Adm. Giffen heard anything from the KY Department of Transportation on the right of way plan. City Adm. Giffen advised he has not and he has been emailing them, but have not received a response.

**Department Heads:**

Fire Chief Adkins submitted a copy of his report. Member Neary thanked Chief Adkins on the great job he did on the fire department's budget.

Mayor Baker praised Chief Halfhill on the great job his staff has done with some difficult situations that happened in the city recently. Mayor Baker received a letter from some regional authorities that praised the way Chief Halfhill operates his force.

Police Chief Halfhill stated he has a group of good guys on the force, and as Mayor Baker mentioned, the police department had a busy month. The police department has been working with the NKY Drug Strike Force, and with their help, a message was sent that this community doesn't want drugs in our town. Chief Halfhill would like to thank the Newport Police Department, Covington Police Department, Probation Parole, Ft. Thomas Police Department, DEA, Sheriff's Office, and the NKY Drug Strike Force for helping out the Dayton Police Department. This was a joint effort that helped out the NKY area. Chief Halfhill thanked the Kenton Regional Swat team for their assistance with an issue over the weekend.

Phil Liles Code Officer submitted a copy of his report. In June, there were sixty letters issued, three grass cutting invoices, five nuisance citations, and twenty-eight violation letters. Also in June, there were twenty-eight cases closed. For the Semi-Annual report submitted, there were two hundred eighty-six violations letters sent, one hundred and seven citation letters sent, three grass cutting invoices for the first half of the year. Member Cornett would like to know if the citizens can report nuisance properties on the form that is available on the website. Phil Liles Code Officer advised the citizens can use the code reporting form on the website, but the police and fire will look into the nuisance complaints and see if the complaints would qualify as a nuisance. For it to be considered a nuisance property there needs to be three or more incidents, not calls for this to be eligible per the nuisance ordinance. This process is a case by case basis because the police are inundated with calls, and it's hard to keep track of every call that comes in. Member Neary will get with Covington about their nuisance ordinance and possibly revise ours so there are more steps before they are issued the $500 fine.

Member Neary asked if there were any updates on the house on top of Ervin Terrace & Belmont Avenue that the city owns. Phil Liles Code Officer stated the grass was cut. City Adm. Giffen advised it's been scheduled for demolition, but there is no time frame on when it will be completed.

Bob Yoder Economic Developer stated the Main Street Board had their first Dayton Flea on June 20, which had six vendors that participated. The next Dayton Flea will be on July 20, which is the same day as the City-Wide Yard Sale. The Main Street Board also evaluated our marketing materials for the city, and they are working on a plan for environmental graphics. The next Main Street meeting will be Tuesday, July 30, 7 pm at Buck's BBQ. There will be a Board of Architecture Review meeting on July 9th, 7 pm at Buck's BBQ to approve paint colors for two buildings, and a sign request for the Native Brand.

Bob stated he has met with Larry Brown from the Governor's Office on how to move forward on the SRTS Tap Grant. Everything is approved, and the city is waiting on signatures.

Member Cornett asked if Bob Yoder Economic Developer has heard anything about closing RT8 for the Taste of Dayton. Bob Yoder Economic Developer stated he would reach out to his contact in the morning.

Mayor Baker mentioned that there would be a Dayton Day at the Great American Ballpark where Dayton residents can buy Reds tickets for $10 apiece for the September 6 game. There will be more information at a later date on how to purchases the tickets. Bob Yoder Economic Development mentioned for everyone to check out the museum display window. Jake Eby from the Cincinnati Reds donated some items to our museum and even helped decorate the display window.

**Unfinished Business:**

Member Volter mentioned at the last meeting the 3% raises for the staff. Member Volter would like to take a look at the lower scale employees pay increase. He feels 3% across the board is not enough, and we should get the lower scale employees where they should be. City Adm. Giffen stated currently in the budget; there are a few employees that received more than the 3%, it wasn’t across the board. City Adm. Giffen finished a salary survey and sent the Finance Committee to review sometime next week. Once they decided on some options for council to look at, he will bring to council for them to discuss. It’s also up to council if they want to retro pay the employees as well.

Member Volter would like to know the status of the marketing and branding of the city. City Adm. Giffen said this was left to council to get together and discuss. Member Volter would like a few council members, business owners, and a few citizens to be on this committee to brainstorm and come up with ideas and meet with City Adm. Giffen before bringing to council. A discussion ensued, and it was decided to go with what Member Volter mentioned. Member Beseler wanted to know where the money would come from for marketing. City Adm. Giffen advised the funds will come out of Economic Development fund. Currently $1,000 is budgeted for marketing

Adjournment:

Motion by Member Volter, seconded by Member Neary to adjourn the meeting. Motion carried so ordered.

Tiffany Myers

Assistant Clerk/Treas.

Donna Leger

Clerk/Treas.

ATTEST:

Ben Baker

Mayor